

U.S. Reps. Johnson, Sensenbrenner: Question federal public access policies

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Contact: [Nicole Tieman](#), [202-225-5101](#)

WASHINGTON, D.C. – Today, Representatives Eddie Bernice Johnson (D-TX) and Jim Sensenbrenner (R-Wis.) sent the following [letter](#) to the Government Accountability Office, asking it to evaluate the status, effectiveness, and benefits of current federal public access policies. This letter builds upon previous legislative efforts between these Members to ensure taxpayers, who are footing the bill for federal research, have adequate access to the published results free of charge.

Representative Johnson: “I want to thank Mr. Sensenbrenner for his continued leadership on this issue. I am pleased to join him in this GAO request to evaluate the status, effectiveness, benefits, and challenges associated with current federal public access policies on our federal public access policies. Public access is an important topic across the scientific enterprise. Increased access and increased use of technology to enable and promote discovery across the body of scientific literature will advance the frontiers of science, medicine, and innovation across all sectors of our economy. I look forward to seeing GAO’s findings and to continuing to work with Mr. Sensenbrenner and with all interested parties as we move forward on this important issue.”

Representative Sensenbrenner: “Understanding how federal agencies create and implement their guidelines for covered works of publicly funded research is essential to improving and modernizing our public access policies. We made progress with the previous administration, and I look forward to working with our federal agencies, as well as Representative Johnson and our fellow congressional

colleagues to continue moving forward on this effort.”

Dear Mr. Dodaro:

Scientific research supported by the Federal Government catalyzes scientific and technological breakthroughs that drive our economy, strengthen our national security, and improve the overall health and wellbeing of our society. Access to the results of federally funded scientific research helps to maximize the impact and accountability of the federal research investment. While the current model for providing access to peer-review scientific publications – through subscriptions held by institutional libraries – has generally met the needs of researchers at traditional research institutions and national laboratories, it has been limited in its ability to serve nontraditional researchers, including entrepreneurs not associated with a research institution. Further, in an increasingly interdisciplinary research environment, the current model does little to promote interoperability across archives and scientific disciplines. As a result, Congress and the Administration have taken steps to increase access to the results of federally funded research and to ensure greater integration and interoperability across disciplines.

In Sec. 103 of the *America COMPETES Reauthorization Act of 2010* (P.L. 111-358), Congress required the Director of the Office of Science and Technology Policy (OSTP) to convene an interagency working group to coordinate federal science agency research and policies related to the dissemination and long-term stewardship of the results of federally funded research, including peer-reviewed scholarly publications resulting from such research. In February 2013, the Director of OSTP issued a memorandum^[1] to all agencies with over \$100 million in annual research and development obligations to develop plans to support increased public access to federally funded research results. The memorandum specified several requirements for agencies’ plans, such as including a strategy for leveraging existing archives, where appropriate, and encouraging public-private collaboration, as well as specific requirements for public access to scientific publications and data in digital formats, respectively. For example, the OSTP memo called for agencies to use a twelve-month post-publication embargo period as a guideline for making federally funded research papers publicly available.

In January 2017, the OSTP updated Congress on the Executive branch’s progress to create and implement public access plans for federally funded research. According to the report, all departments and agencies subject to the 2013 memorandum have completed their public access plans and those plans are available online. Seventeen

agencies now require public access to publications resulting from all newly funded research, and three additional agencies have begun phasing-in these requirements.[2]

Last Congress, the two of us collaborated on introducing H.R. 1426, the Public Access to Public Science Act. H.R. 1426 was largely intended to codify the OSTP guidelines issued in 2013. In addition, our congressional colleagues have sponsored similar proposals to accelerate federal public access policies.

In light of the OSTP memorandum and various legislative proposals, we request that the GAO undertake a study to evaluate the status, effectiveness, benefits, and challenges associated with current federal public access policies. Specifically, we ask that you consider the following questions:

1. What is the status of implementation of federal public access policies? What challenges, if any, are agencies facing in fully implementing their policies? What is the overall effectiveness of the agency policies in providing the public with free online access to federally funded research results?
2. To what extent is there consistency and/or variation across agencies in the nature of the policies (e.g. flexibility in the embargo period), and in the mechanisms used to implement their policies (e.g. central versus distributed repositories)? To what extent are agency archival solutions enabling integration and interoperability with other federal public access archival solutions and with related archives maintained by publishers and universities?
3. What challenges, if any, is the stakeholder community facing in complying with agency policies? To what extent does any variation across agencies affect ease or rate of compliance by federally funded researchers? How well are agencies working with researchers, publishers, and other stakeholders to streamline compliance?
4. How are agencies choosing to pay for their plans? Are they identifying adequate resources to fully implement their plans? To what extent are agencies leveraging private sector resources to implement their plans?
5. To what extent do the terms of use applicable to research results made available through federal public access policies enable productive reuse of the research and computational analysis by state-of-the-art technologies?

If you have questions or to discuss this request further, please contact Dahlia Sokolov on the Science Committee staff at [202-225-6375](tel:202-225-6375) or Jacob Peterson in Representative Sensenbrenner's office at [202-225-5101](tel:202-225-5101).

Sincerely,

Eddie Bernice Johnson
Ranking Member
Science, Space and Technology Committee

James Sensenbrenner, Jr.
Member of Congress