

117TH CONGRESS
1ST SESSION

H. R. 5520

To amend the Public Health Service Act to increase due process and transparency at 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

OCTOBER 8, 2021

Mr. JACOBS of New York 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 due process and transparency at 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 2021”.

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) REVIEW METRICS AND METHODOLOGIES.—

15 “(1) SPECIFICATION OF OBJECTIVE METRIC RE-
16 QUIREMENT.—The Secretary shall require the Lit-
17 erature Selection Technical Review Committee (or
18 any successor committee) to evaluate the scientific
19 and editorial character and quality of a journal
20 based only on an objective scoring rubric.

21 “(2) METRICS AND METHODOLOGIES USED TO
22 INCLUDE AND REMOVE JOURNALS FROM COLLEC-
23 TIONS.—The Secretary shall specify and make pub-
24 licly available the objective metrics and methodolo-
25 gies pursuant to which the Library lists and removes
26 journals in the Library’s collections, including—

1 “(A) all rubrics and other guidance docu-
2 ments used in carrying out a journal review;

3 “(B) the specific metrics used in deter-
4 mining the outcome of a journal review, includ-
5 ing those related to a journal’s—

6 “(i) scope and coverage;

7 “(ii) editorial policies and processes;

8 “(iii) scientific and methodological
9 rigor;

10 “(iv) production and administration;

11 “(v) impact; and

12 “(vi) any other issues taken into ac-
13 count in determining the review outcome;
14 and

15 “(C) the methodology for determining the
16 outcome of a journal review and for ensuring
17 that the outcome is objective.

18 “(3) INITIAL SPECIFICATION.—The Secretary
19 shall comply with this subsection beginning not later
20 than 60 days after the date of enactment of this sec-
21 tion.

22 “(c) PROCESSES FOR AND STANDARDS OF RE-
23 VIEW.—The Secretary shall specify and make publicly
24 available the processes for and standards of review of jour-
25 nals, including—

1 “(1) the scope of review;

2 “(2) a timeline including detailed steps of the
3 review;

4 “(3) any other guidelines used to ensure the ob-
5 jectivity of reviews; and

6 “(4) the process used to ensure journals se-
7 lected for reevaluation are provided—

8 “(A) notice;

9 “(B) a clear description of why the journal
10 was selected for reevaluation; and

11 “(C) an opportunity for the journal to ad-
12 dress identified concerns prior to formal sub-
13 mission for reevaluation.

14 “(d) ENSURING INDEPENDENT ADVICE AND EXPER-
15 TISE.—Regarding the members of the Literature Selection
16 Technical Review Committee (and any successor com-
17 mittee):

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

21 “(2) PROCESS.—The Secretary shall—

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

24 “(B) before making an appointment—

1 “(i) provide a publicly accessible
2 mechanism for interested persons to com-
3 ment on the potential member; and

4 “(ii) take such comments into consid-
5 eration.

6 “(e) REEVALUATION PROCESS.—

7 “(1) NOTIFICATION OF INTENT TO REEVALU-
8 ATE.—Before selecting a journal for reevaluation for
9 MEDLINE (or any other current or successor data-
10 bases or indices), the Secretary shall—

11 “(A) notify the journal in writing of the
12 Secretary’s intention to refer the journal to the
13 Literature Selection Technical Review Com-
14 mittee (or any successor committee) for review;

15 “(B) provide the journal a list of concerns
16 that form the basis for such referral;

17 “(C) provide the journal a period of 60
18 days, beginning on the date of such notification,
19 to respond to the concerns forming the basis for
20 the referral to the Literature Selection Tech-
21 nical Review Committee (or any successor com-
22 mittee) for review; and

23 “(D) provide for an independent review
24 process that considers the concerns and the

1 journal's response and determines whether the
2 concerns were resolved.

3 “(2) CONCERNS NOT RESOLVED.—If a journal
4 fails during the 60-day period described in para-
5 graph (1)(C) to resolve to the Secretary's satisfac-
6 tion the concerns forming the basis for the referral
7 to the Literature Selection Technical Review Com-
8 mittee (or any successor committee) for review, the
9 Secretary shall—

10 “(A) provide a detailed explanation to the
11 journal of the initial concerns and why the jour-
12 nal has not satisfactorily resolved such con-
13 cerns;

14 “(B) provide the journal a reasonable op-
15 portunity to meet and discuss such concerns
16 and the explanation required by subparagraph
17 (A); and

18 “(C) after providing such explanation and
19 opportunity to meet, issue a determination
20 about whether the journal is to be referred to
21 the Literature Selection Technical Review Com-
22 mittee (or a successor committee) for reevalua-
23 tion.

