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December 22, 2025

RE: SPARC Response to the OSTP Request for Information (RFI) titled *Accelerating the American Scientific Enterprise* (Federal Register Docket No. OSTP-TECH-2025-0100)

Dear Director Kratsios,

On behalf of SPARC, a non-profit advocacy organization with a membership of over 200 academic and research libraries across the United States, we thank you for the opportunity to provide input on accelerating the American scientific enterprise. SPARC believes that knowledge sharing is a public good and that everyone should be able to access, contribute to, and benefit from the knowledge that shapes our world. We have valued the opportunity to engage with OSTP across the past five administrations and appreciate the ability to provide input on matters related to open science and public access to federally-funded research.

We write to specifically address Question xii of the RFI: *"What policy mechanisms would ensure that the benefits of federally-funded research—including access to resulting technologies, economic opportunities, and improved quality of life—reach all Americans?"*

Research outputs that federal scientists and grantees produce are among the most valuable benefits of federal investments in research and development. These include scholarly manuscripts that report research results, data that provide evidence supporting those results, and code and software that process and analyze those data. To ensure these benefits truly reach all Americans, the federal government must guarantee that the results of taxpayer-funded research are made immediately and freely accessible and fully reusable to the public. We strongly support the foundation laid by the 2022 OSTP Public Access Memorandum titled: *Ensuring Free, Immediate, and Equitable Access to Federally Funded Research*. SPARC supports the Administration's efforts to continue implementing this policy, including the recent NIH effort aimed at accelerating its implementation.[1]

However, to optimize the promise of accelerating public access to the results of federally-funded research to the American people, and fully align with the Administration's recent Gold Standard Science goals of maximizing transparency and advancing research with artificial intelligence, agencies must adopt *specific implementation mechanisms* that prioritize the findability,

[1] Bhattacharya, J. 2025. *Accelerating Access to Research Results: New Implementation Date for the 2024 NIH Public Access Policy*. Available online: https://www.nih.gov/about-nih/nih-director/statements/accelerating-access-research-results-new-implementation-date-2024-nih-public-access-policy

accessibility, interoperability, and reusability of taxpayer funded research.[2] Meeting the Administration's goals will require policies that ensure all outputs resulting from federally-funded research, including manuscripts, data, and code, are shared openly and freely with the American public in machine-readable formats, and under legal terms that clearly enable their full reuse. In particular, SPARC recommends that OSTP adopt the the following policy mechanisms to ensure that the benefits of federally-funded research maximize impact and return on taxpayer investment:

1. Require Author Accepted Manuscript be Deposited into Open Repositories

Most agency public access policies instruct researchers and grantees to deposit their author accepted manuscripts (AAMs) into agency-hosted repositories, a compliance option that is free for both authors and readers. However, some agencies also allow for deposit of the author's final, published, open access article - which often requires authors to pay a significant fee to publishers. Often, researchers and their institutions use their federal grant support to pay these fees, resulting in wasteful spending when a free option exists. To reduce the burden on federally-funded authors, reduce costs, and ensure government-wide consistency and efficiency, agency policies should explicitly require that the AAM version of the article be deposited into agency-designated repositories.

While we fully support the use of federal agency-hosted repositories as a compliance mechanism, we also urge OSTP to guide agencies to also explicitly support university and institutional repositories (IRs) as an additional compliance option. Some agencies have long-running, robust agency designated public access repositories (i.e., NIH's PubMed Central, NSF's PAR, and DOE PAGES), while others are still developing repository strategies. IRs can play an important role reducing the compliance burden on researchers, and many often already use IRs to comply with institutional open access policies. Specifically, we encourage policy mechanisms that facilitate federal funding agencies' support of institutional repositories.

- **Action:** Agency public access policies should explicitly require depositing the Author Accepted Manuscript (AAM), and the data and code supporting those manuscripts, into agency-designated, open repositories, including institutional and agency repository options. Moreover, OSTP should work with OMB to develop mechanisms for federal funding agencies to provide financial incentives for institutional repositories that assist with compliance of federal public access policies. OSTP should develop a policy that ensures agency and institutional repositories that assist with public access compliance are fully interoperable and support the *Desirable Characteristics of Digital Publication Repositories*[3] and *Desirable Characteristics of Data Repositories for Federally Funded Research*.[4]

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[2] GO FAIR. 2025. *FAIR Principles*. Available online: https://www.go-fair.org/fair-principles/
[3] U.S. Repository Network. 2023. *Desirable Characteristics of Digital Publication Repositories*. Available online: https://sparcopen.org/wp-content/uploads/2022/10/Desirable-Characteristics-of-Digital-Publication-Repositories-APPROVED-20230331.pdf
[4] National Science and Technology Council. 2022. *Desirable Characteristics of Data Repositories for Federally Funded Research*. Available Online: https://doi.org/10.5479/10088/113528

- **Mechanism:** Institutional repositories are existing, robust infrastructure already supported by grants, universities, and research libraries. Federal agency repositories could be linked to these repositories for the purposes of satisfying obligations to share federally-funded research publications, data, code, and other R&D outputs.
- **Impact:** Requiring the AAM version of the article be submitted to repositories ensures that a no-cost compliance option is available to all federally-funded researchers. It creates consistency in agencies' public access implementation, making it easier on federally-funded authors who are navigating multiple federal funder requirements. Leveraging IRs for compliance with federal public access and data management and sharing policies also streamlines researcher workflows, reduces administrative burden, and supports administration scientific transparency and reproducibility goals.

