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Response to White House Office of Scientific and Technical Policy Request for Information: Public Access to Peer-Reviewed Scholarly Publications, Data and Code Resulting From Federally Funded Research

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To: Office of Scientific and Technical Policy,
Lisa Nichols, Assistant Director for Academic Engagement

Email: publicaccess@ostp.eop.gov

From: Paul Royster, Coordinator for Scholarly Communications, &
Sue Gardner, Scholarly Communications Librarian
University of Nebraska-Lincoln

Date: May 6, 2020

Subject: RFI Response: Public Access

These submitted comments reflect the views or opinions of the authors; they do not necessarily represent the position of the university or its libraries.

We are members of the Office of Scholarly Communications of the Libraries at the University of Nebraska–Lincoln (UNL), a land-grant university, founded 1869, with approximately 25,000 students and 1,800 faculty. Last year (2018-19) UNL received \$530,551,594 from federal agencies for research, cooperative extension, grants and contracts, and student aid programs. This represented 20.1% of the university budget. The university’s total U.S. Federal research expenditures in 2017 (the latest year reported) were \$101,531,978, slightly over one-third of the total institutional research budget. UNL faculty publish approximately 3,000 peer-reviewed articles annually.

Question 1:

Our library provides access for faculty, students, and the public to extensive published research collections; it spends around \$5 million annually on subscriptions, paid mostly to commercial publishers and scholarly societies. Librarians believe we can get access to almost anything, but when timeliness is a factor, it might take an extra day or two for something not in our current collections. If, on the whole, access is not a big problem for us; sharing of our own

results is. More effective communication of the research outputs originating from this university is limited by copyright and by policies of some commercial and society publishers.

During the Bush Administration, congressional legislation required recipients of federal research funds to make public the full texts of peer-reviewed journal articles within a reasonable period. Under the Obama Administration that period was set at 12 months. These rules forced some publishers for the first time to permit open-to-the-public posting of federal-funded peer-reviewed research. Most commercial and society publishers have supported the rule and have made deposits on behalf of the funding recipients, so that compliance has been achieved through cooperation of the publishers. Compliance among funded authors not supported by publisher deposits has been more problematic. Many publishers have also used the rule to steer funded authors toward paid open access alternatives, helping those publishers grow an increasingly large portion of their revenues from author processing charges (APCs).

Our university actively promotes and distributes public access versions of the peer-reviewed articles by our faculty. We operate the third-largest institutional repository in the United States, and to date we have delivered more content to users worldwide than any other American university. The current rules allow us to host and disseminate all peer-reviewed research products from federal-funded authors, though we must respect publisher policies regarding use of their versions of record (VORs). We are currently able to re-distribute public versions of half to two-thirds of peer reviewed articles. Our free public platform is indexed by Google, Google Scholar, Scopus, and other instruments for scholarly communication. Our hosted content is distributed at rates that equal or exceed commercial and society publishers.

Many societies—including American Physical Society, American Institute of Physics, The American Society of Agricultural and Biological Engineers, the American Meteorological Society, American Astronomical Society, American

Fisheries Society—allow us to freely re-distribute their articles as published, federally funded or not.

Other societies, however, prohibit us from distributing their VORs. These include the National Academies of Science, American Association for the Advancement of Science, American Chemical Society, American Mathematical Society, Institute of Electrical and Electronics Engineers, American Psychological Association, American Society of Civil Engineers, American Society of Mechanical Engineers, and more. This restricts our ability to redistribute federal-funded peer-reviewed content from those sources, and it limits the audience for free versions of these research products.

PubMed Central, operated by the National Library of Medicine, has been instrumental in making accepted manuscript versions available to the public and to us for re-distribution. Some publishers, however, deposit versions of record in PubMed Central that are not eligible for further distribution via institutional repositories.

Shortening the permitted embargo period, as suggested, from twelve to zero months may have the unintended effect of discouraging publishers from making public access deposits on behalf of the funded authors. The loss of publishers' cooperation would place substantial burdens on the researchers and their institutions—to track funded publications and to comply with requirements that are now handled mostly by publishers. PubMed Central works because publishers support it voluntarily; without their help, it would not be as reliable or complete.

