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[Home](#) > [News](#) > [Faculty](#) > [Research](#)



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### **Legislation to Bar Public-Access Requirement on Federal Research Is Dead**

*By Jennifer Howard*

Washington

The science-publishing giant Elsevier pulled its support on Monday from the controversial Research Works Act, hours before the bill's co-sponsors in the U.S. House of Representatives declared the legislation dead.

The bill, [HR 3699](#), would have prevented agencies of the federal government from requiring public access to federally subsidized research. In a [statement](#) released on Monday morning, the publisher reiterated its opposition to government mandates even as it backed away from the bill. On Monday afternoon, the bill's co-sponsors, Rep. Darrell Issa, a Republican of California, and Rep. Carolyn Maloney, a Democrat of New York, issued a statement of their own saying that they would not push for action on the bill after all.

"As the costs of publishing continue to be driven down by new technology, we will continue to see a growth in open-access publishers. This new and innovative model appears to be the wave of the future," the Issa-Maloney statement said. "The American people deserve to have access to research for which they have paid. This conversation needs to continue, and we have come to the conclusion that the Research Works Act has exhausted the useful role it can play in the debate."

Before the news broke that the bill was dead, open-access advocates credited a growing [scholarly boycott](#) of Elsevier for the publisher's change of course. But Elsevier said its shift on the legislation was a response to feedback from the scholars who continue to work with it.

"While we continue to oppose government mandates in this area, Elsevier is withdrawing support for the Research Works Act itself," the publisher said. "We hope this will address some of the concerns expressed and help create a less heated and more productive climate for our ongoing discussions with research funders."

#### **Effect of a Boycott**

More than 7,400 scholars so far have signed an online petition, the [Cost of Knowledge](#), inspired by the mathematician Timothy Gowers and organized by Tyler Neylon, who has a Ph.D. in applied mathematics from New York University and is a co-founder of Zillabyte, a big-data startup. The signers come from many disciplines, but

mathematicians and biologists have made the strongest showing.

The boycotters say they will not edit, contribute to, and/or review for Elsevier journals. They object to what they call "exorbitantly high prices for subscriptions to individual journals," to how Elsevier markets bundled journal subscriptions to libraries, and to its support for anti-public-access legislation.

Boycott organizers and access advocates celebrated Monday's news. "I see this as a victory won by popular awareness and support," Mr. Neylon said in an e-mail.

Heather Joseph, executive director of the Scholarly Publishing and Academic Resources Coalition, said the boycott had helped spur Elsevier's turnaround. "You don't get almost 8,000 scientists saying 'We think this is a lousy idea' so vocally without taking that seriously," she said.

Alicia Wise, Elsevier's director of universal access, played down the boycott's effect. "It's something that we're clearly aware of," she said. But she emphasized that Elsevier had been sounding out the authors, editors, and reviewers who continue to work with it. "Those are the voices we have been listening to," she said.

#### **'Still a Bit Suspect'**

If Elsevier hopes that renouncing the controversial bill will make the boycott go away, it's likely to be disappointed. "Elsevier's sincerity is still a bit suspect," Mr. Neylon said.

"I think the boycott or, at very least, the solidarity and commitment of the research community will continue to push for more-serious changes in the direction of open access," he said. "Ultimately, it is up to those who keep publishers in business to decide what they will do."

Mr. Neylon would like to see the rise of more open journals' publishing platforms. "In practical, tech-friendly fields like computer science and math, I think we are very close to these changes, which is an additional motivation for the community to put effort into bringing about change," he said. "I'm concerned that other fields, such as biology/medicine, may be more entrenched in a profit-supportive culture, so that it may take much longer to realize widespread support of open access there."

Ms. Wise said Elsevier wanted to be part of the conversation about creative models of scholarly access. For instance, "there's a broad discourse right now about how data sets can be made more broadly accessible," she said. "We're quite keen on playing a constructive role there."

The company issued an [open letter](#) to the mathematics community on Monday, addressing changes it says it will make to its pricing and access arrangements. "We want to stress that this is just the beginning," the letter said.

Meanwhile, attention has shifted to another proposed bill: the

reintroduced Federal Research Public Access Act, which would require public access. Elsevier will "continue to join with those many other nonprofit and commercial publishers and scholarly societies that oppose repeated efforts to extend mandates through legislation," the publisher's statement said.

Asked about the reintroduced bill, Ms. Wise said she expected that "a broad spectrum of different types of publishers will have some concerns" about it.

For now, she said, "what we are really trying to do is create a better atmosphere and environment" for conversations about access. "If this move back from RWA will help us all work together better, than that's a good thing."

