

116TH CONGRESS
2D SESSION

H. R. 9009

To amend the Public Health Service Act to increase the transparency of the process of the National Library of Medicine in listing and delisting journals in MEDLINE (or any other current or successor databases or indices), and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2020

Mr. GOSAR introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to increase the transparency of the process of the National Library of Medicine in listing and delisting journals in MEDLINE (or any other current or successor databases or indices), and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Literature Selection
5 Technical Review Committee Reform Act of 2020”.

1 **SEC. 2. JOURNAL COLLECTION OF NATIONAL LIBRARY OF**
2 **MEDICINE.**

3 Title IV of the Public Health Service Act (42 U.S.C.
4 281 et seq.) is amended by inserting after section 467 of
5 such Act (42 U.S.C. 286a–1) the following new section:

6 **“SEC. 468. JOURNAL COLLECTION.**

7 “(a) IN GENERAL.—In acquiring, preserving, orga-
8 nizing, publishing, and disseminating journals through the
9 National Library of Medicine, including through the Lit-
10 erature Selection Technical Review Committee (or any
11 successor committee) and MEDLINE (or any other cur-
12 rent or successor databases or indices), the Secretary shall
13 comply with the requirements of this section.

14 “(b) SCORING RUBRIC.—

15 “(1) SPECIFICATION OF METRICS.—The Sec-
16 retary shall specify and make publicly available the
17 metrics pursuant to which the Library lists and
18 delists journals in the Library’s collections, includ-
19 ing—

20 “(A) the quality and importance metrics
21 used;

22 “(B) the ethics policies metrics; and

23 “(C) the methodology for calculating a
24 journal’s overall rating.

25 “(2) INITIAL SPECIFICATION.—The Secretary
26 shall comply with paragraph (1) beginning not later

1 than 60 days after the date of enactment of this sec-
2 tion.

3 “(c) ENSURING INDEPENDENT ADVICE AND EXPER-
4 TISE.—Regarding the members of the Literature Selection
5 Technical Review Committee (and any successor com-
6 mittee):

7 “(1) INDEPENDENCE.—The Secretary shall ap-
8 point the members without regard to political affili-
9 ation or political campaign activity.

10 “(2) PROCESS.—The Secretary shall—

11 “(A) not less than annually, solicit nomina-
12 tions for potential members; and

13 “(B) before making an appointment—

14 “(i) provide a publicly accessible
15 mechanism for interested persons to com-
16 ment on the potential member; and

17 “(ii) take such comments into consid-
18 eration.

19 “(d) DELISTING PROCESS.—

20 “(1) NOTIFICATION.—Before delisting a journal
21 from MEDLINE (or any other current or successor
22 databases or indices), the Secretary shall—

23 “(A) notify the journal of the Secretary’s
24 intention to refer the journal to the Literature

1 Selection Technical Review Committee (or any
2 successor committee) for review; and

3 “(B) give the journal a period of 60 days,
4 beginning on the date of such notification, to
5 respond to the concerns forming the basis for
6 the referral to the Literature Selection Tech-
7 nical Review Committee (or any successor com-
8 mittee) for review.

9 “(2) CONCERNS NOT RESOLVED.—

10 “(A) PROCESS.—If a journal fails during
11 the 60-day period described in paragraph
12 (1)(B) to resolve to the Secretary’s satisfaction
13 the concerns forming the basis for the referral
14 to the Literature Selection Technical Review
15 Committee (or any successor committee) for re-
16 view, the Secretary shall—

17 “(i) provide a detailed explanation to
18 the journal of the initial concerns and why
19 the journal has not satisfactorily resolved
20 these concerns; and

21 “(ii) after providing such explanation,
22 issue a decision referring the journal to the
23 Literature Selection Technical Review
24 Committee (or a successor committee) for
25 review.

1 “(B) RIGHT TO BE PRESENT.—A journal
2 being reviewed pursuant to subparagraph
3 (A)(ii)(II) shall have the right to be present at
4 such review.

5 “(3) PERIOD FOR APPEAL.—

6 “(A) IN GENERAL.—If, upon review pursu-
7 ant to paragraph (2)(A)(ii), the Literature Se-
8 lection Technical Review Committee (or any
9 successor committee) recommends that a jour-
10 nal be delisted from MEDLINE (or any other
11 current or successor databases or indices), and
12 the Secretary agrees with such recommendation
13 and issues a decision to delist the journal, the
14 journal shall have a period of 60 days to appeal
15 the Secretary’s decision pursuant to paragraph
16 (4).

17 “(B) NO CHANGE TO STATUS DURING AP-
18 PEAL.—During the 60-day period under sub-
19 paragraph (A) and during an appeal under
20 paragraph (4), the Secretary shall not make
21 any change in the journal’s status with
22 MEDLINE (or any other current or successor
23 databases or indices).

24 “(4) APPEALS.—

1 “(A) IN GENERAL.—The Secretary shall
2 establish and make publicly available a stand-
3 ardized process for journals to appeal a decision
4 described in paragraph (3)(A).

5 “(B) MEETING.—Under the process under
6 subparagraph (A), the Literature Selection
7 Technical Review Committee (or any successor
8 committee) shall determine, at the Committee’s
9 next meeting that takes place at least 30 days
10 after an appeal is filed, whether to recommend
11 that the Secretary’s decision to delist the jour-
12 nal involved should be reversed. Prior to the
13 Committee making such a determination, the
14 journal shall be afforded an opportunity to—

15 “(i) attend such meeting; and

16 “(ii) present its appeal in person or, if
17 it so chooses, in writing.

18 “(C) FINAL RECOMMENDATION.—After
19 meeting pursuant to subparagraph (B) with re-
20 spect to a decision to delist a journal, the Lit-
21 erature Selection Technical Review Committee
22 (or any successor committee) shall—

23 “(i) make a final recommendation
24 with respect such delisting; and

1 “(ii) concurrently with the trans-
2 mission of such final recommendation to
3 the Secretary, notify the journal of such
4 final recommendation.

5 “(D) FINAL DECISION.—Not later than 30
6 days after receiving a final recommendation
7 pursuant to subparagraph (C), the Secretary
8 shall—

9 “(i) make a final decision as to wheth-
10 er the journal should be delisted from
11 MEDLINE (or any other current or suc-
12 cessor databases or indices); and

13 “(ii) notify the journal of such deci-
14 sion, including by providing a detailed ex-
15 planation of such decision.

16 “(E) POST-DECISION PERIOD.—If the Sec-
17 retary decides pursuant to subparagraph (D) to
18 delist a journal, the Secretary shall—

19 “(i) give the journal a period of 30
20 days to inform its authors, subscribers,
21 and other relevant parties that the journal
22 will no longer be listed; and

23 “(ii) refrain from delisting the journal
24 until the conclusion of such 30-day period.

1 “(F) RIGHT TO REAPPLY.—Any journal
2 that is delisted pursuant to this section from
3 MEDLINE (or any other current or successor
4 databases or indices) shall, beginning on the
5 date that is one year after the date of its
6 delisting, have the right to reapply, but not
7 more than once each year, to be re-listed in
8 MEDLINE (or any successor databases or indi-
9 ces).

10 “(5) PREVIOUSLY DELISTED JOURNALS.—Any
11 journal that was delisted from MEDLINE on or
12 after January 1, 2016, and before the date of enact-
13 ment of this section, shall be given an opportunity
14 during the 60-day period following such date of en-
15 actment to appeal the delisting. Any such appeal
16 shall be resolved pursuant to the process described
17 in paragraph (4).”.

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