Eliminating the embargo term would force more authors to publish under paid open-access licenses, at costs between \$1600 and \$4500 per peer-reviewed article. Requiring funded authors to release their works under open licenses would further magnify this effect. While this would help researchers seeking immediate access and re-usability, it would infringe authors' intellectual property rights and cost institutions millions of additional dollars. Paying APCs for Nebraska's 3,000

articles (at average rates) could cost the university \$6 to \$10 million, around 10% of federal research funding, and more than doubling our costs of access.

Question 2:

Federal agencies could require that researchers at national laboratories be classified as federal employees, freeing their authored works from copyright restrictions. Examples of such installations are the Department of Energy laboratories at Sandia National, Lawrence Livermore, Oak Ridge, Brookhaven, Fermi, Argonne, Los Alamos, or NASA's Jet Propulsion Laboratory, etc. This would immediately bring thousand of items of peer-reviewed research into the public domain.

Federal agencies could establish more sites like PubMed Central, where eligible public access articles are shared widely and efficiently. We note the efforts currently underway by the USDA, USDOT, and other agencies to build similar platforms. PMC is an outstanding model, and the NIH is to be applauded for its creation and management.

Federal agencies could also establish and sponsor open-access journals and repositories for peer-reviewed original publication of funded research on a free-to-publish free-to-read basis. A number of agencies (CDC, NFWS, et al.) already publish free-access peer reviewed journals; it should be encouraged and expanded.

Question 3:

American leadership in these areas depends on the wide dissemination of research results. Nebraska is a leading institution for research in agronomy, entomology, plant pathology, drought, climate change, and other areas of concern for the future global food supply. We already furnish hundreds of thousands of research products to more than 200 countries worldwide, helping establish American expertise as the leader in these areas and, more important, spreading it to the

world at large. Immediate access might help enhance that leadership; competitiveness in fields such as food security seems a less appropriate issue.

Additional information:

The current 12-month embargo period is widely disregarded. It is observed by PubMed Central (PMC), but the existence of preprint servers and academic social network sites (ResearchGate or Academia.edu) makes it possible for most authors to distribute peer-reviewed manuscripts at will. While enforcement of the embargo is lax or non-existent, its elimination would have a negative impact on publishers' cooperation—pushing them to replace so-called “green” open access with author-pays models. The 12-month embargo allows PubMed Central time to prepare accurate and standardized versions of accepted author manuscripts. Requiring immediate access would not eliminate the PMC production time; there would still be several months between first publication and inclusion. The current embargo allows publishers first issue rights and buffers them against loss of revenue. The current deposit requirement system works because the publishers have supported it. If they ceased to cooperate and forced the onus of depositing approved manuscripts back onto the authors, the system would break down.

The proposed rule changes mandating immediate open access would not likely reduce the costs to universities. Institutions would still need to purchase access to non-mandated content in order to maintain appropriate collections, and they would incur more publishing fees (APCs) and increased administrative costs for tracking and compliance.

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**OFFICE OF SCIENCE AND
TECHNOLOGY POLICY****Request for Information: Public
Access to Peer-Reviewed Scholarly
Publications, Data and Code Resulting
From Federally Funded Research**

AGENCY: Office of Science and
Technology Policy (OSTP).

ACTION: Notice of request for
information (RFI).

SUMMARY: OSTP, and the National
Science and Technology Council's
(NSTC) Subcommittee on Open Science
(SOS), are engaged in ongoing efforts to
facilitate implementation and
compliance with the 2013 memorandum
*Increasing Access to the Results of
Federally Funded Scientific Research*¹
and to address recommended actions
made by the Government Accountability
Office in a November 2019 report.²
OSTP and the SOS continue to explore
opportunities to increase access to
unclassified published research, digital
scientific data, and code supported by
the U.S. Government. This RFI aims to
provide all interested individuals and
organizations with the opportunity to
provide recommendations on
approaches for ensuring broad public
access to the peer-reviewed scholarly
publications, data, and code that result
from federally funded scientific
research.

