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November 12, 2024

Alexis Masterson
U.S. Open Government Secretariat
Office of Government-wide Policy
General Services Administration

Re: Docket GSA-GSA-2024-0016

Dear Ms. Masterson:

SPARC is a non-profit advocacy organization that supports open and equitable systems for research and education. Our membership includes over 240 academic and research libraries across the U.S., ranging from community colleges to large research universities. SPARC believes that sharing knowledge is a fundamental human right, and that everyone should be able to access, contribute to, and benefit from the knowledge that shapes our world.

We appreciate the opportunity to participate in the comment process for the next National Action Plan. The recommendation below aligns with the "Access to Information" theme of the Open Government Challenge, and builds upon existing work already underway across U.S. federal agencies.

Recommended Commitment: *Ensure Immediate, Free Access to and Reuse of Government-funded Research and Educational Materials*

Problem Identification: Americans deserve immediate access to the \$90 billion in annual research funded by their tax dollars. Currently, journal articles reporting on this federally funded research are locked behind paywalls, limiting public access to the latest information and undermining transparency.

Beyond paywalls, the public also faces barriers to reusing this research. Restrictive licenses often prohibit critical activities like text and data mining, computational analysis, and evaluation of research integrity. These financial and licensing barriers directly undermine the core purpose of the public's research investment — to advance knowledge and benefit society.

In addition, the high costs of educational materials remain a significant problem, restricting access for many students and teachers. An open government commitment to make federally funded research immediately available and fully reusable, as well as to increase the creation and

adoption of open educational resources (OER), would help address these barriers. This would ensure the public can fully realize the benefits of their investment.

Opportunities to Build on Existing Work: The bipartisan work of previous administrations laid the groundwork for progress in this area. In August 2022, the White House Office of Science & Technology Policy (OSTP) issued [guidance](#) instructing federal agencies to make the results of their research immediately and freely available to the public.

As a result, agencies are now developing policies to ensure articles and data from federally funded research are made immediately available. Building on this landmark OSTP guidance, the U.S. government should commit to continued implementation in its 6th Open Government National Action Plan.

In addition, the National Action Plan should address barriers to reusing research articles. It should require that articles reporting on federally funded research carry full reuse rights. This would allow researchers, students, entrepreneurs, and businesses to unlock the full value of the taxpayer's research investment.

Innovative Approaches: The Departments of [Education](#) and [Labor](#) already require their grant-funded materials to carry open licenses, including for educational resources. Extending this approach to articles reporting on government-funded research would ensure these articles can be fully reused. Open licensing has proven successful in expanding access to educational materials through open educational resources (OER).

Another approach is to leverage the government's existing authority under [2 CFR 200.315\(b\)](#), known as the Federal Purpose License. This provides agencies a "royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes and to authorize others to do so." Some agencies, like the [Department of Energy](#), already rely on this to implement their public access policies.

A third option is to explicitly re-state the government's 2 CFR 200.315(b) reuse rights in the terms and conditions of awards. This would make the government's authorization for others to reuse the articles clear when grantees accept federal funding.

Resources and Recommendations:

- Impact of reuse for COVID-19 articles: [COVID-19 Open Research Dataset \(CORD-19\)](#)
- [Fact Sheet](#): The Federal Purpose License: What Campuses Need to Know
- [Statement](#) from higher education community on the Federal Purpose License
- Department of Education's [Quick Guide](#) on Open Licensing Requirement (includes benefits of open licenses)

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