

NIH Public Access Policy And The "Nelson Memo" – What You Need To Do Now For NIH Award Compliance

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Outline

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2024 NIH Public Access Policy

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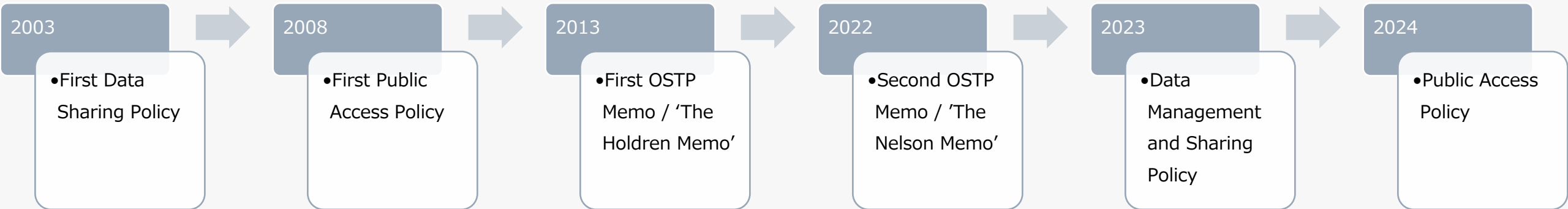
BACKGROUND INFORMATION



Keep in mind

The new policies come at no cost to NIH awardees or to researchers/authors of scientific publications. However, there is a higher threshold of compliance, planning, and judicious journal selection required.

NIH DMS Policy and Public Access Policy Timeline

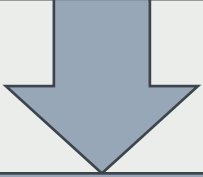


The 'Nelson Memo'

- In 2022, the OSTP released a memo from Dr. Alondra Nelson, the Acting Director
- *Ensuring Free, Immediate, and Equitable Access to Federally Funded Research*
 - a.k.a. the 'Nelson Memo'
- The Nelson Memo's aim is to eliminate the 12-month embargo and allow immediate, free access to federally funded publications
- The new Public Access Policy embodies this by eliminating the 12-month embargo for Author Accepted Manuscripts deposited in PubMed Central
- Date was accelerated from December 31st, 2025 to July 1st, 2025

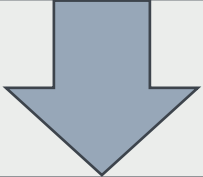
Pre-Print

- Work in Progress
- Has not undergone peer review



Author Accepted Manuscript

- Undergone peer review
- Acceptable for submission to PMC



Final Published Article

- Version of Record
- Journal/Publisher's authoritative copy

Key Definitions

Author Accepted Manuscript

“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.”

Official Date of Publication

“The date on which the Final Published Article is first made available in final, edited form, whether in print or electronic (i.e., online) format.”

Other Key Terms

- **Final Published Article**
- **Journal**

[NOT-OD-25-047: 2024 NIH Public Access Policy](#)

- Things to note:
 - There is no official definition for Official Date of Acceptance for the manuscript
 - The window of time to self-archive The Author Accepted Manuscript in PubMed Central is the Official Date of Acceptance to the Official Date of Publication
 - [NIH Statement on Article Publication Resulting from NIH Funded Research](#) (2017) continues to encourage authors to publish NIH funded research in reputable journals

NEW NIH POLICY

NIH 2024 Public Access Policy

Purpose

- To practice more responsible stewardship
- That the public who funds underlying research have better access to its results
- So that everyone (from patient to provider) can access and better understand health concerns
- That better access accelerates future research, fosters collaboration, and that advancements can be monitored more closely

NIH 2024 Public Access Policy

Scope

- The NIH Public Access Policy applies to any Author Accepted Manuscript that is the result of funding by the NIH in whole or part through:
 - A grant or cooperative agreement
 - A contract
 - an Other transaction
 - NIH intramural research
 - The official work of an NIH employee
- The awardee of NIH funding does not have to be the PI, project director, or an author for the Policy to apply if their NIH funding contributed to final product
- If non-NIH funds are used in combination with NIH funds, the Policy still applies
- NIH is clear that compliance with the new Policy will NOT require paying an APC

NIH 2024 Public Access Policy

Requirements

- Submission of an electronic version of the Author Accepted Manuscript to PubMed Central
- The version in PubMed Central must be available without embargo by the Official Date of Publication
- Submission of the Author Accepted Manuscript is done by the author(s), otherwise there are other ways of having your article submitted
- Authors must have an acknowledgement of NIH funding included in the Author Accepted Manuscript and Final Published Article

