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# Senators Propose Fundamental Change to Scholarly Publishing

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**Proposals to require free and** open access to scholarly publications have spawned an active public policy debate. Until recently, the focus was on making articles arising from research funded by the National Institutes of Health (NIH) available through an NIH-maintained database. Indeed, just over a year ago, under political pressure from Congress, SPARC (Scholarly Publishing and Academic Resources Coalition), and the Alliance for Taxpayer Access, NIH promulgated an open access policy calling for researchers to deposit articles in PubMed Central within six months of publication. PubMed Central is the NIH digital archive of journal literature on the biomedical and life sciences.

In May 2006, Senators John Cornyn (R–TX) and Joe Lieberman (D–CT) expanded the debate with their introduction of S. 2695, the Federal Research Public Access Act of 2006. According to some scholarly publishers, this six-page piece of legislation represents a premature, unfunded government mandate that threatens the integrity of scholarly publishing.

If enacted into law, S. 2695 would resemble NIH's open access policy: Research conducted by federal scientists or supported by federal agencies would have to be deposited in government-maintained databases within six months after publication. According to Senator Cornyn, the policy would apply to "all Federal departments and agencies that invest $100 million or more annually in [extramural] research." Cornyn argues that S. 2695 "will ensure that U.S. taxpayers do not have to pay twice for the same research—once to conduct it, and a second time to read it."

Many of those familiar with academic publishing disagree with this contention. As Ellen Paul wrote in *BioScience* in December 2004, although the logic of the taxpayer argument resonates with the public and policymakers, it does not withstand scrutiny. "Would the argument get the taxpayer a free ride on the space shuttle...[or] a free ride on federal toll roads, which are heavily subsidized by taxpayer dollars?" asked Paul.

Under the current system, many federal grant programs are hard-pressed to fund publication costs, particularly as research budgets at various mission-driven agencies continue to face austere budgets. Most publishers recover the costs for peer review, copyediting, formatting, and production through subscription income. Publishers worry that if articles are made freely available within six months of publication, and if government agencies maintain archives of all articles, there will be less incentive for individuals and institutions to maintain their journal subscriptions. Journals would be expected to continue to provide the myriad publication services, such as copyediting, layout and design, and peer review, that are central to the integrity of scholarly publishing, but with no clear funding stream—namely, subscriptions—to cover these expenses.

Judging from the results of an April 2006 Harris Interactive poll—which some publishers argue was designed to demonstrate support for open-access publishing—concerns about the future of subscription revenue are not without merit. According to the online survey of 2501 people, 53 percent disagreed, strongly or somewhat, with the statement "Regardless of who pays for the research, it's better for scientific journals to publish the information and make it available by paid subscription." If data ultimately support the hypothesis that free, online access to articles archived in government databases will reduce subscription revenue, publishers would most likely be forced to levy page charges on authors. Some journals, including *BioScience,* are now experimenting with a page-charge model. However, the financial viability of this model has yet to be demonstrated.

If publications can be sustained by page charges, these costs would ultimately be borne by individual researchers, academic institutions, federal grant programs, or other funding sources. This scenario worries many in the science policy community, particularly those who for years have warned of flat or negative funding for mission-driven agency research budgets. Without new, committed funding to cover publication costs, federal grant programs may well be forced to make fewer grants.

Conspicuously absent from the Federal Research Public Access Act is any discussion of the costs of publication. The legislation authorizes no new funding for agencies, nor does it suggest or propose incentives for alternative and sustainable sources of funding.

Most scholarly publishers, especially not-for-profit publishers such as scientific societies, embrace the concept of greater public access to research articles. In large part, it is this commitment that led to the formation of Washington DC Principles for Free Access to Science (*www.dcprinciples.org*), a large coalition of not-for-profit publishers. The coalition declares, "As not-for-profit publishers, we believe that a free society allows for the co-existence of many publishing models, and we will continue to work closely with our publishing colleagues to set high standards for the scholarly publishing enterprise." Or as Michael Held, executive director of Rockefeller University Press (a DC Principles signatory), put it, "To attempt to legislate the demise of the time-honored subscription-based business model, prior to proving that another model works, does not seem wise" (*Journal of Cell Biology,* 3 July 2003).

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