

**Submission by The American Association of Immunologists (AAI)  
to the National Institutes of Health (NIH) Request for Information (RFI) on the  
NIH Draft Public Access Policy**

**August 16, 2024**

**Introduction**

The American Association of Immunologists ([AAI](#)), one of the world’s largest organizations of immunologists and scientists in related disciplines whose mission is to improve global health and well-being by advancing immunology and elevating public understanding about the immune system, appreciates this opportunity to submit comments in response to the “Request for Information (RFI) on the National Institutes of Health (NIH) Plan to Enhance Public Access to the Results of NIH-Supported Research ([NOT-OD-24-144](#)).”

As a not-for-profit scholarly scientific society which owns and publishes *The Journal of Immunology (The JI)*, which has served immunologists and the research community for more than 100 years by publishing novel, peer-reviewed immunological research, and *ImmunoHorizons (IH)*, a fully open-access, peer-reviewed journal dedicated to the science of immunology, AAI commends NIH for thoughtfully engaging stakeholders throughout the development of this public access policy. AAI submitted comments in [response](#) to the 2023 RFI on the NIH public access plan ([NOT-OD-23-091](#)), and was pleased to see that some of AAI’s and other stakeholders’ concerns were addressed in this updated draft policy. The comments below build upon and reiterate AAI’s previous feedback.

**Comments on the Draft Public Access Policy**

AAI understands and appreciates NIH’s goal of increasing public access to the results of federally funded research and is intensely aware of the importance of sharing accurate scientific and medical information with the public. AAI remains concerned, however, about the impact that this policy will have on not-for-profit scientific societies that publish scholarly journals, many of which rely heavily on subscription revenue from their journals to support their operations. Scholarly scientific society publishers play an essential role in the publication of high-quality scientific research by conducting peer review (including identifying appropriate reviewers), and by editing, disseminating, monitoring (including corrections and retractions), and archiving manuscripts/articles.

Furthermore, AAI appreciates NIH’s acknowledgement that in order to make scientific discoveries accessible to the public, the information should be presented in digestible and meaningful ways. AAI has a long history of establishing programs and developing materials to assist the public in understanding complex scientific information, including during the COVID-19 pandemic and most recently with AAI’s [Immunology Explained](#) campaign. As NIH moves forward, it should bear in mind the unique role and position of not-for-profit scientific societies and consider how to prevent harm as a result of this new policy.



The draft policy applies to manuscripts, defined as “the author's final version that has been accepted for journal publication and includes all revisions resulting from the peer review process, including all associated tables, graphics, and supplemental material” that are “the result of funding by NIH in whole or in part.” AAI urges NIH to explicitly define what constitutes a “manuscript,” in particular by specifying whether review articles, editorials, commentaries, and/or perspectives are included under the term.

AAI thanks NIH for stressing the continued importance of peer review by requiring submission of the final, peer-reviewed author accepted manuscript (AAM) to PubMed Central (PMC). However, AAI would like to emphasize that the journal version of record (VOR) (defined in the policy as “Final Published Article”) is the most scientifically robust version, as this version is typically copyedited, proofread, and screened carefully for errors and fraud (e.g., image manipulation) to ensure accuracy and scientific integrity.

In addition, AAI reiterates that NIH should consider ways to reduce the administrative burden associated with the policy. Many not-for-profit scholarly publishers, including AAI, currently deposit manuscripts into PMC on behalf of authors. As a result of the elimination of the 12-month embargo, revenue from subscriptions is likely to decrease, giving not-for-profit publishers less ability to provide services like article deposition and potentially forcing them to shift this responsibility to authors. This in turn could make these journals less attractive to authors, making not-for-profit scholarly publishers less competitive in the marketplace and dealing a further blow to their efforts to not only publish high-quality journals but also provide educational and programmatic services to their members. AAI urges NIH to consider and implement ways to minimize the administrative burden resulting from the policy, including by widely communicating clear instructions and available resources for author-driven submission into PMC (Method C of the NIH Manuscript Submission System).

Given that the policy is set to become effective in just over a year, AAI urges NIH to create and disseminate a clear implementation plan, formulated with stakeholder input, to facilitate a smooth transition for publishers and authors.

Finally, AAI cautions NIH to be aware of, and prepared to address, the potential for an increase in misinformation and disinformation as a result of immediate and free dissemination of full-length scientific articles, which are tailored to highly trained experts in a specific discipline.

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

AAI thanks NIH for the clarity provided on government use license and rights, and for providing standardized language which authors can easily insert into their final manuscripts. AAI appreciates that NIH does not require authors to use a particular copyright license to retain their rights to their final published articles. AAI encourages NIH to establish specific definitions of the terms “derivatives” and “reuse rights” in the context of this public access policy to ensure that authors understand their rights.



## Comments on the Draft Guidance on Publication Costs

AAI is pleased to see that the draft policy clarifies that direct or indirect costs may be used to cover reasonable, allowable publication costs. However, AAI is troubled that neither journal nor publisher fees for submitting a manuscript to PMC are allowable under the policy, especially given the financial constraints that this new policy will place on many not-for-profit scholarly publishers.

Further, NIH should clarify and more carefully define the “free pathway” of compliance described in the policy, to avoid misinterpretation that publishers should deposit manuscripts into PMC on behalf of authors without charging a fee. NIH should clearly communicate that the onus for deposition into PMC is on authors, and that the policy does not require publishers to deposit manuscripts on their behalf.

## Conclusion

AAI once again thanks NIH for continually engaging stakeholders throughout this process and for transparently describing how public comments were considered and incorporated into the draft policy. To reiterate, AAI strongly urges NIH to consider the role and value of not-for-profit scholarly societies that publish high-quality journals and believes that NIH should strive to minimize any unintended negative consequences on these vital entities. Developing a clear implementation plan, formed with stakeholder input, is a crucial next step in this process to ensure the policy is well understood by both publishers and authors. AAI looks forward to continuing to work with NIH as it moves toward implementation. Please do not hesitate to contact AAI Director of Government Affairs Jake Schumacher ([jschumacher@aai.org](mailto:jschumacher@aai.org)) if AAI can be of any assistance.

