



1201 Connecticut Ave NW, #608 • Washington, DC 20036
(202) 630-5090 • www.sparcopen.org

March 12, 2024

Shannon Wink
Program Analyst
Policy Coordination Office
U.S. Census Bureau

Submitted via www.regulations.gov

Re: Docket Number: 2024-01673

Dear Ms. Wink,

Thank you for the opportunity to provide input on the U.S. Census Bureau's *Plan for Providing Public Access to Results of Federally Funded Research*. I am writing on behalf of [SPARC](#), a non-profit advocacy organization that supports systems for research and education that are open by default and equitable by design. Our [membership](#) includes over 200 academic and research libraries across the U.S., with institutions ranging from large research intensive universities to community colleges. We believe that sharing knowledge is a human right, and that everyone should be able to access, contribute to, and benefit from the knowledge that shapes our world. Our members are committed to supporting equitable systems of research and education, and we appreciate the opportunity to provide feedback on the Census Bureau's plan to implement the 2022 OSTP Memorandum on [Ensuring Free, Immediate, and Equitable Access to Federally Funded Research](#).

Question 1: What are the best practices (from academia, industry, and other stakeholder communities) in managing public access of data and research results?

The research community, specifically libraries, encompass a breadth of expertise in research output sharing and management. We recommend the Census Bureau consult with experts in its own library to identify and promote best practices for managing public access to publications and data specific to the Bureau's community of researchers.

Below are high-level best practices we recommend with associated links to more information:

- Grantees should be able to comply with funder policies by depositing their author accepted manuscript into a repository (discussed in Questions 2 & 3 below)
- Scholarly publications should carry full reuse rights, such as those provided by a [CC BY 4.0 International License](#) or its functional equivalent
- Scholarly publications and data should be assigned globally unique and [persistent identifiers](#)

Additionally, the [NASA TOPS](#) initiative has developed an [Open Science 101 Curriculum](#) that anyone can use to improve their understanding of open science workflows and gain the skills needed to share their research effectively. The curriculum draws from existing best practices from academia, industry, and other stakeholder communities. It is a valuable resource for intramural and extramural researchers and federal government staff working on research sharing.

Question 2: What are the biggest challenges to implementing a public access policy, and how can these challenges be addressed?

Costs are a primary concern and challenge for institutions and authors, especially related to the payment of article processing charges (APCs) required by some journals to make an article publicly available i.e., pay-to-publish models. It is a common misconception in the research community that an APC must be paid to make an article publicly available. Hence, it is critically important that researchers are aware of the equitable compliance option available to them: depositing their author accepted manuscript into a Bureau's approved repository at **no cost**. The Census Bureau should make it clear in its plan and public access policy that authors have this no-cost compliance option and that any fee charged to them by a publisher is a publication fee, not a compliance fee required by the Bureau. We discuss this as a recommendation in more detail in response to Question #3.

Costs related to data sharing and management are also a challenge facing institutions and authors. While the costs associated with data vary significantly based on type and discipline, federal bureaus and agencies have an opportunity to collaborate with each other and non-federal entities around shared data infrastructure and cost-sharing measures to address these challenges. For example, the National Science Foundation (NSF) is collaborating with its research community through its [FAIR Open Science Research Coordination Networks](#) (FAIROS RCN) and [Pathways to Enable Open-Source Ecosystems](#) (POSE) funding programs to coordinate and develop shared open science infrastructure solutions.

Question 3: How can the Census Bureau ensure equity in publication opportunities?

SPARC strongly supports the OSTP Memorandum's emphasis on ensuring equity in contributing to, accessing, and benefitting from the results of federally funded research, and we appreciate the Census Bureau's specific attention to this issue in its request for information. As discussed

in Question #2, equitable compliance options for public access policies are a major challenge both institutions and authors face. This challenge is exacerbated when funded authors feel pressure to publish in a particular journal that may require the payment of an article processing charge (APC) to make the article publicly available. This is an especially troubling challenge from an equity perspective as [studies](#) have documented that APC costs disproportionately affect younger researchers, female researchers, and those at less well-funded institutions. The Census Bureau should provide authors with compliance options that do not present financial barriers. To this end, Census Bureau's public access policy, associated guidance, and communications to researchers should clearly state that authors can fully comply with its public access policy at **no cost** by depositing their author's accepted manuscripts into the Bureau's agency-approved repositories.

Further, as discussed above, the Census Bureau should state that any fee an author may be asked to pay is a publication fee and not a fee required by the Bureau for compliance. It is critical that authors do not conflate compliance with APCs. The Census Bureau should also highlight the diversity of publication models available to authors who may face financial barriers in paying for APCs—including [Subscribe to Open](#) (S2O) and Diamond Open Access.

