

New legislation reflect Congress' growing support for open access

On the heels of last year's mandatory implementation of the National Institute of Health (NIH) Public Access Policy via the Consolidated Appropriations Act of 2008, a bill and a resolution have been introduced in the Senate that would—if passed—improve access to federal taxpayer-funded information.

FRPAA of 2009, S. 1373

On June 25, 2009, S. 1373, the Federal Research Public Access Act (FRPAA) of 2009, was introduced and sponsored by Senators John Cornyn (R-TX) and Joe Lieberman (I-CT). The bill was referred to the Committee on Homeland Security and Governmental Affairs. According to the bill language, its purpose is "To provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency." The bill is almost exactly the same as the one introduced in 2006 (S. 2695) by the same name, which ultimately died in the 109th Congress.

The bill is significant for libraries and the public because it would dramatically increase access to information by requiring federal agencies and departments with annual extramural research budgets of more than \$100 million to make available via the Internet the final manuscript of articles resulting from research funded by U.S. taxpayers. The manuscripts would be maintained and preserved in a digital archive, ensuring the research is available to the public. Essentially, the bill would advance and expand the NIH Public Access Policy to 11 additional agencies and departments. The ability to search and access the archives of nonclassified research of these agencies and departments—such as the Department of Agriculture, Department of Education, Department of Energy, Depart-

ment of Homeland Security, Department of Transportation, Environmental Protection Agency, and the National Science Foundation—would provide open online access to research. Undoubtedly, such an archive would allow librarians the ability to better assist library patrons with their information and research needs, as well as allow direct access by the public. Without the passage of bill S. 1373, taxpayer-funded research will continue to be inaccessible—without a fee.

Congressional Research Service (CRS) Resolution (S. Res. 118)

In addition to the recent introduction of the FRPAA of 2009, Senators Lieberman and John McCain (R-AZ) sponsored Senate Resolution 118 in April 2009 to make nonconfidential CRS reports available for free via the Internet. The resolution comes after several years of librarians, academics, open government advocates, and concerned citizens urging Congress to provide free access to these taxpayer-funded reports. More than 100 million tax dollars are spent to fund CRS (housed at the Library of Congress), which generates detailed reports for Congressional lawmakers and their staff upon request. Law makers sometimes share copies of CRS reports with their constituents upon request; however, there is no way for the general public to know what reports have been published.

Two steps forward . . . one step back

This recent legislative activity signals Congressional interest in increasing access to information, especially taxpayer-funded government information. That said, we wrote back in March about "The Fair Copyright in Research Works Act," H.R. 801. The bill, if passed, would essentially negate or cancel out the NIH Public Access Policy. While this bill introduced by Representative John Conyers (D-MI) in the U.S. House Committee on the Judiciary would deter open access, we are hopeful that the introduction of S. 1373 and S. Res. 118 indicate that some access policies are headed in a more "open" direction. *TT*

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