Revised Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research

Notice Number: NOT-OD-08-033

(See Notice NOT-OD-08-119 Revised Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research)
(See Notice NOT-OD-08-057)

Key Dates
Release Date: January 11, 2008
Effective Date: April 7, 2008

Issued by
National Institutes of Health (NIH), (http://www.nih.gov/)

Department of Health and Human Services

Action
Notice; Revised Policy Statement

Summary
In accordance with Division G, Title II, Section 218 of PL 110-161 (Consolidated Appropriations Act, 2008), the NIH voluntary Public Access Policy (NOT-OD-05-022) is now mandatory. The law states:

The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine’s PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication:
Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.

Specifics

1. The NIH Public Access Policy applies to all peer-reviewed articles that arise, in whole or in part, from direct costs funded by NIH, or from NIH staff, that are accepted for publication on or after April 7, 2008.

2. Institutions and investigators are responsible for ensuring that any publishing or copyright agreements concerning submitted articles fully comply with this Policy.

3. PubMed Central (PMC) is the NIH digital archive of full-text, peer-reviewed journal articles. Its content is publicly accessible and integrated with other databases (see: http://www.pubmedcentral.nih.gov/).

4. The final, peer-reviewed manuscript includes all graphics and supplemental materials that are associated with the article.

5. Beginning May 25, 2008, anyone submitting an application, proposal or progress report to the NIH must include the PMC or NIH Manuscript Submission reference number when citing applicable articles that arise from their NIH funded research. This policy includes applications submitted to the NIH for the May 25, 2008 due date and subsequent due dates.

Compliance

Compliance with this Policy is a statutory requirement and a term and condition of the grant award and cooperative agreement, in accordance with the NIH Grants Policy Statement For contracts, NIH includes this requirement in all R&D solicitations and awards under Section H, Special Contract Requirements, in accordance with the Uniform Contract Format.

Inquiries

Send questions concerning this Notice or other aspects of the NIH Public Access Policy to:
1 Costs that can be specifically identified with a particular project or activity. NIH Grants Policy Statement, Rev. 12/2003; http://grants.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part2.htm#_Toc54600040

Note: For help accessing PDF, RTF, MS Word, Excel, PowerPoint, RealPlayer, Video or Flash files, see Help Downloading Files.
Reminder Concerning Grantee Compliance with Public Access Policy and Related NIH Monitoring Activities

**Notice Number:** NOT-OD-08-119

**Key Dates**
Release Date: September 23, 2008

**Other Relevant Notices**
- January 11, 2008, (NOT-OD-08-033) - Revised Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research

**Issued by**
National Institutes of Health (NIH), ([http://www.nih.gov](http://www.nih.gov))

**Purpose**
This Notice describes NIH Public Access Policy compliance monitoring efforts for Fiscal Year (FY) 2009. It also provides important reminders concerning grantee demonstration of compliance and the location of citations for papers in applications, proposals and progress reports. Grantees are responsible for compliance with the Policy, including ensuring that any publishing or copyright agreements permit submission to PubMed Central in accord with the Policy.

**NIH Compliance Monitoring**
In FY2009, Program Directors/Principal Investigators (PDs/PIs) will be notified via an email from the Program Official if citations of papers included in applications, proposals or progress reports appear to fall under the Policy but lack a demonstration of compliance as described below. The citations of concern will be explicitly listed. The Institutional Business Official will be copied on the email.

The PD/PI will be asked to respond via email to both the Program Official and the Institutional Business Official with confirmation that papers listed in the email are in compliance. Confirmation should include the citation for the paper plus the appropriate identifier as described below under Demonstrating Compliance. If the paper is not covered by the Policy, the PD/PI should provide an appropriate explanation (e.g., manuscript was accepted for publication prior to April 7, 2008; the paper was not peer-reviewed). Grantees are reminded that compliance with the Policy is a Term and Condition of the award.

