March 24, 2014

Dear House and Senate Appropriations Committees:

This letter is submitted in fulfillment of the requirement in Title III of the Joint Explanatory Statement for the 2014 Omnibus for OSTP to report to the Committees on progress in developing and implementing policies on increasing public access to the results of federally funded scientific research. This letter describes the progress that Federal agencies have made in response to a policy memorandum issued by the Office of Science and Technology Policy (OSTP) last year.

Background

The Obama Administration has long recognized the importance of improving the management of and access to the results of federally funded scientific research, including digital data and peer-reviewed scientific publications. Since 2008, OSTP has been working to coordinate with agencies as they develop policies that assure widespread public access to and long-term stewardship of the results of federally funded, unclassified research. In 2009, the Interagency Working Group on Digital Data (IWGDD) under the National Science and Technology Council (NSTC) Committee on Science (CoS) issued a report that called for improved management of digital data resulting from federally funded research to better leverage taxpayer investment in scientific research and development[1]. That same year, OSTP issued an initial Request for Information (RFI) on access to scholarly publications resulting from research conducted with Federal funding to explore the need for and potential methods for increasing access to peer-reviewed scientific publications describing the results of federally funded research.

The America COMPETES Reauthorization Act of 2010 (ACRA; Public Law 111-358), signed into law by President Obama in 2011, called for the Director of OSTP to establish a working group under the NSTC with the responsibility to coordinate Federal science-agency research and policies related to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications supported wholly or in part by funding from the Federal science agencies. Soon after, OSTP, through the NSTC, established two working groups to start developing policies related to increasing access to the published results of federally funded scientific research and improving upon the management and sharing of scientific data.

In November of 2011, OSTP issued two RFIs with more explicit questions on the issues associated with access to the results of scientific research and management of digital scientific data: (1) "Public Access to Peer-Reviewed Scholarly Publications Resulting From Federally

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[1] http://www.nitrd.gov/About/Harnessing_Power_Web.pdf

Funded Scientific Research"[2] and (2) "Public Access to Digital Data Resulting From Federally Funded Scientific Research."[3] The full results of those RFIs were made publically available on the OSTP website[4].

The public has been keenly interested in the development of Federal open-access policies and has reached out to OSTP through RFI responses and other means. In May 2012, a petition titled "Require free access over the Internet to scientific journal articles arising from taxpayer-funded research" was launched on the White House "We the People" online petition platform. In it, the petitioners specifically called upon the Administration to "implement open access policies for all federal agencies that fund scientific research."[5] That petition garnered nearly 66,000 signatures, easily surpassing the 25,000 signatures that were required at the time to guarantee a response from the Administration.

On February 22, 2013, OSTP Director Dr. John P. Holdren released a memorandum to the Heads of Executive Departments and Agencies directing each Federal agency with more than $100 million in annual conduct of research and development expenditures to develop a plan to support increased public access to the published results of research funded by the Federal Government and to improve upon the management and access to scientific data produced in the course of federally funded scientific research[6].

In May of 2013, the National Research Council organized a 4-day public consultation on behalf of all Federal agencies that were charged with developing plans to increase access to the results of federally funded scientific research. Two days of the meeting were dedicated to improving the management of and access to scientific data, and the other two days focused on policies for increasing access to scholarly publications. The meeting included time for stakeholder input, with brief introductory addresses by a select few experts[7].

The Administration has also taken steps to make government information more accessible to the public. In May 2013, President Obama issued an Executive Order titled, "Making Open and Machine Readable the New Default for Government Information," which states that "Government information shall be managed as an asset throughout its life cycle to promote interoperability and openness, and, wherever possible and legally permissible, to ensure that data are released to the public in ways that make the data easy to find, accessible, and usable".[8] At the