24 “(3) RIGHT TO SUPPLEMENT APPLICATION.—A
25 journal selected for reevaluation pursuant to the

1 process described under this subsection shall have
2 the right to supplement its MEDLINE application
3 through the provision of additional information and
4 statements, which shall be presented to the Lit-
5 erature Selection Technical Review Committee (or a
6 successor committee) during its consideration of the
7 journal.

8 “(4) RIGHT TO BE PRESENT.—A journal being
9 reviewed by the Literature Selection Technical Re-
10 view Committee (or a successor committee) pursuant
11 to a referral under paragraph (2)(C) shall have the
12 right to be present at such review.

13 “(5) RIGHT TO AN EXPLANATION; PERIOD FOR
14 APPEAL.—

15 “(A) IN GENERAL.—If, upon review pursu-
16 ant to this section, the Literature Selection
17 Technical Review Committee (or any successor
18 committee) recommends that a journal be re-
19 moved from MEDLINE (or any other current
20 or successor databases or indices), and the Sec-
21 retary agrees with such recommendation and
22 issues a decision to remove the journal, the
23 journal shall have—

24 “(i) the right to receive detailed infor-
25 mation regarding each reviewer’s objective

1 score, any subsequent Literature Selection
2 Technical Review Committee (or any suc-
3 cessor committee) discussion, and a de-
4 tailed explanation of the decision so the
5 journal may address the concerns raised in
6 subsequent applications; and

7 “(ii) a period of 60 days to appeal the
8 Secretary’s decision.

9 “(B) NO CHANGE TO STATUS DURING AP-
10 PEAL.—During the 60-day period under sub-
11 paragraph (A) and during an appeal under
12 paragraph (6), the Secretary shall not make
13 any change in the journal’s status with
14 MEDLINE (or any other current or successor
15 databases or indices).

16 “(6) APPEALS.—

17 “(A) IN GENERAL.—The Secretary shall
18 establish and make publicly available a stand-
19 ardized process for journals to appeal a decision
20 described in paragraph (5)(A).

21 “(B) MEETING.—Pursuant to the process
22 established under subparagraph (A), the Lit-
23 erature Selection Technical Review Committee
24 (or any successor committee) shall determine,
25 at the Committee’s next meeting that takes

1 place at least 30 days after an appeal is filed,
2 whether to recommend that the Secretary's de-
3 cision to remove the journal involved should be
4 reversed. Prior to the Committee making such
5 a determination, the journal shall be afforded
6 an opportunity to—

7 “(i) attend such meeting;

8 “(ii) present its appeal in person or, if
9 it so chooses, in writing; and

10 “(iii) submit supplemental material in
11 support of its appeal, which shall be pro-
12 vided to the Literature Selection Technical
13 Review Committee (or any successor com-
14 mittee) for its review and consideration.

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

20 “(i) make a final recommendation
21 with respect such removal; and

22 “(ii) concurrently with the trans-
23 mission of such final recommendation to
24 the Secretary, notify the journal of such
25 final recommendation.

1 “(D) FINAL DECISION.—Not later than 30
2 days after receiving a final recommendation
3 pursuant to subparagraph (C), the Secretary
4 shall—

5 “(i) make a final decision as to wheth-
6 er the journal should be removed from
7 MEDLINE (or any other current or suc-
8 cessor databases or indices); and

9 “(ii) notify the journal of such deci-
10 sion, including by providing a detailed ex-
11 planation of such decision.

12 “(E) POST-DECISION PERIOD.—If the Sec-
13 retary decides pursuant to subparagraph (D) to
14 remove a journal, the Secretary shall—

15 “(i) notify the journal in writing and
16 provide the journal a period of 30 days
17 from the date of such notice to inform its
18 authors, subscribers, and other relevant
19 parties that the journal will no longer be
20 listed on MEDLINE; and

21 “(ii) refrain from removing the jour-
22 nal until the conclusion of such 30-day pe-
23 riod.

24 “(F) RIGHT TO REAPPLY.—Any journal
25 that is removed pursuant to this section from

1 MEDLINE (or any other current or successor
2 databases or indices) shall, beginning on the
3 date that is one year after the date of its re-
4 moval, have the right to reapply, but not more
5 than once each year, to be re-listed in
6 MEDLINE (or any successor databases or indi-
7 ces).

8 “(7) PREVIOUSLY DELISTED JOURNALS.—Any
9 journal that was removed from MEDLINE on or
10 after January 1, 2016, and before the date of enact-
11 ment of this section, shall be given an opportunity
12 during the 60-day period following such date of en-
13 actment to appeal the removal decision. Any such
14 appeal shall be resolved pursuant to the process de-
15 scribed in paragraph (6).”.

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