



# FASEB

Federation of American Societies  
for Experimental Biology

## Representing Over 110,000 Researchers

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August 6, 2024

Lyric Jorgenson, PhD  
Associate Director for Science Policy  
The National Institutes of Health  
6705 Rockledge Drive, Suite 630  
Bethesda, MD 20892

**RE: Request for Information: National Institutes of Health Draft Public Access Policy**

*Comments transmitted electronically via RFI web portal and e-mail, [lyric.jorgenson@nih.gov](mailto:lyric.jorgenson@nih.gov)*

Dear Dr. Jorgenson,

The Federation of American Societies for Experimental Biology (FASEB) appreciates the opportunity to provide comments to the Request for Information (RFI) regarding the National Institutes of Health (NIH) Draft Public Access Policy ([NOT-OD-24-144](#)) and supplemental guidance related to government use license and rights and publication costs. As a coalition of 22 scientific societies collectively representing over 110,000 biological and biomedical researchers, we recognize the pivotal role of public access in fostering a more equitable, efficient, and collaborative research ecosystem.

FASEB commends NIH's efforts to engage with stakeholders throughout the policy development process, including its initial Public Access Plan issued in February 2023. FASEB's comments build upon our [previous feedback](#) on this plan, offering suggestions for improved clarity to facilitate effective implementation. Recognizing the time constraints outlined in the Office of Science and Technology Policy (OSTP) [2022 memorandum](#), we encourage NIH to share an implementation plan upon finalizing the policy and provide an opportunity for public comment. This approach aligns with the goals of the public access policy to foster trust and transparency and could enhance policy compliance by providing stakeholders with sufficient time to review and prepare for the proposed October 1, 2025 effective date.

**Comments on the Draft Public Access Policy:**

FASEB applauds the proposed policy's emphasis on peer-reviewed publications, as peer review and scientific integrity are inextricably linked and remain a central part of the science communication process. As the scholarly landscape continues to evolve, the following recommendations aim to ensure that the final policy acknowledges the complexities of various publishing models, minimizes administrative burden for investigators, and prioritizes the needs of underserved researchers and institutions.

*Definitions*

The draft policy's definition of "manuscript" remains unclear and could lead to confusion for the research community. As stated in our previous comments, FASEB recommends specifying whether review articles, perspectives, commentaries, and/or editorials fall under the scope of the policy. Many of these

manuscripts are developed outside of research grants but are still subject to a journal's peer review process, creating a contradiction between two major aspects of the policy as written (emphasis ours): "*The NIH Public Access Policy applies to any Manuscript accepted for publication in a journal, on or after October 1, 2025, that is the **result of funding by NIH in whole or in part...***" and the proposed definition of manuscripts: "*The author's final version that has been accepted for journal publication and includes all revisions **resulting from the peer review process...***". To avoid inadvertent publisher policy changes and potentially higher costs for authors, it would be beneficial to clarify the manuscript types in the policy definition.

### Requirements

While FASEB appreciates the policy's clear listing of requirements, we believe additional requirements related to persistent identifiers will advance the agency's goal of improving the discoverability and transparency of research. Echoing our previous comments, FASEB recommends requiring grantees to have an Open Researcher and Contributor ID (ORCID) to enable greater interoperability between investigators and their work. Considering NIH's current use of this identification system via SciENcv and eRA has been effective thus far, expanding the requirement will foster an even more connected ecosystem of data, grants, publications, and institutions. More importantly, requiring ORCID could facilitate the agency's ongoing efforts to track grant funding and research outputs in a streamlined manner, alleviating administrative burden for both NIH and researchers. FASEB recommends evaluating the impacts of the 2019 policy ([NOT-OD-19-109](#)), which required individuals supported by research training, fellowship, research education, and career development awards to have an ORCID, to inform the broader policy for all grantees.

As another cost-effective approach, FASEB also encourages NIH to assign a digital object identifier (DOI) for all grants to strengthen interconnectivity between funding sources, data, publications, and other research outputs. Multiple federal agencies (Department of Energy, National Institute of Standards and Technology, etc.) already have this infrastructure in place and are using it with great success, which can facilitate a seamless transition for NIH. FASEB encourages the final policy to reflect this new requirement that will have positive ramifications for all research stakeholders.

### Compliance and Enforcement

To ensure adequate compliance and enforcement of the public access policy, FASEB strongly recommends publishing a detailed implementation plan with a public comment period. This is particularly important given OSTP's ambitious timeline. Stakeholders need sufficient lead time to develop and negotiate potential new licensing agreements for manuscript deposition, among other plans before the effective date. In many cases, this will require significant coordination with the National Library of Medicine (NLM), which holds agreements with various publishers that are also depositing accepted manuscripts or final published articles into PubMed Central. Issuing an implementation plan acknowledges the challenges institutions, publishers, and NLM are facing to comply with the policy while providing the time and information they need to allocate resources and staff accordingly.

### **Comments on the Draft Guidance on Government Use License and Rights:**

Ensuring research is properly attributed while encouraging broader reuse opportunities is an essential balance necessary for scientific integrity and research transparency. FASEB reaffirms its support for

researchers having the academic freedom to choose where they communicate and share their findings, including their preferred choice of journal or license for reuse. Without researcher input on derivatives produced from their work or the parties that create those derivatives, scientific findings could be misrepresented, potentially undermining the investigator, funding agencies, and scientific integrity.

While we appreciate the draft policy not requiring researchers to apply a specific license to their final published articles, the terms “derivatives” and “reuse rights” could be further specified to ensure works are appropriately used and scientific integrity is protected. Similar to the current draft’s delineation of “manuscript” and “article,” FASEB recommends adding definitions for “derivatives” and “reuse rights” with language that underscores researchers’ rights and ensures derivatives do not adversely affect scientific integrity.

### **Comments on the Draft Guidance on Publication Costs:**

FASEB commends NIH for stating that “allowable” costs associated with publications in budget requests can derive from direct or indirect funds, a key position highlighted in our previous comments. Given the rapid growth of new publishing models and open science infrastructure, FASEB appreciates the guidance’s inclusion of examples of unallowable costs and “points to consider” for authors and institutions. However, considering the disparities faced by underserved populations—such as researchers from historically excluded backgrounds, early-stage investigators, and lower-resource institutions—FASEB suggests enhancing this guidance by making commitments to support these groups during policy implementation. Specific details could be further outlined in the implementation plan, including education plans for program officers that focus on promoting equity in publication opportunities, outreach strategies to improve awareness of the policy, and resources for investigators and institutions that may lack the administrative capacity to support publication efforts.

### **Conclusion**

FASEB appreciates NIH’s efforts to engage with stakeholders on this important topic and looks forward to future updates. To ensure compliance with the final policy is feasible for researchers and institutions of all backgrounds and capacities, we strongly encourage developing an implementation plan informed by stakeholder feedback. Clear guidelines and stakeholder participation are crucial to advance the community’s shared goal of promoting scientific integrity and research equity.

Sincerely,

A handwritten signature in black ink that reads "Beth A. Garvy". The signature is written in a cursive, flowing style.

Beth A. Garvy, PhD  
FASEB President