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[2] https://www.federalregister.gov/articles/2011/11/04/2011-28623/request-for-information-public-access-to-peer-reviewed-scholarly-publications-resulting-from
[3] https://www.federalregister.gov/articles/2011/11/04/2011-28621/request-for-information-public-access-to-digital-data-resulting-from-federally-funded-scientific
[4] http://www.whitehouse.gov/administration/eop/ostp/library/publicaccess
[5] https://petitions.whitehouse.gov/petition/require-free-access-over-internet-scientific-journal-articles-arising-taxpayer-funded-research/wDX82FLQ
[6] http://www.whitehouse.gov/sites/default/files/microsites/ostp/ostp_public_access_memo_2013.pdf
[7] http://sites.nationalacademies.org/DBASSE/CurrentProjects/DBASSE_082378
[8] http://www.whitehouse.gov/the-press-office/2013/05/09/executive-order-making-open-and-machine-readable-new-default-government-

same time, OMB issued a memorandum establishing an "Open Data Policy for Managing Information as an Asset", which provided a framework for institutionalizing of the principles of effective information management (M-13-13)[9].

Finally, section 527 of the Consolidated Appropriations Act of 2014 calls for agencies or bureaus of the Department of Health and Human Services and Department of Education to develop public-access policies that meet a subset of the requirements in the OSTP memorandum.

Agency progress on implementing the requirements of the OSTP memorandum

The OSTP memorandum required agencies to submit draft public access plans to OSTP and OMB for review six months after the release of the memorandum, by August 22, 2013. All agencies subject to the requirements in the memorandum have now submitted draft plans. OSTP received draft plans from the following agencies: Department of Health and Human Services (HHS), Agency for Healthcare Research and Quality (AHRQ); HHS Office of the Assistant Secretary for Preparedness and Response (ASPR); HHS Centers for Disease Control and Prevention (CDC); Department of Homeland Security (DHS); Department of Defense (DoD); Department of Energy (DOE); Department of the Interior (DOI); Department of Transportation (DOT); Department of Education (ED); Environmental Protection Agency (EPA); HHS Food and Drug Administration (FDA); National Aeronautics and Space Administration (NASA); HHS National Institutes of Health (NIH); Department of Commerce (DOC), National Institute of Standards and Technology (NIST); DOC National Oceanic and Atmospheric Administration (NOAA); National Science Foundation (NSF); Office of the Director of National Intelligence (ODNI); Smithsonian Institution (SI); United States Agency for International Development (USAID),; United States Department of Agriculture (USDA); and United States Department of Veterans Affairs (VA).

The plans include a variety of approaches for increasing public access to the results of federally funded research, including both scientific publications and research data.

Notably, the OSTP memorandum included a provision for agencies to include "a strategy for leveraging existing archives, where appropriate" in their plans.

The NIH already has an existing policy on access to scientific publications describing NIH-funded research that they fund, as well as a well-regarded archive, PubMed Central, which meets most of the requirements in the memorandum. Some agencies are working with the NIH to explore using its infrastructure for implementation. Other agencies are considering developing public-private partnerships for implementing their plans, creating their own databases, or utilizing existing agency infrastructure.
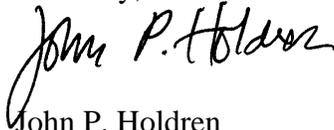
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[9] http://www.whitehouse.gov/sites/default/files/omb/memoranda/2013/m-13-13.pdf

OMB and OSTP have reviewed all agency plans, and all of OMB and OSTP comments have been returned to the agencies. The plans were reviewed for compliance with each requirement in the OSTP memorandum and for consistency with the Executive Order on Making Open and Machine Readable the New Default for Government Information and the accompanying Open Data Policy issued by OMB.

Agencies are currently revising their plans to address OSTP and OMB comments and ensure compliance with all of the requirements laid out in the OSTP memorandum. Over the next few months, OSTP will convene interagency meetings to provide opportunities for agencies to work together to further refine the details of their plans and to explore other ways to work collaboratively going forward.

In summary, Federal departments and agencies have made progress in developing and implementing policies on increasing public access to the results of federally funded scientific research. The public will soon see increased access to the results of federally funded scientific research under the OSTP policy memorandum including data and publications.

Sincerely,

John P. Holdren
Director and
Assistant to the President for Science and Technology