2. Ensure Free, Immediate Deposit of Author Accepted Manuscripts

When grantees accept federal funding, they agree to grant the agency a license to their copyrighted works as a condition of that funding. This license, commonly referred to as the "Government Use License" or "Federal Purpose License" (FPL) ensures that authors retain the right to freely deposit their AAMs into agency designated repositories to comply with agency public access policies, and provides agencies the right to make those AAM's publicly available.[5]

However, when a researcher publishes an article in a journal, they are often asked to transfer their intellectual property rights to the journal publisher. This creates the impression that the journal publisher can dictate how the researcher complies with funder policies. In reality, the FPL takes precedence over any subsequent transfer of copyright by financial assistance recipients. Unfortunately, this precedent is not well understood by researchers, and an increasing number of publishers are telling authors they are required to pay exorbitant Article Processing Charges (APCs) in order to retain the rights to deposit their manuscripts in agency repositories.

Current federal public access policies *do not require authors to pay APCs to comply with agency public access policies.* Doing so would place an unsustainable burden on researchers, and ultimately increase the cost of research borne by taxpayers by forcing researchers to draw APC's from their research award funds. (See SPARC's recent response to the NIH's Request for Information on Maximizing Research Funds by Limiting Allowable Publishing Costs[6] addressing this in more detail.)

SPARC strongly endorses all federal agencies moving away from paying APCs altogether in concert with efforts to reform research incentives to explicitly support open sharing of research outputs. These actions support a shift away from paying for prestige publishing, and toward a

[5] Authors Alliance. 2025. *Open Access and U.S. Federal Information Policy*. Available Online: https://doi.org/10.2139/ssrn.5020096
[6] National Institutes of Health. 2025. *NOT-OD-25-138: Request for Information on Maximizing Research Funds by Limiting Allowable Publishing Costs*. Available online: https://grants.nih.gov/grants/guide/notice-files/NOT-OD-25-138.html

system where open access is provided through cost-effective means that are aligned with the best interest of researchers, universities, and the American scientific enterprise.

- **Action:** In their public access policies, agencies should explicitly state that the Federal Purpose License is reserved from the beginning by the terms and conditions of the relevant award, agreement, or grant and takes precedence over any subsequent transfer of copyright by the federally-funded author or financial assistance recipient. Therefore, agency-funded authors have the prior right to freely submit author accepted manuscripts and metadata to an agency-designated repository and not be in violation of any publisher copyright agreement. This statement is consistent with the language already included in the Department of Energy's (DOE) Public Access Plan.[7]
- **Mechanism:** Under 2 CFR 200.315(b), the federal government holds a "Federal Purpose License" to copyrighted works created with grant funds. The license states: "To the extent permitted by law, the recipient or subrecipient may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. The Federal agency reserves 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. This includes the right to require recipients and subrecipients to make such works available through agency-designated public access repositories".[8]
- **Impact:** Mechanisms that rely on APCs introduce unnecessary and unsustainable costs into the compliance process for agency public access policies. Ensuring that agencies vigorously assert their Federal Purpose Licenses, and that federally-funded authors understand their rights, ensure that publicly-funded scientific knowledge can be made available to the public in a cost-effective manner, and serve as a shared resource for all Americans.

3. Guarantee Broad Reuse of Research Outputs

Ensuring public access to scholarly publications is not just about guaranteeing their availability for the public to read, it is also about ensuring their full *utility*. To fuel economic opportunity, research articles and other outputs must also be made available for next-generation technology (especially advanced AI) to use for text-mining, computation, model training, and analysis. For example, the Administration's newly announced Genesis Mission will require troves of federally-funded research data, code, and publications to fuel training of the frontier AI models and discoveries that the Administration aspires to deliver.

While the 2022 OSTP Public Access policy requires research outputs be made immediately and freely available to the public, it does not clearly specify the modality under which that occurs. Since use of publications, code, and data by the Genesis Mission would constitute a federal

[7] Department of Energy. 2023. *Public Access Plan*. Available online: https://doi.org/10.11578/2023DOEPublicAccessPlan
[8] 2 CFR 200.315. *Intangible Property*. Available online: https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR8feb98c2e3e5ad2/section-200.315

purpose, SPARC believes the most appropriate mechanism that limits taxpayer expense and maximizes reuse is by Federal agencies asserting the Federal Purpose License to those research outputs. These recent White Papers[9] lay out the legal and practical arguments for use of this mechanism.