**Reminder: Demonstrating Compliance**
Grantees are reminded to demonstrate compliance with the Public Access Policy when submitting an application, proposal, or progress report to the NIH. Grantees should include the PubMed Central (PMC) reference number (e.g., PMC234567) for each paper that was authored or co-authored by the applicant or arose from their NIH award, and that falls under the Policy.

If the PubMed Central reference number (PMCID) is not available because the paper has not been published yet, authors should use the NIH Manuscript Submission reference number (e.g., NIHMS97531). If the PMCID is not available because the Journal submits articles directly to PMC on behalf of their authors, applicants should indicate "PMC Journal - In Process." Grantees may only indicate "PMC Journal - In process" if the journal is on this list: ([http://publicaccess.nih.gov/submit_process_journals.htm](http://publicaccess.nih.gov/submit_process_journals.htm), or the grantee or author has made arrangements with a publisher on this list ([http://publicaccess.nih.gov/select_deposit_publishers.htm](http://publicaccess.nih.gov/select_deposit_publishers.htm)) to post a paper directly to PMC.

The PMCID is posted in PubMed as soon as an article has been successfully processed by PMC, which usually occurs around the time of publication. PMCIDS are listed in the lower right corner of the AbstractPlus view of PubMed ([http://www.ncbi.nlm.nih.gov/PubMed](http://www.ncbi.nlm.nih.gov/PubMed)). If the paper is not yet publicly available on PMC, PubMed will also list the date the paper will become available. NIH provides other methods of obtaining PMCIDS (e.g., [http://www.ncbi.nlm.nih.gov/sites/pmctopmid](http://www.ncbi.nlm.nih.gov/sites/pmctopmid)), as do several bibliography management software packages.

NIH expects citations in an application, proposal or report to include the most up-to-date information concerning the status of compliance with the Public Access Policy. The NIH Manuscript Submission reference number or "PMC Journal - In Process" should not be used once the PMCID is available. However, previously submitted applications, proposals and reports need not be updated when the PMCID becomes available.
Reminder: Location of Literature Citations

Annotations demonstrating compliance with the NIH Public Access Policy should be placed at the end of each applicable publication citation in every application, proposal or report. The appropriate locations for literature citations vary depending on the application type. Applicants/grantees are strongly encouraged to follow existing application instructions which are summarized in the tables below:

### Competing Applications

<table>
<thead>
<tr>
<th>Submission Format</th>
<th>New Application</th>
<th>Renewal (in addition to requirements for new applications)</th>
<th>Biographical Sketch</th>
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<tr>
<td><strong>SF 424 (R&amp;R)</strong></td>
<td>Provide in Item 8 (Bibliography &amp; References Cited) of the R&amp;R Other Project Information a bibliography of any references cited in the Project Narrative.</td>
<td>List publications, manuscripts accepted for publication and other printed materials that resulted from the project since last reviewed competitively in the Progress Report Publication List of the Research Plan.</td>
<td>Provide selected peer-reviewed publications or manuscripts in press in Section B of the Biographical Sketch upload of the R&amp;R Senior/Key Person Profile.</td>
</tr>
<tr>
<td><strong>SF 424 (R&amp;R) SBIR</strong></td>
<td>Provide in Item 8 (Bibliography &amp; References Cited) of the R&amp;R Other Project Information a bibliography of any references cited in the Project Narrative.</td>
<td>Phase II applicants only should list the titles and complete references to all appropriate publications, manuscripts accepted for publication, and other printed materials, if any, that resulted from the Phase I effort, in the Progress Report Publication List of the Research Plan.</td>
<td>Provide selected peer-reviewed publications or manuscripts in press in Section B of the Biographical Sketch upload of the R&amp;R Senior/Key Person Profile.</td>
</tr>
<tr>
<td><strong>PHS 398</strong></td>
<td>Provide in the Bibliography and References Cited section of the Research Plan, a bibliography of any references cited in the Project Summary and Relevance section on Form Page 2.</td>
<td>Provide in the Progress Report Publication List of the Research Plan, a list of publications, manuscripts accepted for publication and other printed materials that resulted from the project since last reviewed competitively.</td>
<td>Provide selected peer-reviewed publications or manuscripts in press in the Biographical Sketch.</td>
</tr>
<tr>
<td><strong>PHS 398 Career Development Award Application (CDA)</strong></td>
<td>Provide in the Bibliography and References Cited section of the Research Plan, a bibliography of any references cited in the Project Summary and Relevance section on Form Page 2.</td>
<td>Provide in the Progress Report Publication List of the Research Plan, a list of publications, manuscripts accepted for publication and other printed materials that resulted from the project since last reviewed competitively.</td>
<td>List all publications in the Biographical Sketch. Identify publications in the Biographical Sketch with a double asterisk if published during the previous period of support.</td>
</tr>
<tr>
<td><strong>PHS 398 Training Application</strong></td>
<td>Provide papers authored by trainees or potential trainees in Table 6 (Publications of Research completed by Trainees).</td>
<td>Update Table 6 with publications of trainees through the time that they complete their training. Refer to instructions in 398, Part II, 8.9.6.</td>
<td>List Program Director publications in the Biographical Sketch.</td>
</tr>
</tbody>
</table>

