

# **The Federal Research Public Access Act**

## **Frequently Asked Questions**

### **What does this bill do?**

This bill requires federal agencies and departments with annual extramural research budgets of over \$100 million to make the final manuscript of articles generated through research funded by that agency publicly available on the Internet. The manuscripts will be maintained and preserved in a digital archive, ensuring that taxpayer-funded research is readily available to the public.

### **Why is public access important?**

The federal government funds research with the expectation that new ideas and discoveries resulting from the research will advance science, stimulate the economy, and improve the lives and welfare of Americans. The Internet makes it possible to advance these goals cost-effectively by providing public access to federally funded research. This expanded dissemination will lead to increased use and application of research, which will accelerate further progress.

Currently, in too many cases, the research funded by American taxpayers and conducted by researchers funded by public institutions is not widely available. The Federal Research Public Access Act can remedy this situation by bringing federally funded, peer-reviewed research to all Americans.

Public access to research is important because it ensures that taxpayers reap a maximum return on their investment in government-funded research and benefit from accelerated discovery. By bringing down barriers in the sharing of research, we can enable new links to be made, exchange knowledge across traditional research niches, and encourage new and interdisciplinary approaches to research challenges.

### **What federal research agencies will be affected by this bill?**

The following agencies have annual extramural budgets in excess of \$100 million and would therefore be required to make their non-classified research publicly accessible: Department of Agriculture, Department of Commerce, Department of Defense, Department of Education, Department of Energy, Department of Health and Human Services, Department of Homeland Security, Department of Transportation, Environmental Protection Agency, National Aeronautics and Space Administration, and National Science Foundation.

### **How will citizens benefit from this legislation?**

Today, the Internet brings the average American access to billions of pages of information on countless topics from culture to commerce. Yet most taxpayers – including scientists – cannot readily gain access to all the research paid for with their taxes. The vast majority of publicly funded research is available only through increasingly costly journal subscriptions (often thousands of dollars each every year), institutional licenses (millions of dollars annually for many universities), or per-article purchases (\$30 per article is not unusual).

This bill would enhance the return on the taxpayer's investment by enabling the use and application of research by scientists and other taxpayers. For the first time, researchers across the breadth of science – not just in the relatively narrow fields in which they typically concentrate – will be assured access to all federal research results. This access will encourage new and promising interdisciplinary approaches.

In addition, the bill would make it possible for research to be promptly available to every physician, educator, small business, and citizen at home, in the office, in school, or in a library. Facilitating this kind of broad and often unpredictable use of information – practical today because of the Internet – will have direct, positive results on discovery and innovation.

### **Where will the publicly accessible research reside?**

The research will reside in a stable online repository maintained by the federal agency or, if it serves the agency's federal purpose, in another online repository that ensures free public access, interoperability, and long-term preservation. One such existing repository is the National Institutes of Health's PubMed Central, housed at the National Library of Medicine.

### **How will this bill impact research journals and other publications?**

This bill offers a thoughtful, flexible approach to meeting the crucial policy goal of expanding access to the published results of taxpayer-funded research. The Federal Research Public Access Act explicitly acknowledges the publisher's contribution by providing for a public access embargo of up to six months. The six-month embargo will preserve the important role of journals and publishers in the peer-review process. This provision balances important interests; it allows time for publishers to recoup their costs while ensuring that research is widely available while it still is useful.

The proposed language applies only to federally funded research. This will provide access to a national research treasure. However, U.S. taxpayer-funded research represents only a portion of all articles published around the world by scientific societies, commercial publishers, and others. Journals also publish non-federally funded research, valued review articles, editorials, news and views, letters, and opinion columns – literature that is not contained in federal public-access repositories. Journal readers will continue to seek access through their personal or library subscription to the full journal content.

### **Does this revise existing patent or copyright law?**

No. When the author of an article is a federal grantee or is working for a federal grantee, he or she normally grants to the funding agency a non-exclusive and irrevocable license to “reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so” (2CFR215.36(a)). Posting the article in an online repository falls within these delineated rights. Any assignment of copyright by an author subsequent to accepting a federal grant is subject to the agency's pre-existing, non-exclusive license.