



AAUP Statement on RWA, FRPAA, and America COMPETES Act

Two diametrically opposed bills have been introduced in this session of Congress seeking to address the issue of providing free public access to published articles based on research funded by federal agencies. As an association, AAUP supports neither.

The first, the Research Works Act (RWA), was introduced in the House on December 16, 2011. It would prohibit any federal agency from adopting a policy that requires online distribution of private-sector research publications without the consent of the publisher, or that would require the author or publisher of such work to agree to online distribution of such work.

The second, the Federal Research Public Access Act (FRPAA), was introduced in both the House and Senate on February 10 2012. It would extend the public access policy of the National Institute of Health—that private-sector research publications based on NIH-funded research be made freely available online 12 months after publication—to the 11 other federal agencies with extramural research budgets of \$100 million or more, and it would cut the embargo period from 12 months to 6 months.

AAUP supports the goal of providing free public access to the results of publicly funded research. However, we think the blanket prohibition sought by RWA goes too far. At the same time we also think the one-size-fits-all solution proposed in FRPAA is unworkable. It mistakenly assumes that no more than 6 months will be required for publishers to recover the investment they have made in preparing research works for publication, in all fields and across all disciplines.

Setting an appropriate and sustainable public access policy is a complex task that requires careful thought about a range of issues—not just access, but also interoperability and long-term preservation—involving a broad spectrum of stakeholders—researchers, universities, libraries, both nonprofit and commercial publishers, and the general public. Congress rightly recognized that complexity in Section 103 of the America COMPETES (Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science) Reauthorization Act of 2010, now law, and which AAUP does support.

Section 103 directs the Office of Science and Technology Policy to establish an Interagency Public Access Committee “to coordinate Federal science agency research and policies related to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications, supported wholly, or in part, by funding from the Federal science agencies.” This body would “identify the specific objectives and public interests that need to be addressed,” and “take into account inherent variability among Federal science agencies and scientific disciplines in the nature of research, types of data, and dissemination models.”

Further instructions direct the Committee to “solicit input and recommendations from, and collaborate with, non-Federal stakeholders, including the public, universities, nonprofit and for-profit publishers, libraries, federally funded and non federally funded research scientists, and other organizations and institutions with a stake in long term preservation and access to the results of federally funded research.”

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The consultative process outlined in Section 103 of America COMPETES is already underway. Last November 4 the OSTP issued an RFI seeking comments on “long-term preservation of, and public access to, the results of federally funded research”; there were 377 submissions, which are available here: <http://www.whitehouse.gov/administration/eop/ostp/library/publicaccess>. This process should be allowed to continue and not be short-circuited by legislation like RWA or FRPAA. The America COMPETES process will lead to better and more informed public policy on an issue of paramount importance: how best to disseminate the fruits of publicly funded research to spur the growth of new technologies, new inventions, and new knowledge.

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