### Noncompeting Continuation Progress Reports

<p>| <strong>PHS 2590</strong> | Report publications resulting directly from the grant that have not previously been reported, on Form Page 5 under a subheading E. Publications. |
| <strong>PHS 2590 CDA</strong> | Report publications resulting directly from the grant that have not previously been reported, on Form Page 5 under a subheading E. Publications. |</p>
<table>
<thead>
<tr>
<th>PHS 2590 Institutional Training Grant</th>
<th>List all trainee publications not previously reported, including those by former trainees still in research training, on Form Page 5, under C. Trainees.</th>
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</thead>
<tbody>
<tr>
<td>eSNAP</td>
<td>When an eRA Commons eSNAP is initiated, a list of publications is automatically pulled into the Upload Science screen, for potential inclusion in the progress report, from two sources. First, eRA Commons pulls citations from the NIH Manuscript Submission system (including the appropriate PMCIDs and NIHMSIDs) that can be attributed to any PD/PI identified on the Notice of Award. Second, the list contains all manual entries from the Publications section of all PDs/Pis Personal Profiles. These manual entries are displayed with the Citation Source of “PD/PI Entered” both within the eSNAP and within the Publications section of the user’s Personal Profile. Users must carefully review the publication list and “check” the checkbox of all citations to be associated with the report. The eSNAP user also has the option to manually add additional citations from within eSNAP. When manually entering citations, users should include the appropriate identifier as described above under Demonstrating Compliance. It is important to verify that the NIH Manuscript Submission System Status shows “AVAILABLE” on the Upload Science page when preparing and submitting the eSNAP report to ensure that all appropriate citation information is included in the report.</td>
</tr>
<tr>
<td>PHS 416-9 Individual Fellowship</td>
<td>List publications on Form Page 2 under 17.B. Progress.</td>
</tr>
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### Final Progress Reports

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<tr>
<td>PHS 416-7 NRSA Termination Notice (trainees and fellows)</td>
<td>List any publications resulting from research during the period of the training in block 8 on form 416-7.</td>
</tr>
</tbody>
</table>

### Resources


### Inquiries

Office of Extramural Research  
National Institutes of Health  
1 Center Drive, Room 144  
Bethesda, MD 20892-0152  
Email: PublicAccess@nih.gov  
Website: [http://publicaccess.nih.gov](http://publicaccess.nih.gov)

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Weekly TOC for this Announcement  
NIH Funding Opportunities and Notices

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Office of Extramural Research (OER)  
National Institutes of Health (NIH)  
9000 Rockville Pike  
Bethesda, Maryland 20892  
Department of Health and Human Services (HHS)
Note: For help accessing PDF, RTF, MS Word, Excel, PowerPoint, RealPlayer, Video or Flash files, see Help downloading files.
SPO’s Interim Guidance – NIH Public Access Policy

(updated December 2008)

What is the NIH Public Access Policy?