- **Action:** Agencies must explicitly assert the "Federal Purpose License" in their funding agreements to authorize the public to fully reuse research articles (e.g., for computational analysis). In particular, we recommend that OSTP and OMB require this language in funding agreements, similar to terms already incorporated by some agencies in their award conditions (including the NIH)[10]: "Recipient grants to [AGENCY], a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use and reuse any work produced with funding from this award for Federal purposes and authorizes others to do so. This grant of rights includes the right to make all final, peer-reviewed manuscripts and all data, code, or other intangible property produced by the recipient with funding from this award publicly available in a [AGENCY] designated repository."
- **Mechanism:** Under 2 CFR 200.315(b), the federal government already holds a "Federal Purpose License" to use and authorize others to use copyrighted works created with grant funds. The FPL specifically aims to return some of the value of intellectual property created by investment of federal funds back to the public[5] and can be used to provide machine readability and full reuse rights to federally-funded research outputs.
- **Impact:** Use of the FPL ensures that taxpayer-funded publications, data, and other research results are not locked away from the entrepreneurs, companies, students, and independent researchers who are essential to the Genesis Mission and the broader American innovation engine. Moreover, in the spirit of reducing waste, fraud, and abuse, asserting the FPL removes the incentives to commercial publishers from double-dipping into taxpayer-supported programs by selling the government back the rights to analyze its own funded research.

4. Enhance the Utility of Research Outputs Using Persistent Identifiers (PIDs)

Ensuring that the results of taxpayer research are made freely available and fully reusable via open repositories is the first step in unlocking their full value. To track federal investments, make federally-funded research outputs more discoverable, and support reuse of those outputs, federal agencies should require the consistent use of persistent identifiers (PIDs) and metadata standards. In 2024, SPARC partnered with the Open Research Funders Group and the Research Data Alliance to develop a blueprint towards a national strategy for PIDs[11] that encourages the use of PIDs throughout the research production pipeline, including ORCID iDs for individual researchers, ROR IDs for funding organizations and grant-receiving institutions,

[9] Authors Alliance. 2025. *Legal Pathways to Open Access*. Available online: https://www.authorsalliance.org/legal-pathways-to-open-access/
[10] NIH. 2024. *NOT-OD-25-049: Supplemental Guidance to the 2024 NIH Public Access Policy: Government Use License and Rights.* Available online: https://grants.nih.gov/grants/guide/notice-files/NOT-OD-25-049.html
[11] Open Research Funders Group. 2024. *Developing a US National PID Strategy.* Available online: https://www.doi.org/10.5281/zenodo.10811008

DOIs for datasets and publications, and DOIs for all research and development awards and contracts.

There is already broad support for the use of PIDs within agencies. Section 4 of the 2022 OSTP Public Access Memo requires digital persistent identifiers to be attached to aspects of the research lifecycle including for grants, people, organizations, and outputs. Though implementation of Section 4 is not required until 2027, many agencies are integrating PIDs into various workflows to realize the benefits – enabling trustworthy reuse of research information, providing more quality control, enhancing research security, and more in-depth understanding of federal investments in research.

Providing PID services for internal use and for other federal agencies over 15 years, DOE is a leader both within the U.S. government and globally. They were the first federal agency to begin assigning PIDs to awards (primarily in-kind awards to use DOE user facilities) through their Award DOI Service to better track the downstream impact of facility use and the resulting research outputs. Though this service has been a success, use of PIDs for awards by other federal agencies has been limited. A government-wide PID strategy modeled after DOE's will facilitate tracing the lineage of a discovery from funding to research outputs to commercialization.

- **Action:** Develop a service that assigns every federal R&D award and intramural project a unique, persistent identifier in a single, centralized location at the time of issuance. These PIDs should then be permanently linked to all downstream outputs (publications, datasets, software) through their associated metadata. To maximize benefits and ensure parity between government-conducted science and external research, the PID strategy should apply to both intramural and extramural federally-funded research.
- **Mechanism:** We recommend that OSTP work with OMB, in consultation with DOE's Office of Scientific and Technical Information (OSTI) to establish a shared-service approach for creating and managing PIDs for funding awards across all agencies. As articulated in the 2022 OSTP Public Access Memo, the PIDs must meet the definition of a digital persistent identifier included in National Security Presidential Memo 33 Implementation Guidance.[12]
- **Impact:** A unified PID strategy for federal R&D funding is the technical backbone required to eliminate agencies building redundant silos to track their research awards and associated grantee organizations, investigators, and research outputs. Such a system will allow all agencies to "speak the same language" when tracking research outcomes, facilitate Congressional and OMB oversight of research, significantly reduce administrative burden on agencies, researchers, and the public, and increase the government's ability to measure the real-world impact of taxpayer investments.

[12] National Science and Technology Council. 2022. *Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) on National Security Strategy for the United States Government-Supported Research and Development*. Available online: https://bidenwhitehouse.archives.gov/wp-content/uploads/2022/01/010422-NSPM-33-Implementation-Guidance.pdf

Once again, we thank OSTP for the opportunity to respond to this RFI. SPARC stands ready to work with OSTP and all federal agencies to advance policy mechanisms that truly serve American research and the public interest. Please do not hesitate to reach out to us with questions about this response.

Sincerely,

Carly Robinson
Senior Policy Fellow
SPARC