

114TH CONGRESS
1ST SESSION

H. R. 1426

To ensure public access to published materials concerning scientific research and development activities funded by Federal science agencies.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2015

Mr. SENSENBRENNER (for himself and Ms. EDDIE BERNICE JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

A BILL

To ensure public access to published materials concerning scientific research and development activities funded by Federal science agencies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Access to Public
5 Science Act”.

6 **SEC. 2. PUBLIC ACCESS POLICY.**

7 (a) IN GENERAL.—Each covered agency shall formu-
8 late and implement a public access policy to make covered
9 works publicly available, without charge, starting on the

1 first day after the end of the embargo period of the cov-
2 ered work, in a manner consistent with copyright law.

3 (b) SPECIFICATIONS.—The public access policy
4 shall—

5 (1) allow the public to read, download, and ana-
6 lyze by machine covered works in digital form;

7 (2) facilitate easy public search of, analysis of,
8 and access to, covered works;

9 (3) encourage public-private collaboration to—

10 (A) maximize the potential for interoper-
11 ability between public and private platforms;

12 (B) avoid unnecessary duplication of exist-
13 ing mechanisms; and

14 (C) maximize the impact of the covered
15 agency’s research investment;

16 (4) ensure that attribution to authors, journals,
17 and original publishers is maintained; and

18 (5) ensure that publications and metadata are
19 stored in an archive that—

20 (A) provides, whenever appropriate, for
21 long-term preservation of, and access to, the
22 full content of covered works without charge,
23 taking into account the balance of cost and
24 public value;

1 (B) uses a standard, widely available, and,
2 to the extent possible, nonproprietary archival
3 format for text and associated content, includ-
4 ing images, video, and supporting data;

5 (C) provides access for individuals with
6 disabilities consistent with section 508 of the
7 Rehabilitation Act of 1973 (29 U.S.C. 794d);
8 and

9 (D) enables integration and interoper-
10 ability with other public access repositories.

11 (c) METADATA.—Notwithstanding subsection (a), a
12 covered agency’s public access policy shall ensure full pub-
13 lic access to metadata of covered works without charge
14 beginning at the time when the covered work is first pub-
15 lished in a data format that ensures interoperability with
16 current and anticipated future search technology. When-
17 ever possible, the metadata shall provide a link to the loca-
18 tion where the full text and associated supplemental mate-
19 rials will be made available at the end of the applicable
20 embargo period.

21 **SEC. 3. FORMULATION OF PUBLIC ACCESS POLICY.**

22 (a) IN GENERAL.—Each public access policy shall in-
23 clude—

1 (1) a strategy for enabling the public to elec-
2 tronically locate and access publications resulting
3 from federally funded scientific research;

4 (2) a strategy for maintaining a repository or
5 repositories, either within the covered agency,
6 through an arrangement with another Federal agen-
7 cy or agencies, or through an arrangement with a
8 public or private entity, including an arrangement to
9 provide free public access in perpetuity, ensure inter-
10 operability with other technology, and ensure the
11 long-term preservation of such research, so long as
12 the covered agency maintains an active Web link to
13 the repository or repositories for public access;

14 (3) a strategy for incorporating existing covered
15 works into the repository or repositories required
16 under paragraph (2) to the extent practicable;

17 (4) a strategy for notifying research funding re-
18 cipients of their obligations under this Act; and

19 (5) a strategy for taking into account different
20 funding models for scholarly publishing, including
21 author-pays fees, in the covered agency's grant and
22 other funding mechanisms.

23 (b) COORDINATION WITH OTHER FEDERAL AGEN-
24 CIES.—In developing its public access policy, the covered
25 agency shall collaborate and coordinate with other Federal

1 agencies to maximize the consistency and compatibility of
2 public access across the Federal Government.

3 (c) REPORT TO CONGRESS.—Not later than 3
4 months after the date of the enactment of this Act, each
5 covered agency shall transmit a report, containing its pub-
6 lic access policy and a description of the mechanism de-
7 scribed in section 6(a), to the Committee on Science,
8 Space, and Technology of the House of Representatives
9 and the Committee on Commerce, Science, and Transpor-
10 tation of the Senate.

11 **SEC. 4. IMPLEMENTATION OF PUBLIC ACCESS POLICY.**

12 (a) IN GENERAL.—Not later than January 1, 2016,
13 a covered agency shall implement its public access policy.

14 (b) INPUT.—In implementing such policy and the
15 mechanism described in section 6(a), a covered agency
16 shall consider input provided by relevant stakeholders and
17 other Federal agencies.

18 (c) CLARIFICATION.—Nothing in this Act shall affect
19 the application of United States copyright law.

20 **SEC. 5. PERIODIC REVIEW.**

21 (a) IN GENERAL.—Not less than once every 5 years,
22 each covered agency shall revise, as necessary, its public
23 access policy, including the mechanism described in sec-
24 tion 6(a).

1 (b) REPORT TO CONGRESS.—Each covered agency
2 shall transmit a report containing its revised public access
3 policy and the mechanism described in section 6(a), as re-
4 vised under subsection (a), to the Committee on Science,
5 Space, and Technology of the House of Representatives
6 and the Committee on Commerce, Science, and Transpor-
7 tation of the Senate not later than 30 days after com-
8 pleting such revision.

9 **SEC. 6. MODIFICATION OF EMBARGO PERIOD.**

10 (a) MECHANISM TO EXTEND EMBARGO PERIOD.—
11 Each covered agency, in coordination with relevant stake-
12 holders, shall provide a mechanism for a stakeholder to
13 petition to extend the embargo period for a specific cov-
14 ered work under this section by presenting evidence that
15 the public interest will be substantially and uniquely
16 harmed under a covered agency’s public access policy re-
17 lated to such work. If a covered agency determines that
18 the public interest will be substantially and uniquely
19 harmed after reviewing the petition, the covered agency
20 may extend the embargo period by no more than 6 months
21 at a time from its current embargo period.

22 (b) AGREEMENT TO SHORTEN EMBARGO PERIOD.—
23 A covered agency may shorten the embargo period for a
24 specific covered work under this section only to the extent

1 that the shortened embargo period is mutually agreed to
2 by the agency and the publisher of the covered work.

3 **SEC. 7. DEFINITIONS.**

4 For the purposes of this Act—

5 (1) the term “covered agency” means—

6 (A) the National Aeronautics and Space
7 Administration;

8 (B) the National Science Foundation;

9 (C) the National Institute of Standards
10 and Technology; and

11 (D) the National Weather Service.

12 (2) the term “covered work” means any re-
13 search results published in a peer-reviewed scholarly
14 publication based on research funded in whole or in
15 part by a covered agency, but does not include—

16 (A) research progress reports presented at
17 professional meetings or conferences;

18 (B) laboratory notes, preliminary data
19 analyses, notes of the author, phone logs, or
20 other information used to produce final manu-
21 scripts;

22 (C) classified research; or

23 (D) work not submitted to a peer-reviewed
24 publication or work that is rejected by a peer-
25 reviewed publication; and

1 (3) the term “embargo period” means the pe-
2 riod of time of no more than 12 months after the
3 initial date of publication of a covered work, unless
4 such period is modified under section 6.

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