



ELECTRONIC FRONTIER FOUNDATION

Protecting Rights and Promoting Freedom on the Electronic Frontier

August 9, 2018

The Honorable Anthony Portantino
Chair, Senate Committee on Appropriations
State Capitol, Room 2206
Sacramento, CA 95814

Re: AB 2192 (Stone) - SUPPORT

Dear Senator Portantino:

The Electronic Frontier Foundation (EFF) is the leading nonprofit organization defending civil liberties in the digital world. Founded in 1990, EFF champions user privacy, free expression, and innovation through impact litigation, policy analysis, grassroots activism, and technology development. With over 41,000 dues-paying members and well over 1 million followers on social networks, we focus on promoting policies that benefit both creators and users of technology.

We are writing in response to the Senate Appropriations committee's analysis of AB 2192. We think that the committee has drastically overestimated the cost of implementing the bill and we wish to provide clarification.

The committee analysis suggests that AB 2192 will increase the cost of publication for grantees. We think the committee may have misinterpreted the bill as requiring grantees to publish their papers in open access journals. It is possible that the committee believed this would increase costs because many open access journals charge authors article publishing fees to cover the peer review process and other expenses. But AB 2192 does not require authors to publish in open access journals. Moreover, in EFF's view, because open access journals are free to readers, the benefits of such a requirement would significantly outweigh the drawbacks.

AB 2192 requires grantees to make their papers available to both the government and the public no later than one year after publication. The bill gives state agencies the authority to determine which public repositories are appropriate venues for archiving grant-funded works. That process would not bring significant new costs to grantees either: every research university in California has an open access repository where researchers can already archive their papers at no cost. Indeed, researchers are very familiar with this process today, as most federal grants require it.

As we've noted previously, public access to taxpayer funded research is vital to the progress of science, education, and transparency. All knowledge depends on foundational information created by prior research, which allows for future innovations and advancements to occur. More importantly, government research is uniquely important as it often is decoupled from private sector motivations to turn a profit. Rather, publicly funded research is essential as a means to further our general knowledge about the world to the benefit of all people and derivative uses of that information.



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By enacting AB 2192, the California legislature will unlock the untold potential of future research that will benefit from the public dissemination of publicly funded work. EFF applauds Assemblymember Stone for introducing the legislation and we ask that the Committee approve the bill.

Please feel free to contact me if you have any questions. I may be reached at elliott@eff.org or 415-436-0333.

Sincerely,

Elliot Harmon
Electronic Frontier Foundation

cc: The Honorable Members and staff of the Senate Committee on Appropriations