

**NIH Public Meeting:
Seeking Comments on Implementation of the NIH Public Access Policy
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Association of American Universities Statement
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Good Morning. I am Pat White, and I am Vice President for Federal Relations at the Association of American Universities. The Association of American Universities (AAU) is an association that includes 60 leading public and private U.S. research institutions. AAU focuses on issues important to research-intensive universities, such as funding for research and scholarship, science policy issues, and graduate education. The goals of university research are the discovery, creation, and dissemination of new knowledge for the benefit of society.

AAU, on behalf of its member university presidents and chancellors, has repeatedly endorsed NIH's efforts to implement public access. Most recently, as the FY08 House Labor-HHS-Education appropriations bill was about to be debated on the House floor last summer, AAU President Robert M. Berdahl wrote to Subcommittee Chairman David Obey (D-WI) endorsing the Section 217 language that prompted NIH's new guidelines. Today I speak on behalf of AAU in urging prompt adoption of the resulting NIH Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research.

In response to NIH issuing its public access policy, our member institutions have developed policies and procedures to alert, educate, and assist faculty in complying with the new requirements. This includes circulating specific instructions to faculty and administrators to ease adoption of the new requirements. Generally speaking, our administrators appreciate the effort that NIH has put into thinking through the complex exercise of complying with the new requirements.

Our principal concern with the change from voluntary to mandatory submission to PubMed Central is the requirement that authors of works subject to the new policy obtain permission from the publication before submitting it to PubMed Central. Should a journal refuse permission to place an author's accepted manuscript in PubMed Central, the author would face the untenable and highly frustrating course of having to withdraw the manuscript from publication in that journal and submit it elsewhere.

We seek NIH's help in negotiating a blanket agreement with the publishers that will greatly ease the "transaction cost" that currently is borne by the individual author and, by extension, his or her institution – and, indeed, by the publisher. What is needed is a modified standard copyright agreement acknowledging that the author retains the right to provide a copy of the final manuscript to NIH and post the article on PubMed Central within 12 months of publication by a given journal. We request that NIH work with and encourage publishers to declare on a blanket basis that they will permit authors to place

into PubMed Central any manuscript they accept for publication on or after April 7, 2008, if the manuscript arose from any direct funding from an NIH grant or cooperative agreement active in FY 2008 and beyond, or from direct funding from an NIH contract signed on or after April 7, 2008.

We understand the concerns that some publishers have had about the implications of PubMed Central for their publishing operations. We also understand and appreciate the efforts that the publishing community has already made in adapting to the new scholarly publishing environment, and the significant opportunities and challenges that NIH's new policy—and indeed the new world of electronic publishing—are bringing to all participants in the scholarly communications system. But we all must recognize that public access to the published results of all NIH-funded research is now the law, and urge publishers to negotiate in good faith so as to make the transition as straightforward and easy as possible. We believe a blanket license will best serve the interests of authors, publishers, and NIH.

In closing, allow me to reaffirm AAU's strong support for the new NIH policy by quoting from AAU's 2005 endorsement of NIH's then-voluntary public access proposal:

AAU strongly supports efforts to achieve the widest possible dissemination of the results of federally funded research, and the association commends the National Institutes of Health (NIH) for its proposal to increase public access to published results of NIH-funded research. Making research results freely available to the public ... after those results are published should not only benefit the public through expanded access to information but should benefit scientists and advance science through wider dissemination of new knowledge."

NIH's Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research will promote the goal of sharing as broadly as possible the new knowledge made possible by the American people's investment in university research.