DATES: Interested persons are invited to
submit comments on or before 11:59
p.m. ET on March 16, 2020.

ADDRESSES: Comments submitted in
response to this notice may be
submitted online to Lisa Nichols,
Assistant Director for Academic
Engagement, OSTP, at [publicaccess@
ostp.eop.gov](mailto:publicaccess@ostp.eop.gov). Email submissions should
be machine-readable [pdf, doc, txt] and
not copy-protected. Submissions should
include "RFI Response: Public Access"
in the subject line of the message.

Instructions: Response to this RFI is
voluntary. Each individual or institution
is requested to submit only one
response. Submission must not exceed 5
pages in 12 point or larger font, with a

¹ Retrieved from: [https://obamawhitehouse.
archives.gov/sites/default/files/microsites/ostp/
ostp_public_access_memo_2013.pdf](https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/ostp_public_access_memo_2013.pdf).

² Retrieved from: [https://www.gao.gov/assets/710/
702847.pdf](https://www.gao.gov/assets/710/702847.pdf).

page number provided on each page. Responses should include the name of the person(s) or organization(s) filing the comment. Comments containing references, studies, research, and other empirical data that are not widely published should include copies or electronic links of the referenced materials. No business proprietary information, copyrighted information, or personally identifiable information should be submitted in response to this RFI.

In accordance with FAR 15.202(3), responses to this notice are not offers and cannot be accepted by the Federal Government to form a binding contract. Additionally, those submitting responses are solely responsible for all expenses associated with response preparation.

FOR FURTHER INFORMATION CONTACT: For additional information, please direct your questions to Lisa Nichols at publicaccess@ostp.eop.gov.

SUPPLEMENTARY INFORMATION: In February of 2013, OSTP issued the memorandum *Increasing Access to the Results of Federally Funded Scientific Research*. The memorandum directed Federal agencies with more than \$100M in research and development (R&D) expenditures to develop plans to make the results of federally funded unclassified research that are published in peer-reviewed publications, and digitally formatted scientific data, publicly available. Federal agency plans required that published work be made available following a twelve-month post-publication embargo period.

OSTP and the NSTC SOS continue to explore opportunities to make the knowledge, information and data generated by federally funded research more readily accessible to students, clinicians, businesses, entrepreneurs, researchers, technologists, and the general public who support these investments as a means to accelerate knowledge and innovation. Over the course of the last two years, OSTP has had nearly 100 meetings with stakeholders on open science, current policy on public access to the results of federally funded research, the evolution of scholarly communications, and access to data and code associated with published results. This RFI aims to expand on these consultations and provide all interested individuals and organizations with the opportunity to provide recommendations on approaches for ensuring broad public access to the peer-reviewed scholarly publications, data and code that result from federally funded scientific

research. OSTP is interested in perspectives on the following topics:

- What current limitations exist to the effective communication of research outputs (publications, data, and code) and how might communications evolve to accelerate public access while advancing the quality of scientific research? What are the barriers to and opportunities for change?
- What more can Federal agencies do to make tax-payer funded research results, including peer-reviewed author manuscripts, data, and code funded by the Federal Government, freely and publicly accessible in a way that minimizes delay, maximizes access, and enhances usability? How can the Federal Government engage with other sectors to achieve these goals?
- How would American science leadership and American competitiveness benefit from immediate access to these resources? What are potential challenges and effective approaches for overcoming them? Analyses that weigh the trade-offs of different approaches and models, especially those that provide data, will be particularly helpful.
- Any additional information that might be considered for Federal policies related to public access to peer-reviewed author manuscripts, data, and code resulting from federally supported research.

Dated: February 12, 2020.

Sean Bonyun,

Chief of Staff, Office of Science and Technology Policy.

[FR Doc. 2020-03189 Filed 2-18-20; 8:45 am]

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