

Congress passes spending bill requiring free access to publicly funded research Timothy Vollmer, January 17th, 2014

Update: The [bill](#) was signed by President Obama January 17, 2014.

Both the U.S. House of Representative and Senate have passed the [2014 omnibus appropriations legislation](#) (2.9 MB PDF). President Obama is expected to sign the bill shortly. What's so special about this legislation? Federal agencies with research budgets of at least \$100 million per year will be required provide the public with free online access to scholarly articles generated with federal funds no later than 12 months after publication in a peer-reviewed journal. The agencies affected by the public access provision of the appropriations bill include the Department of Labor, Department of Education, and Department of Health and Human Services (which includes research-intensive sub-agencies such as the National Institutes of Health, Food and Drug Administration, and Centers for Disease Control and Prevention). According to [SPARC](#), the bill "ensure[s] that \$31 billion of the total \$60 billion annual U.S. investment in taxpayer-funded research is now openly accessible." The inclusion of the public access provision builds upon existing initiatives, such as the [NIH Public Access Policy](#). And it echoes the more recent push for public access to publicly funded research advocated through the introduction of the [Fair Access to Science and Technology Research Act](#) (FASTR) and the White House [directive](#). But with FASTR tabled in Congress last year and the federal agencies dragging their feet on complying with Obama's public access directive (plans were due in August 2013), the passage of the 2014 spending legislation is a welcome measure for increasing access to publicly funded research. SPARC thinks the language in the bill could be strengthened by adopting a shorter embargo period (e.g. six months), which would benefit the public without harming journal publishers. In addition, they suggest that research articles be shared via a central repository similar to PubMed Central and incorporate provisions to ensure the ability to conduct text and data mining on the entire corpus of federally-funded articles. [Creative Commons](#) and [other groups](#) have also communicated the need for not only free public access, but also access whereby publicly funded research is made available under open licenses.

JANUARY 13, 2014

RULES COMMITTEE PRINT 113-32
HOUSE AMENDMENT TO THE SENATE
AMENDMENT TO THE TEXT OF H.R. 3547

**[Showing the text of the Consolidated Appropriations Act,
2014]**

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Consolidated Appro-
3 priations Act, 2014”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents of this Act is as follows:

- Sec. 1. Short Title.
- Sec. 2. Table of Contents.
- Sec. 3. References.
- Sec. 4. Explanatory Statement.
- Sec. 5. Statement of Appropriations.
- Sec. 6. Availability of Funds.
- Sec. 7. Technical Allowance for Estimating Differences.
- Sec. 8. Launch Liability Extension.

**DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIA-
TIONS ACT, 2014**

- Title I—Agricultural Programs
- Title II—Conservation Programs
- Title III—Rural Development Programs
- Title IV—Domestic Food Programs
- Title V—Foreign Assistance and Related Programs
- Title VI—Related Agencies and Food and Drug Administration
- Title VII—General Provisions

**DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED
AGENCIES APPROPRIATIONS ACT, 2014**

- Title I—Department of Commerce
- Title II—Department of Justice
- Title III—Science
- Title IV—Related Agencies
- Title V—General Provisions

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT,
2014

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related Agencies
Title VIII—General Provisions
Title IX—Overseas Contingency Operations
Title X—Military Disability Retirement and Survivor Benefit Annuity Restora-
tion

DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED
AGENCIES APPROPRIATIONS ACT, 2014

Title I—Corps of Engineers—Civil
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent Agencies
Title V—General Provisions

DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT
APPROPRIATIONS ACT, 2014

Title I—Department of the Treasury
Title II—Executive Office of the President and Funds Appropriated to the
President
Title III—The Judiciary
Title IV—District of Columbia
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Title VI—General Provisions—This Act
Title VII—General Provisions—Government-wide
Title VIII—General Provisions—District of Columbia

DIVISION F—DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT, 2014

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Title II—Security, Enforcement, and Investigations
Title III—Protection, Preparedness, Response, and Recovery
Title IV—Research, Development, Training, and Services
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AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

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Title II—Environmental Protection Agency
Title III—Related Agencies

Title IV—General Provisions

DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

Title I—Department of Labor

Title II—Department of Health and Human Services

Title III—Department of Education

Title IV—Related Agencies

Title V—General Provisions

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2014

Title I—Legislative Branch

Title II—General Provisions

DIVISION J—MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

Title I—Department of Defense

Title II—Department of Veterans Affairs

Title III—Related Agencies

Title IV—General Provisions

DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2014

Title I—Department of State and Related Agency

Title II—United States Agency for International Development

Title III—Bilateral Economic Assistance

Title IV—International Security assistance

Title V—Multilateral Assistance

Title VI—Export and Investment Assistance

Title VII—General Provisions

Title VIII—Overseas Contingency Operations

DIVISION L—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

Title I—Department of Transportation

Title II—Department of Housing and Urban Development

Title III—Related Agencies

Title IV—General Provisions—This Act

1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.