The NIH Public Access Policy ensures that the public has access to the published results of NIH funded research. It requires scientists to submit journal final peer-reviewed manuscripts that arise from NIH funds to the digital archive PubMed Central. The Policy requires that these articles be accessible to the public on PubMed Central to help advance science and improve human health.

As of April 7, 2008, the NIH requires that all journal articles that have been accepted after April 7, 2008 and that have been funded in whole or in part by NIH funds be submitted to the digital archive PubMed Central through the NIH Manuscript Submission (NIHMS) system. The following criteria apply to your journal article if was supported by NIH:

- Supported from direct costs (in whole or in part) on an NIH grant or cooperative agreement active on October 1, 2007 and beyond. (This includes multi-investigator, multi-site and multi-institutional research, training and instructional grants and contracts.)
- Supported by direct costs on a contract signed after April 7, 2008.
- Directly funded by an NIH Intramural Program or if NIH pays your salary.

Compliance with this Policy is a statutory requirement and a term and condition of the grant or cooperative agreement award.

Compliance with the NIH Public Access Policy is not a factor in the scientific and technical merit evaluation of grant applications. Non-compliance will be addressed administratively, and may delay or prevent awarding of funds.

What Do I Need to Do?

- As of May 25, 2008, NIH applications, proposals and progress reports must include the PubMed Central reference number when citing an article that is covered by the policy.
- The Principal Investigator and the Institution are responsible for ensuring that all articles authored or co-authored by the investigator or arose from the award, are submitted to PubMed Central. Even if the PI is not an author on the article, they are responsible for ensuring compliance with this condition of award.
- All peer-reviewed journal articles, research reports and reviews are covered by the policy – not editorials, book chapters, and other non-peer reviewed publications.
- The article must be made available to the public no later than 12 months of journal publication.

How Do I Comply?

- If you submit articles to one of the journals listed on the NIH Public Access home page that will submit the article upon publication to PubMed Central, no further action is needed on your part. It is your responsibility to check PubMed to make sure it has been submitted.
- If you are NOT submitting to one of these journals, you will need to submit or ensure that others have submitted to PubMed Central.
  o Inform the journal that the article is subject to the Public Access Policy using the University of California, Office of the President (UCOP) Letter to Publishers.
  o Ensure that any copyright or other agreement allows the article to be submitted to NIH.
  o Go on-line to NIH Manuscript Submission homepage and submit your journal final peer-reviewed manuscripts

Attachments

- UCOP Policy on the NIH Public Access Policy and the UCOP Letter to Publishers

New: If you are submitting through LBNL Report Coordination Office, and identify NIH funding, your publication will be submitted for you.
TO: CONTRACT AND GRANT OFFICERS

Subject: NIH Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research (PubMed)

Background

On January 11, 2008, the Department of Health and Human Services revised their voluntary Public Access Policy, Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research, to make it mandatory. This new policy takes effect on April 7, 2008. This change implements a provision in public law (Consolidated Appropriations Act, 2008) that directs the NIH to require all investigators funded by the NIH to submit or have submitted for them to the National Library of Medicine’s PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication. The NIH must implement this requirement in a manner consistent with copyright law.

NIH provided the following summary of this new law in their Notice Number NOT-OD-08-033:

“In accordance with Division G, Title II, Section 218 of PL 110-161 (Consolidated Appropriations Act, 2008), the NIH voluntary Public Access Policy (NOT-OD-05-022) is now mandatory. The law states:

“The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine’s PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.”

Guidance

*Note: The addressees above represent the standard distribution of Contract and Grant Memos. Additional addressees, if any, may be added based on the subject of the Memo. See cc’s.
1. The NIH Public Access Policy applies to all peer-reviewed articles that arise, in whole or in part, from direct costs funded by NIH, or from NIH staff, that are accepted for publication on or after April 7, 2008.

2. Institutions and investigators are responsible for ensuring that any publishing or copyright agreements concerning submitted articles fully comply with this Policy.

