

# Elsevier-funded NY Congresswoman Carolyn Maloney Wants to Deny Americans Access to Taxpayer Funded Research

By Michael Eisen | January 5, 2012

In 2008, under bipartisan pressure from Congress to ensure that all Americans would be able to access the results of taxpayer-funded biomedical research, the US National Institutes of Health instituted a [Public Access Policy](#):

*The [NIH Public Access Policy](#) ensures that the public has access to the published results of NIH funded research. It requires scientists to submit final peer-reviewed journal manuscripts that arise from NIH funds to the digital archive [PubMed Central](#) upon acceptance for publication. To help advance science and improve human health, the Policy requires that these papers are accessible to the public on PubMed Central no later than 12 months after publication.*

The policy has provided access for physicians and their patients, teachers and their students, policymakers and the public to hundreds of thousands of taxpayer-funded studies that would otherwise have been locked behind expensive publisher paywalls, accessible only to a small fraction of researchers at elite and wealthy universities.

The policy has been popular – especially among disease and patient advocacy groups fighting to empower the people they represent to make wise healthcare decision, and teachers educating the next generation of researchers and caregivers.

But the policy has been quite unpopular with a powerful publishing cartels that are hellbent on denying US taxpayers access to and benefits from research they paid to produce. This industry already makes generous profits charging universities and hospitals for access to the biomedical research journals they publish. But unsatisfied with feeding at the public trough only once (the vast majority of the estimated \$10 billion dollar revenue of biomedical publishers already comes from public funds), they are seeking to squeeze cancer patients and high school students for an additional \$25 every time they want to read about the latest work of America's scientists.

Unable to convince the NIH to support their schemes, the powerful publishing lobby group – the Association of American Publishers – has sought Congressional relief. In 2009, the [AAP induced Michigan Rep John Conyers](#) to introduce the “[Fair Copyright in Research Works Act](#)” which would have ended the NIH Public Access Policy before it even got off the ground. Fortunately, that bill never left committee.

But they are back at it. A new [AAP backed bill](#) – the “[Research Works Act](#)” – was just introduced by Reps Carolyn Maloney (D-NY) and Darrell Issa (R-CA). Its text is simple and odious:

*No Federal agency may adopt, implement, maintain, continue, or otherwise engage in any policy, program, or other activity that:*

*(1) causes, permits, or authorizes network dissemination of any private-sector research work without the prior consent of the publisher of such work; or*

*(2) requires that any actual or prospective author, or the employer of such an actual or prospective author, assent to network dissemination of a private-sector research work.*

This bill would not only end the NIH's Public Access Policy, but it would forbid any effort on the part of any agency to ensure taxpayer access to work funded by the federal government.

Why, you might ask, would Carolyn Maloney, representing a liberal Democratic district in New York City that is home to many research institutions, sponsor such a reactionary piece of legislation that benefits a group of wealthy publishers at the expense of the American public? Hmm. Wouldn't happen to have anything to do with the fact that she's the biggest recipient of campaign contributions from the publishing industry, would it?

According to MapLight, which tracks political contributions, Dutch publisher Elsevier and its senior executives made [31 contributions](#) to members of the House in 2011, of which 12 went to Representative Maloney. This includes contributions from 11 senior executives or partners, only one of whom is a resident of her district.

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Michael Eisen



I'm an evolutionary biologist at UC Berkeley and an Investigator of the Howard Hughes Medical Institute. My research focuses on the evolution and population genomics of gene regulation in flies, and on the ways that microbes control animal behavior. I am a strong proponent of open science, and a co-founder of the [Public Library of Science](#). And most importantly, I am a Red Sox fan.

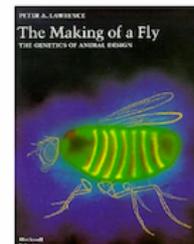
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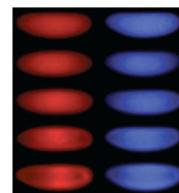


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