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July 24, 2025

The Honorable Tom Cole
Chair, Committee on Appropriations
House of Representatives
Washington, D.C.

The Honorable Rosa DeLauro
Ranking Member, Committee on Appropriations
House of Representatives
Washington, D.C.

Dear Chair Cole, Ranking Member DeLauro, and Members of the House Appropriations Committee:

I am writing to respectfully urge you to reconsider the language in the Commerce, Justice, Science, and Related Agencies Appropriations Report regarding public access to federally funded research.¹ SPARC is a non-profit advocacy organization that supports systems for research and education that enable everyone, everywhere to access, contribute to, and benefit from sharing knowledge. Our membership includes more than 200 academic and research libraries at higher education institutions across the U.S. spanning 45 states.

Like the Committee, we are committed to protecting researchers' intellectual property rights and ensuring they maintain control over their scholarly work. This shared commitment is precisely why we support policies like the one outlined in the 2022 OSTP memorandum that strengthen rather than weaken author rights, and were the result of ongoing bipartisan support over the past 4 administrations.

The OSTP memorandum does not restrict the rights of scientists to publish anywhere they choose. It simply removes longstanding barriers to scientific innovation by requiring that a copy of any publication reporting on research that taxpayers have funded be made immediately and freely available to the public. Scientists retain full freedom to select their preferred journals and the public can also finally access the results of publicly funded research. Furthermore, the OSTP memorandum does not override existing copyright law or require the use of federal procurement language. Instead, agencies are encouraged to adopt practical deposit frameworks in collaboration with researchers and publishers.

When taxpayers fund research through federal agencies like NIH, NSF, and DOE, they should not be required to pay again to access the publications and data resulting from that research.

¹ Language in question appears on page 77, under the Office of Science and Technology Section, heading "*Public Access to Federally Funded Research*"

The August 2022 OSTP memorandum simply ensures that public investment yields public benefit—a principle similar to deliverable requirements in other government contracts.

We recognize the Committee's important concerns about protecting author copyright and intellectual property rights. That is why we believe open access models better serve the interests of authors and researchers. Journal publishers routinely require authors to transfer their copyright entirely over to them, effectively surrendering control over their own work. The proposed language could inadvertently strengthen this system by making it more difficult for agencies to provide alternative pathways that allow authors to retain their rights. Open access models, by contrast, usually allow authors to retain their copyright and share their work freely with the public that funded it. Far from threatening author rights, open access policies preserve and strengthen them.

We understand and share concerns about implementation costs of government mandates. However, according to the most recent of three reports on the costs of federal public access policies that the White House Office of Science and Technology Policy delivered to Congress, federal public access policies are being implemented successfully with minimal financial burden on federal research budgets, while supporting research integrity goals.^{2,3}

Rather than blocking public access requirements, Congress should focus on ensuring that agencies employ collaborative approaches that give authors flexibility in how they comply—whether through institutional repositories, publisher platforms, or other mechanisms—while ensuring the core principle of public access to publicly-funded research. This balanced approach maintains our commitment to transparency and accessibility while exercising responsible stewardship of public funds and respecting researcher choice.

We would welcome the opportunity to work with the Committee on implementation approaches that protect author rights while protecting years of bipartisan progress towards policies that fulfill the public's legitimate interest in accessing research they have funded through their tax dollars.

²OSTP. (2024). Updated Report to the U.S. Congress on Financing Mechanisms for Open Access Publishing of Federally Funded Research. Office of Science and Technology Policy, Washington, DC, USA. Available at:

<https://bidenwhitehouse.archives.gov/wp-content/uploads/2024/06/2024-Report-to-Appropriations-Committee-on-Scholarly-Publishing-and-Public-Access-Implementation.pdf>

³ Additional cost analysis reports to Congress:

- White House Office of Science and Technology Policy, *Economic Landscape of Federal Public Access Policy: A Report by the Office of Science and Technology Policy Pursuant to the Consolidated Appropriations Act, 2022* (Washington, DC: Office of Science and Technology Policy, August 2022). Available at: <https://bidenwhitehouse.archives.gov/wp-content/uploads/2022/08/08-2022-OSTP-Public-Access-Congressional-Report.pdf>
- White House Office of Science and Technology Policy, *Report to the U.S. Congress on Financing Mechanisms for Open Access Publishing of Federally Funded Research* (Washington, DC: Office of Science and Technology Policy, November 2023) available at: White House Office of Science and Technology Policy, *Report to the U.S. Congress on Financing Mechanisms for Open Access Publishing of Federally Funded Research* (Washington, DC: Office of Science and Technology Policy, November 2023);

We respectfully urge you to reconsider this language and continue supporting policies that maximize public access to federally funded research while protecting the rights of researchers and authors.

Thank you for your consideration of this important matter.

Sincerely,

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