3. PubMed Central (PMC) is the NIH digital archive of full-text, peer-reviewed journal articles. Its content is publicly accessible and integrated with other databases (see: http://www.pubmedcentral.nih.gov/).

4. The final, peer-reviewed manuscript includes all graphics and supplemental materials that are associated with the article.

5. Beginning May 25, 2008, anyone submitting an application, proposal or progress report to the NIH must include the PMC or NIH Manuscript Submission reference number when citing applicable articles that arise from their NIH funded research. This policy includes applications submitted to the NIH for the May 25, 2008 due date and subsequent due dates.

6. Failure to comply with this policy may jeopardize an investigator’s future NIH funding.

**Compliance**

Compliance with this Policy is a statutory requirement and a term and condition of the grant award and cooperative agreement, in accordance with the *NIH Grants Policy Statement*. For contracts, NIH includes this requirement in all R&D solicitations and awards under Section H, Special Contract Requirements, in accordance with the Uniform Contract Format.

In order to comply with this requirement, UC investigators should enclose the attached letter signed by William Tucker, Executive Director, Office of Technology Transfer and Research Administration, University of California, Office of the President, with any articles submitted to publishers for possible publication. This letter gives notice to the publishers that if accepted for publication the article will be required by law to be posted on PubMed. If this letter is not submitted to the publisher at the time the article is sent in for review, it must be submitted along with any publication agreement signed by a UC investigator.

Campuses should notify their investigators of this new requirement.

Certain publishers have agreed to automatically submit articles to PubMed Central on behalf of the authors. The list of these publishers can be accessed at: http://publicaccess.nih.gov/submit_process_journals.htm. However, the investigator should always verify that their published article is submitted to PubMed Central in compliance with this law.
If an investigator’s publisher is not on NIH’s list of publishers that automatically submit articles to PubMed Central, then it is the investigator’s responsibility to submit their article to PubMed and verify that their article was received.

Additional information on the NIH Public Access Policy can be obtained by contacting the NIH Office of Extramural Research via e-mail at: PublicAccess@nih.gov, or accessing their website at: http://publicaccess.nih.gov.


Another excellent source of information on this requirement is your University Librarian or your library’s Scholarly Communications Officer.

Please be advised that this is only addressing the minimum requirements of the law. Broader issues of what additional rights should be secured for NIH and UC are being debated within the university community. UC will consider these issues and may publish additional guidance.

Kathleen P. Babcock, J.D.
Coordinator, Government Contracts & Grants
(510) 987-9840
Kathleen.babcock@ucop.edu
www.ucop.edu/raohome/

Attachment: Letter to Publishers from William Tucker

cc: Gary Lawrence, UCOP
    Mary MacDonald, OGC
    University Librarians
March 6, 2008

Dear Publisher:

The research reported in this manuscript has been funded through the National Institutes of Health and therefore its publication must comply with Public Law 110-161 of the Consolidated Appropriations Act of 2008, which can be found in Division G, Title II, Section 218 of PL 110-161.

Specifically, the law states:

"The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication. Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law."

The NIH Public Access Policy, which implements this law, can be viewed at (http://grants.nih.gov/grants/guide/notice-files/NOT-OD-08-033.html).

In order to ensure compliance with the NIH policy, the University of California, in cooperation with the author, must provide a copy of the author's final manuscript, including all modifications from the publishing and peer review process, to the NLM's PubMed Central (PMC) database at the time the manuscript is accepted for publication, and also authorize NIH to make such copy of the manuscript available in digital form for public access in PMC no later than 12 months after publication.

By accepting this manuscript, you agree to accept these terms and agree they are paramount and supersede any provisions in any publication agreement for this article, already signed or to be signed at a later date, that may conflict.

Sincerely,

[Signature]

William T. Tucker
Executive Director
Research Administration and Technology Transfer
Submission Methods

There are four methods to ensure that an applicable paper is submitted to PubMed Central (PMC) in compliance with the NIH Public Access Policy. Authors may use whichever method is most appropriate for them and consistent with their publishing agreement.

