

UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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*Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200*

August 5, 2009

**PRESIDENT MARK G. YUDOF
UNIVERSITY OF CALIFORNIA**

Re: Federal Research Public Access Act (S.1373)

Dear Mark:

At its meeting on July 29, 2009, the Academic Council voted to urge the University to endorse Senate Bill 1373, which would require specified federal funding agencies to mandate open access to journal articles resulting from their grants after an embargo period of six months. This federal legislation are well-aligned with the proposed principles of open access from the University Committee on Library and Scholarly Communication (UCOLASC), which were included in my June 16, 2009 letter to you, '[Promoting Open Access Policies](#)'. These principles are the following: 1) promoting national legislation and policies by federal funding agencies that support open access; 2) informing University of California faculty of the ways the open access issue affects them, and of the actions they can take; 3) promoting open access initiatives at the University of California; and 4) bargaining hard in contract negotiations with the journal publishers.

S.1373 would require those agencies with annual extramural research budgets of \$100 million or more to provide the public with online access to research manuscripts stemming from such funding no later than six months after publication in a peer-reviewed journal. The bill specifically covers unclassified research funded by the National Science Foundation, the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, and Transportation, as well as the Environmental Protection Agency and the National Aeronautics and Space Administration. Detailed information about the Federal Research Public Access Act is available at <http://www.taxpayeraccess.org/frpaa>.

The Academic Council agrees with UCOLASC that this legislation would expand the current NIH open access policy to other agencies. Please do not hesitate to contact me if you have any questions regarding Council's comments.

Sincerely,

Mary Croughan

Mary Croughan
Chair, Academic Council

Copy: Academic Council

Daniel M. Dooley, Senior Vice President – External Relations

Gary Falle, Associate Vice President – Federal Governmental Relations

Martha Winnacker, Academic Senate Executive Director

Jenny Kao, Executive Director – Issues Management, Policy Analysis and Coordination

Laurence Armi, UCOLASC Chair, UCSD

Encl. 1



UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION
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July 20, 2009

MARY CROUGHAN, CHAIR
ACADEMIC COUNCIL

Re: Federal Research Public Access Act (S.1373)

Dear Mary,

I am writing on behalf of UCOLASC to bring to your attention an important piece of federal legislation that would implement the principles of open access that Council endorsed at its May 27 meeting. In response to President Yudof's July 9 letter affirming the University's support for various specific forms of open access, I ask that Council request the President to instruct UC's Federal Government Relations Office to endorse S.1373, which would require specified federal funding agencies to mandate open access to journal articles resulting from their grants after an embargo of six months. Express support for legislation of this nature is precisely the kind of action UCOLASC intended when it invited Council to endorse open access as a fundamental principle of scholarly communication. In addition, I note that open access to the results of scholarly research should be viewed as a critical element of the University's future in an era of limited resources.

On June 25, Senators Lieberman (I-CT) and Cornyn (R-TX) introduced the Federal Research Public Access Act (S.1373), a bill that would ensure free, timely, online access to the published results of research funded by eleven U.S. federal agencies. S.1373 would require those agencies with annual extramural research budgets of \$100 million or more to provide the public with online access to research manuscripts stemming from such funding no later than six months after publication in a peer-reviewed journal. The bill specifically covers unclassified research funded by the National Science Foundation, the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, and Transportation, as well as the Environmental Protection Agency and the National Aeronautics and Space Administration.. Detailed information about the Federal Research Public Access Act is available at <http://www.taxpayeraccess.org/frpaa>.

As reference, I draw your attention to the first strategy described in UCOLASC's Open Access Proposal, unanimously approved by the Academic Council on May 27:

"We unanimously urge the UC system to further open access through the following strategies:

1) Promoting national legislation and policies by federal funding agencies that support open access. Here the Academic Senate should work through the Office of the President. One important immediate goal would be to block passage of the bill H.R. 801, which would make the National Institute of Health Public Access Policy illegal, and ban other federal agencies from adopting similar policies. Beyond this, we

should promote extending the NIH policy, requiring open access publication of funded research, to the National Science Foundation and other funding sources."

I am extremely pleased that legislation that would expand the current NIH open access policy to other agencies has been introduced so soon after Council adopted our proposal, and I hope that the Academic Council will recommend and President Yudof will endorse the Lieberman/Cornyn bill through UC's Federal Government Relations effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Armi", with a stylized flourish at the end.

Larry Armi
Chair, University Committee on Library and Scholarly Communication