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Last week a group of eleven provosts published a statement opposing the Research Works Act and affirming the value their universities place on sharing the results of research to advance the public good (<http://www.insidehighered.com/...>) Although criticizing Elsevier's prior position, they acknowledged the value that commercial and society publishers bring to disseminating quality scholarship to some sectors of society, and indicated that they'd like to work with these publishers to broaden the distribution channels. This would line up well with Elsevier's updated position as represented by Alicia Wise, when she says, "what we are really trying to do is create a better atmosphere and environment for conversations about access." Like Elsevier and other commercial publishers, universities are leery of federally mandated actions—especially those that fail to take into account differences across disciplinary cultures, or the varying roles played by America's institutions of higher education. As content providers and customers, universities and libraries would welcome a serious discussion with scholarly publishers about how to voluntarily develop strategies for making published research more widely accessible without having to resort to federal mandates.

Mark Sandler  
Director, Center for Library Initiatives  
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2 people liked this. [Like](#)

 **Steven** 1 week ago

Some history may prove instructive. In the early 80s Elsevier realized that demand for specific journal titles was what an economist would call "inelastic." IIRC some accrediting bodies had specific titles on lists of accreditation standards. Accreditation = Life or death for a university = demand is inelastic. Elsevier bought up the "must have" titles. Then they jacked up the price 1000%. And that was just the beginning. A journal that cost \$150/yr in 1980 cost \$15K/yr by 1990. It's taken about 30 years but academia has started to fight back the best way it can: internet publishing and digital commons. Create your own peer review journals - they don't have to have a

of them do not use professional copyeditors but rely on the scholar-editors to do this work, for which they are not qualified and for which they are vastly overcompensated (compared with professional copyeditors whose salaries do not come close to that of senior professors). This is a real "hidden" cost to the system of OA publishing that has not been properly accounted for.

Finally, as to FRPPA and RWA, the assumption appears to be that the NIH policy (as modified further by FRPPA) is the best solution to the problem of public access to government-funded research. The basic unexamined premise here, however, is that peer review is somehow crucial for the public's use of this research. But why? Peer review is a system used by academe to assess quality of faculty publications for purposes of promotion and tenure. The basic question it addresses is how much an article contributes to the advancement of knowledge in its field. But that is a question that is irrelevant to the general public, who only want to know if the research was properly carried out and is reliable and accurate. That is the kind of "light peer review" that has won favor at the very successful OA journal PLoS One. Instead of having the public wait a long time to access not even the final version of a published journal article, wouldn't it be better for the public to have immediate access to the final report of the government-funded research, which could use a PLoS-type process to provide the "good housekeeping" seal of approval, which is all the public really needs anyway? It seems ironic, by the way, that some of the very same people who are for FRPPA and against RWA are critics of traditional peer-review and urge us to move in the direction of post-publication, crowd-driven review, which is what we would have with the immediate posting system I am suggesting as preferable to meet the public's needs.

So, let's hope that the demise of RWA is not the end of the conversation as to what the best public policy is for promoting maximum open access to taxpayer-funded research.

---Sandy Thatcher

4 people liked this. [Like](#)



**Doug Eyman** 6 days ago [in reply to sand5432](#)

I generally agree with Professor Thatcher on most of the posts he makes here and on IHE, but I would certainly like to know where the data about journals that use OJS having "senior scholars" performing copyediting tasks might come from. I'm really surprised that the many journals (and while not all sites using OJS are journals, a fair number of the 10,000 sites that use the system are--certainly more than 998) are not using graduate students as interns/assistant editors/copy editors but are instead relying on the labor (and apparently copious free time) of full professors.

[Like](#)



**Ben Toth** 1 week ago

It's a bit depressing to see Elsevier claim they are not reacting directly to the strength of feeling expressed in the Boycott.

3 people liked this. [Like](#)



**Hamish** 1 week ago

Good. As a general principle, research papers should be available free of charge to anyone that wants to read them. There are few exceptions.

2 people liked this. [Like](#)



**a\_voice** 1 week ago

It's really simple: The public must get what it pays for. If a government mandate is what it takes, then so be it.

[Like](#)



**Thomas Bacher** 1 week ago

FRPAA presents a conundrum for university presses.

University presses always have supported the wide distribution of scholarly information that spurs further research and discovery. Under the proposed act, Sections 4.b asks university presses and other publishers to provide the Federal Government with final published materials without any payment for the costs associated with making the unedited works acceptable for

or there would be no need to require university presses or other publishers to deposit a “final published version” into an online-accessible system as this act does.

University

presses are not opposed to the wide dissemination of research that “will advance science and improve the lives and welfare of people of the United States and around the world.” University presses, even though, not-for-profit entities, have costs that must be covered by the sales of their products. The Federal Government wouldn’t ask universities to provide free tuition to all students because their future activities could create products that cure cancer, provide alternative energy sources, or stop bio-terrorist threats. Likewise, why ask university presses to do something similar.

1 person liked this.

costing its university sponsors millions. I know the press directors always like to remind us of their business acumen, but this position seems like a pretty misguided calculus of costs and benefits.

Mark Sandler  
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4 people liked this.

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