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OFFICE OF MANAGEMENT AND BUDGET URGED TO LET PUBLIC SEE RESEARCH

The Washington Legal Foundation (WLF) last week urged the Office of Management and Budget (OMB) to allow the public access to scientific research funded by federal grants.

In comments filed with the OMB, WLF argued that the OMB's proposed revisions to its rules governing access to federally-funded scientific research were valid but too narrow. Congress recently passed a law, Public Law 105-277, part of which directs the OMB "to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act." OMB's proposed revision requires a grant-awarding federal agency to make public such data "in response to a Freedom of Information Act (FOIA) request for data relating to published research findings produced under an award that were used by the Federal Government in developing policy or rules." This language substantially narrows public access to scientific data, contrary to Congress's direction to make available "all data produced under an award" (subject, of course, to the exemptions contained in FOIA). For that reason, WLF asked the OMB to amend its proposed revision to ensure the broad public access plainly intended by Congress.

"Congress directed the OMB to open federally-funded scientific research for public view, and we believe that's what it ought to do," said WLF's Senior Counsel for Litigation Affairs, Shawn Gunnarson. "The public deserves to see for itself the technical and scientific research for which tax dollars pay and on which the federal government often relies."

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