



August 31, 2022
MEMORANDUM

TO: SPARC Members

FROM: Heather Joseph, Executive Director
Katie Steen, Manager of Public Policy & Advocacy

SUBJECT: Updated OSTP Policy Guidance: *Ensuring Free, Immediate, and Equitable Access to Federally Funded Research*

On August 25, 2022, the White House Office of Science & Technology Policy (OSTP) issued a memorandum on [Ensuring Free, Immediate, and Equitable Access to Federally Funded Research](#) calling on federal agencies to make “**articles resulting from all U.S. federally funded research freely available and publicly accessible by default in agency-designated repositories without any embargo or delay after publication.**”

This policy guidance will eliminate the current 12-month embargo period and make articles and the underlying data needed to validate their results available in machine-readable formats. The memorandum also contains key provisions that aim to promote equity in the publishing of and access to federally funded research as well as to improve scientific research integrity. The memorandum applies to **all** U.S. federal agencies with R&D expenditures, significantly expanding the scope of current federal policy.

The updated guidance differs from current policy established by [the 2013 Holdren Memorandum](#) in several key ways. Specifically, the new memo:

- Calls on agencies to make taxpayer-funded research publications available *immediately*, at no cost to the public, and requests that they be made publicly accessible, by default, in agency-designated repositories.
- Calls on agencies to make the underlying data needed to validate the conclusions of articles *immediately* available at the time of publication.
- Includes new provisions to improve scientific research integrity, including making appropriate metadata available at the time of publication, and promotes the use of persistent identifiers for all research outputs.
- Asks agencies to reduce inequities in both the publishing of and access to federally funded research publications and data, especially among individuals from underserved backgrounds and those who are early in their careers.

Peer-Reviewed Scholarly Publications

Along with eliminating the 12-month embargo and calling on agencies to make research publications accessible by default in agency-designated repositories, the memo broadens the definition of research publications, giving agencies the leeway to include not only research articles and accepted manuscripts, but also peer-reviewed book chapters, editorials, and conference proceedings. It also provides additional guidance in three areas of importance:

- **Machine readability.** The memorandum asks agencies to maximize the equitable reach of research publications by making them available in formats that enable both machine readability and broad accessibility through assistive devices. As we saw during COVID-19, having articles in machine-readable, AI-ready formats enhances their utility for use in text and data mining and other computational analyses.
- **Licensing/reuse rights.** One area where the policy guidance lacks specificity is in the area of licensing and reuse. While the guidance lays groundwork for open licensing, it does not provide direction about using a specific license. It simply asks agencies to “establish any prerequisites needed to provide free and public access to the publications, including use and reuse rights and any restrictions, such as attribution, that might apply.” This is an important area for the community to engage with agencies on as they develop their new policies.
- **Defining agency-designated publication repositories.** The memo asks agencies to ensure that federally funded research publications are made accessible “by default in agency-designated repositories.” It notes that the National Science & Technology Council’s Subcommittee on Open Science will develop guidance on desirable characteristics for digital publication repositories—similar to guidance already provided for data repositories. This will be an important area for the community—and the U.S. Repository Network in particular—to engage with federal agencies and OSTP.

Scientific Data

Along with new instructions for agencies to make the scientific data *underlying the scholarly publications* publicly accessible by default at the time of publication, the memorandum recommends that agencies provide guidance to researchers on where that data is expected to be deposited. It asks that, to the extent practicable, those repositories be consistent with the OSTP guidance outlined in the [Desirable Characteristics of Data Repositories for Federally Funded Research](#) document. It also recommends that agencies provide guidance on researcher responsibilities regarding any potential limitations on data sharing for legal, privacy, intellectual property, or security reasons or stipulations of an Institutional Review Board, and to maximize data sharing through risk-mitigated limited data access opportunities.

The memorandum also includes guidance on producing plans for how additional federally funded data that is *not* associated with scholarly publications can be shared.

Covering Costs for Publications and Data

The memorandum includes a brief note regarding covering costs that states, “in consultation with OMB, federal agencies should allow researchers to include reasonable publication costs and costs associated with submission, curation, management of data, and special handling instructions as allowable expenses in all research budgets.”

This guidance is broad enough to allow agencies significant leeway in interpretation and implementation. However, the determination of “reasonable costs” must take place within the full context of the policy guidance—including instructions to reduce inequities in both *publishing* and *accessing* federally funded research. The memo **does not** indicate that a researcher or institution must pay an article processing charge (APC) to comply with an agency public access plan. This is also an area that the community should engage with agencies on as they develop their new policies.

Additionally, OSTP provided a new report to Congress at the same time this new policy guidance was issued. The [Economic Landscape of Federal Public Access Policy](#) document reports on “current research and data available and information received through extensive engagement and consultation with diverse stakeholders, including publishers, federal agencies, and other organizations,” providing a new, extensive economic analysis.

Scientific Research Integrity

In a welcome new section, OSTP instructs agencies to take steps to improve scientific research integrity by transparently communicating critical information about federally funded research to the public. Agencies are asked to provide detailed plans for collecting and sharing appropriate metadata associated with publications and data—including authors, affiliations, source of funding, and more.

It also outlines guidance for agencies to significantly increase their use of digital identifiers, instructing researchers to obtain and use a digital persistent identifier, as well as to assign unique digital persistent identifiers to all scientific R&D awards and research protocols. This represents a significant new challenge for agencies, and the memorandum explicitly acknowledges this by providing an extended deadline for agencies to comply with all provisions of this section.

Coordination of Agency Public Access Plans

The memo designates the National Science & Technology Council’s [Subcommittee on Open Science](#) (SOS) to serve as the lead coordinating entity for agency public access plans. The SOS is tasked with facilitating plan development, monitoring compliance, and developing best practices for implementation. The Subcommittee’s extensive remit includes coordinating:

- Measures to reduce inequities in the publishing of, and access to, federally funded research and data, especially among individuals from underserved backgrounds and those who are early in their careers.

- Benchmarks and metrics to assess compliance, implementation, and improvement of policies over time.
- Approaches to ensure federally funded research outputs are findadable, accessible, interoperable, and reusable (FAIR) to the public in an equitable and secure manner.
- Engagement with members of the research community including libraries, publishers, professional societies, researchers, etc.

Time Frame for Implementation

The time frame for implementation of the memorandum has two components:

First, agencies must develop new public plans or update existing ones for submission to OMB and OSTP. Agencies that were subject to the 2013 Holdren Memo and already have public access plans have a shorter timeline and must submit their plans within the next six months (180 days). The remaining agencies have a full year (360 days) to submit their plans for review.

Second, once OMB and OSTP review their plans, agencies must publish their final policy implementation plans by December 31st, 2024, with an effective date no later than one year after the publication of the agency plan. We note that this could mean the plans from agencies subject to the Holdren Memo could go into effect *sooner* than December 31st, 2024.

All new and updated agency public access plans for publications and data will go into effect **no later than 2025**. As noted earlier, **the new scientific research integrity provisions** of agency public access plans will go into effect **starting in 2027**.