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June 12, 2024

Ted Horan  
Management Analyst  
Office of Research, Evaluation and Statistics  
Social Security Administration

Submitted via [www.regulations.gov](http://www.regulations.gov)

Re: Docket Number: SSA-2023-0039

Dear Mr. Horan,

I am writing on behalf of [SPARC](http://www.sparcopen.org), 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 feedback on the Social Security Administration's (SSA) public access plan is organized by the questions proposed in your request for information. We also include specific recommendations under Question 5 related to the reuse of scholarly publications resulting from SSA-funded research.

### **Question #1**

In addition to what is required in SSA's public access plan, the SSA should also require that the software and analysis code be made available in a public repository at the time an article is published. We recommend the SSA require that the software and code carry an open license such as those approved by the [Open Source Initiative](#).

As the agency develops and updates its approach to reviewing data management plans, it should ensure that researchers include information about how they will make the data underlying their publications Findable, Accessible, Interoperable, and Reusable as defined by the [FAIR Principles](#). Making the scientific data produced from SSA-funded research FAIR will

enable other researchers and policymakers to more easily build on and analyze the data and ensure its integrity.

## **Question #2**

When collecting information on the types of data repositories researchers prefer, we encourage the agency to engage with the [Research Data Access & Preservation \(RDAP\) Association](#), an organization of data sharing and management experts. The RDAP community hosts discussions on a variety of topics including specialized data repositories and how to manage Personally Identifiable Information while making data interoperable. RDAP can connect the agency to experts to inform its requirements for data repositories.

In addition to engagement with the RDAP, we also recommend the SSA engage with the [U.S. Repository Network \(USRN\)](#) and its efforts to identify best practices and workflows for publication repositories. To this end, the USRN released a document to align with the NSTC's document on data repositories entitled [Desirable Characteristics of Digital Publications Repositories](#). These desirable characteristics for publication repositories are important for the agency to consult as it determines what repositories researchers can use for compliance.

Further, as the agency considers repositories to designate, it should include institutional repositories as viable compliance options for the deposit of publications. Institutional repositories run by libraries and other research institutions generally do not charge authors to deposit articles or manuscripts. They can play an important role in easing compliance burdens on authors, improving discoverability of research outputs, and providing long-term preservation support.

## **Question #3**

To gather information on the estimated costs associated with providing public access, the SSA should establish a baseline understanding of the environment 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, tribal colleges and universities, MSIs, EPSCoR-eligible institutions, researchers in less-well-resourced disciplines, etc.). To estimate the costs of paying APCs, we recommend the agency review [Delta Think's March 2023 analysis](#) of open access charges which surveys a list of APCs from a sample of publishers covering more than 18,000 titles. We also recommend the agency look at a [recent study](#) released in May 2024 on open access journal articles. The study reviewed articles in journals listed in the Directory of Open Access Journals (DOAJ) and analyzed the fees charged and revenue generated between 2019-2023. Previous editions of the study can be found on the [author's website](#).

Authors, and the agency, can minimize and avoid the publisher charges associated with providing public access to scientific research publications by ensuring the author's accepted manuscript can be deposited into the repository(s) designated by the SSA at no cost.

Compliance by manuscript deposit into a designated repository is the most equitable way to ensure authors do not face financial barriers when complying. It also ensures more of the grant dollars can be spent on research activities.

#### **Question #4**

To help researchers and institutions learn more about public access, the SSA should leverage the [NASA TOPS](#) initiative. 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 #5**

[Studies](#) have documented that APC costs disproportionately affect female researchers and those at smaller institutions. To ensure equity in research opportunities and access, it is critical that the SSA's public access policy, associated guidance, and communications to researchers clearly state that authors can fully comply with its public access policy at **no cost** by depositing their author's accepted manuscripts into the repositories designated by the agency. Without clarity, researchers may conflate publishing charges with compliance charges which will have significant impacts for authors and institutions that are already under-resourced. The SSA 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 agency's efforts to ensure equity in research opportunities and access 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 SSA coordinate the implementation of its public access plan with the NSTC Subcommittee and the SSA's [Equity Action Plan](#). The SSA 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 agency engage with the [Higher Education Leadership Initiative for Open Scholarship](#) (HELIOS Open), a group of higher education administrators, to ensure alignment between the SSA's public access policy and the grant administration practices of universities.

As the agency prepares to develop its policy implementing the scientific and research integrity section of the OSTP Memorandum, it should adopt identifiers for people, research organizations, and research objects that are open, non-proprietary, and interoperable with other identifiers in the research ecosystem. Specifically, the SSA should require that publications, data

sets, and data management plans have a digital object identifier (DOI), which is an open and nonproprietary persistent identifier that can be used for research objects. We also support the agency's plan to require researchers to obtain a digital persistent identifier that meets the NSPM-33 Implementation Guidance that the provider of the identifier be an "open, non-proprietary, researcher-driven platform."

### **Maximizing Reuse of SSA Research Publications**

The SSA plan states that, "Researchers must ensure that the final publication is permitted to be available in an SSA-designated repository." The 2022 OSTP Memorandum asks 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 these obligations, the SSA's policy should ensure the final publication carries full reuse rights, such as those provided by a [CC BY 4.0 International License](#) or its functional equivalent, not just the right for the publication to be made available in the repository. Full public reuse allows for broad sharing of the publication so that others can build on it, interrogate the results, perform text and data mining, and deploy AI and other computational technology.


To grant the public full reuse rights, the agency could rely on its existing Federal purpose license under [2 C.F.R. § 200.315\(b\)](#). Through the Federal purpose license, the agency already receives a license to any copyrighted work which authorizes it to make broad use of the work for federal purposes and to authorize others to do so.

If the SSA does not want to rely on the Federal purpose license, it could ensure it receives a license sufficient to grant the public reuse of the publication through the terms and conditions of the award that the grantee accepts. This requires: policy language, contract language (for the terms and conditions of the award), template language for covered works, and instructions for repositories designated for compliance. A more thorough explanation of these recommendations is available on our [website](#).

Requiring that this additional license be granted as a term and condition of funding ensures that the agency 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 agency's license, the agency's license remains intact, as is the case with the agency's Federal purpose license.

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

Sincerely,

A handwritten signature in black ink that reads "Katie M. Steen-James". The signature is written in a cursive style with a large, prominent initial "K".

Katie Steen-James  
Manager of Public Policy & Advocacy