**Method A: Publish in a journal that deposits all final published articles in PubMed Central (PMC) without author involvement.**

Some journals automatically deposit all NIH-funded final published articles in PubMed Central, to be made publicly available within 12 months of publication, without author involvement. See the list of these journals at [http://publicaccess.nih.gov/submit_process_journals.htm](http://publicaccess.nih.gov/submit_process_journals.htm).

**Method B: Make arrangements to have the publisher deposit a specific final published article in PubMed Central.**

Some publishers will deposit an individual final published article in PubMed Central upon author request, and generally for a fee. See the list of publishers at [http://publicaccess.nih.gov/select_deposit_publishers.htm](http://publicaccess.nih.gov/select_deposit_publishers.htm).

**Method C: Deposit the final peer-reviewed manuscript in PubMed Central yourself via the NIH Manuscript Submission System (NIHMS).**

Submitting a final peer-reviewed manuscript to PubMed Central (PMC) via the NIHMS involves three tasks, as explained below. Task 1 may be done by an author or by someone in the author’s organization (e.g., an assistant or a librarian). *Tasks 2 and 3 must be done by the author.*

For a video of this process, see [Submitting an Article to PubMed Central](http://publicaccess.nih.gov/submit_process_journals.htm) (WMV Video - 12:01) ([Help Viewing Captions](http://publicaccess.nih.gov/submit_process_journals.htm)).

**Task 1: Deposit Manuscript Files and Link to NIH Funding**

Upload a copy of the accepted final peer-reviewed manuscript and associated files (e.g., Microsoft Word document and figures) via the NIHMS. At the same time, identify the NIH funding associated with the manuscript. It usually takes less than 10 minutes to complete this task.

**Task 2: Authorize NIH to Process the Manuscript**

The author designates the number of months after publication when the manuscript may be made publicly available in PMC. The author then signs off, via the NIHMS, on a statement that confirms that the deposit of the manuscript is consistent with any publication and copyright agreements, and that NIH may begin processing the manuscript for use in PMC.
Task 3: Approve the PMC-formatted Manuscript for Public Display

The NIHMS will convert the deposited files into a standard PMC format, and email the author to approve the PMC-formatted manuscript for public display. The author reviews and approves the PMC-formatted manuscript via the NIHMS. Corrections to the manuscript, if necessary, may be requested at this time.

Following completion of task 3, PMC will automatically make the paper publicly available after the designated delay period has expired.

Notes:

- Tasks 1 and 2 can be done at the same time, if the person performing them is an author of the manuscript.
- Tasks 2 and 3 may be done only by an author who logs into the NIHMS with an eRA Commons or NIH employee account.
- In many cases, the author who completes tasks 2 and 3 will be the Principal Investigator (PI) on the associated NIH award. When the author is not the PI, the NIHMS will notify the PI that a manuscript has been linked to the NIH award, upon completion of Task 2.
- The NIHMS offers extensive online instructions.

Method D: Complete the submission process for a final peer-reviewed manuscript that the publisher has deposited in the NIH Manuscript Submission System (NIHMS).

In a variation of Method C, some publishers deposit the manuscript files in the NIHMS for an author and designate the number of months after publication when the paper may be made publicly available in PMC.

Though a publisher may make the initial deposit of files for an author in this case, institutions and investigators still are responsible for the timing of the deposit (i.e., upon acceptance for publication) and for completing the submission process after the publisher deposits the files.

The NIHMS will notify the author when the manuscript files are received from the publisher. At that point, the author must complete all of the tasks outlined for Method C, except for the file deposit part of Task 1 above.

For a video demonstrating author tasks on the NIHMS for Method D, see Approving Submission of an Article to PubMed Central (WMV Video - 6:26).

Note: For help accessing PDF, RTF, MS Word, Excel, PowerPoint, RealPlayer, Video or Flash files, see Help Downloading Files.