The Census Bureau's efforts to ensure equity in publication opportunities for employees and non-employees naturally align with the critical work of the NSTC's Subcommittee on Equitable Data. SPARC strongly supports the Subcommittee's [recommendation](#) to "Build Capacity for Robust Equity Assessment for Policymaking and Program Implementation," and we recommend the Census Bureau coordinate the implementation of its public access plan with the NSTC Subcommittee and the Department of Commerce's [Equity Action Plan](#). The Census Bureau should also consider engaging with the National Academies' [Roundtable on Aligning Incentives for Open Scholarship](#) to promote the growth of sustainable, equitable open scholarship policies and practices. We also recommend the Bureau engage with the [Higher Education Leadership Initiative for Open Scholarship](#) (HELIOS Open) to align its grant review process with efforts to recognize more equitable research sharing activities.

Question 4: How can the Census Bureau ensure public access and accessibility to outputs of Census Bureau-funded research?

The Census Bureau's plan states that it will "Endeavor to provide public discovery and download of peer-reviewed publications free of charge immediately upon publication of the paper" (p. 9, line 287). This approach can be strengthened to closely follow OSTP's language in the Memorandum asking agencies to "make federally funded publications, data, and other such research outputs and their metadata...findable, accessible, interoperable, and reusable to the American public and the scientific community in an equitable and secure manner."

To meet the Memorandum requirements and strengthen line 287, we recommend the Census Bureau's plan require that all publications resulting from its funded research carry full reuse

rights, such as those provided by a [CC BY 4.0 International License](#) or its functional equivalent. We commend the plan for stating publications and underlying data will be made available in machine-readable formats with associated metadata and encourage the Bureau to add the term “standard” as a qualifier to “formats.”

The plan also states that, “The Census Bureau may also obtain and hold copyright in data/works created by non Census Bureau employees (e.g., contractors) when copyright is assigned to the Census Bureau” (p. 4, lines 101-102). Relatedly, the Bureau should be certain that it obtains a non-exclusive license to its funded publications with sufficient re-use rights. To ensure it obtains sufficient reuse rights, we suggest that the Bureau require grantees, as a term and condition of funding agreements, to ensure that the Bureau receives a license to its funded publications sufficient for it to grant the public re-use rights. This is the most straightforward approach that minimizes complexity and burden in compliance by grantee institutions and authors.

To do this, the Census Bureau could rely on its existing federal purpose license under [2 C.F.R. § 200.315\(b\)](#). For clarity, we suggest that the Census Bureau also require that grantees provide an additional license to the Bureau that specifically provides the right to grant the public re-use rights to its funded publications covered by the public access policy.

Requiring that this additional license be granted as a term and condition of funding ensures that the Census Bureau receives its additional license at the moment the scholarly publication is created, which is how the longstanding federal purpose license operates. In this way, even if an author from the grantee’s institution signs a publication agreement that conflicts with the Bureau’s license, the Bureau’s license remains intact, as is the case with the federal purpose license.

We also recommend the Census Bureau develop template language that can be attached to or included with the publication, either by the author or Bureau staff, to indicate the publication is available under an open license. A more thorough explanation of these recommendations is available on our [website](#).

Question 5: How can the Census Bureau monitor impacts on affected communities—authors and readers alike?

As discussed in previous questions, article processing charges (APCs) pose financial barriers to authors and yet many feel pressure to pay them to get published in a particular journal. The Census Bureau should establish a baseline understanding of current practices by collecting data on the number and makeup of its current funding recipients who are charging publication fees (APCs) as direct costs to their research grants and analyze that data across different types of institutions and disciplines (e.g., HBCUs, MSI’s, [EPSCoR-eligible](#) institutions, researchers in less-well-resourced disciplines, etc.). If significant numbers of funded authors are reimbursing

APC costs from their grants, the Bureau should review its efforts around equitable compliance mechanisms.

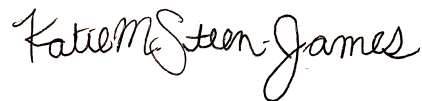
The Census Bureau should also monitor the impact of its public access policy on those that read its research outputs. To monitor these impacts, the Census Bureau should track and release usage statistics of its funded research publications and share with the public the amount of times articles have been accessed and downloaded.

Question 6: How can the Census Bureau improve the plan to provide greater public access to Census Bureau-funded research results?

As the Census Bureau considers ways to improve its plan, we recommend it consider working with institutional and other non-federal repositories through the [U.S. Repository Network](#) (USRN) to expand where manuscripts, final published articles, and data can be deposited and accessed beyond just one repository designated by the Bureau. Institutional repositories run by libraries and other research institutions generally do not charge authors to deposit articles, manuscripts, or data. They can play an important role in easing compliance burdens on authors, improving discoverability of research outputs, and providing long-term preservation support. Specifically, we recommend the Bureau allow for the deposit of publications and data into many different repositories and suggest utilizing the guidance set out in the USRN's [Desirable Characteristics of Digital Publications Repositories](#) and the NSTC's [Desirable Characteristics of Data Repositories](#).

SPARC appreciates the opportunity to provide comments on the Census Bureau's *Plan for Providing Public Access to Results of Federally Funded Research*. We look forward to working with the Bureau to fully accomplish the goals outlined in the OSTP Memorandum and to leverage the full value and utility of the research funded by the Bureau.

Sincerely,

A handwritten signature in cursive script that reads "Katie M. Steen-James".

Katie Steen-James
Manager of Public Policy & Advocacy