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The Honorable Lamar Smith  
Chairman, House Science, Space,  
and Technology Committee  
2321 Rayburn House Office Building  
Washington, DC 20515

The Honorable Eddie Bernice Johnson  
Ranking Member, House Science, Space,  
and Technology Committee  
394 Ford House Office Building  
Washington, DC 20515

Dear Chairman Smith and Ranking Member Johnson,

I write on behalf of the American Association for the Advancement of Science (AAAS) to express concerns regarding the Secret Science Reform Act of 2014 (H.R. 4012). As the Committee considers this legislation in markup this week, we encourage Members of the Committee to take additional time to evaluate the unintended consequences of this bill.

AAAS is concerned about how some of the key terms in the bill could be interpreted or misinterpreted, especially terms such as “materials”, “data”, and “reproducible”. Would the agency be excluded from utilizing research that involved physical specimens or biological materials that are not easily accessible? How would the agency address research that combines both public and private data?

With respect to reproducibility of research, some scientific research, especially in areas of public health, involves longitudinal studies that are so large and of great duration that they could not realistically be reproduced. Rather these studies are replicated, utilizing statistical modeling. The same may be true for scientific data from a one-time event (e.g., Deepwater Horizon Gulf Oil Spill) where data is being gathered in real time. We could foresee a situation whereby the agency would be constrained from making a proposal or even disseminating public information in a timely fashion.

Finally, the legislation could impose additional uncompensated burdens of cost and effort on those recipients of federal research grants where the research results are expected to be “relied on to support a covered action.” The bill is not clear on whether it is the EPA’s or the research institution’s responsibility to cover the costs associated with sharing and archiving this information.

The America COMPETES Reauthorization Act of 2010 required that the Office of Science and Technology Policy (OSTP) work with federal agencies to establish access to data policies that relate “to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications.” Agencies are expected to finalize their data access policies by the end of the year, and given the complexities associated with access to research data as outlined above we suggest that the Committee wait to review the policies before imposing new statutory requirements via H.R. 4012.

Sincerely,

Alan I. Leshner