NIH 2024 Public Access Policy

Government Use and Licensing Rights

- By accepting NIH funding, the recipient grants to the NIH a royalty-free, nonexclusive and irrevocable right to reproduce, publish or otherwise use the work, including making Author Accepted Manuscripts publicly available in PubMed Central
- Authors are not expected to provide rights to the NIH for the Final Published Article
- NIH will accept submission of the Final Published Article to PubMed Central from Journals or Publishers with formal agreements with NLM when it may be publicly available without Embargo upon the Official Date of Publication

NIH 2024 Public Access Policy

NIH Funding of Publication Costs

- Researchers can use NIH funding for publication costs as determined in the Public Access Policy and the NIH Grants Policy Statement 7.9
- “Publication costs for electronic and print media, including distribution, promotion, and general handling are allowable. If these costs are not identifiable with a particular cost objective, they should be allocated as indirect costs to all benefiting activities of the non-Federal entity.”
- It is not allowable to charge authors for submission of the Author Accepted Manuscript to PubMed Central; this does not include the Final Published Article

NIH 2024 Public Access Policy

What's Changed in 2025?

- The original compliance date was set for December 31, 2025
- On April 30, 2025, a Revision of updating the 2024 policy was released
- The Revision only changed one thing:

A new compliance date of July 1st, 2025

- Any NIH-funded Author Accepted Manuscript after July 1st, 2025 must now comply with the new 2024 Public Access Policy

2023 NIH DATA MANAGEMENT AND SHARING POLICY

Why 2023 DMS Policy?

- Overlapping policies that affect each other
- Similar windows for self-archiving
- Relevant data and supplemental figures/graphs for a scholarly published work must be made available **without embargo**
- Relevant data and supplemental figures/graphs for a scholarly published work must be made available regardless of dollar amount of the grant
 - The 2003 Policy only required compliance for awardees whose direct costs totaled over \$500,000
- Essential to the grant application and principles of open access/open science (all part of the same workflow)
- Major difference is that all data generated during a grant/award's lifecycle must be publicly available by the final date of the award
- **Must archive data and supplements in relevant/open data repositories**

Key Definition

Data Management and Sharing Plan

“A plan describing the data management, preservation, and sharing of scientific data and accompanying metadata.”

Other Key Terms

- **Metadata**
- **Data Management**
- **Data Sharing**
- **Scientific Data**

[NOT-OD-21-013: Final NIH Policy for Data Management and Sharing](#)

NIH Data Management and Sharing Policy

- The NIH first implemented a Data Management Sharing Policy (DMS Policy) in 2003
- The NIH fully implemented its recent DMS Policy in 2023 after public comments and revising
- The [2023 NIH DMS Policy](#) made updates on these topics:
 - When data are expected to be shared, How long data should be available, Where to share scientific data, and the Definition of scientific data
 - Submission and assessment of DMS plans, NIH consistency in evaluation
 - Plan limits/templates and Plan elements
 - Persistent Unique Identifiers, Data security, and Sharing timelines

HOW TO COMPLY WITH NEW POLICY

Does the new Policy apply to my paper?

It applies to any manuscript that is:

- Peer reviewed
- **Accepted** for publication on or after July 1, 2025
- Arises from any direct funding from an NIH grant (even partial funding)

Additional information is available for [Institutional Training, Career Development, and Related Awards](#) and for publications arising from [shared resources](#).

What and when do I have to submit to PubMed Central?

Articles generated from federal funding fall under the Government Use License which states that the NIH

“reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes and to authorize others to do so.”

Researchers enter into this Federal Purpose License the moment they sign their grant agreement. It cannot be overridden by publisher agreements later in the research process.

Authors need to be transparent with journals and publishers when submitting their article to ensure they know that the NIH has a right to make the **Author Accepted Manuscript** publicly available **by the Official Date of Publication**.

Copyright is another issue as well as publisher embargo policies.

Examples of Journal Publishing Models

Gold Open Access

- Authors are required to pay an APC (Article Processing Charge)
- No embargo
- Publisher will deposit Final Published Article in PubMed Central
- Author retains copyright with Creative Commons license

Green Open Access

- No APC fee
- Author Accepted Manuscript can be posted in PMC but...usually has an embargo (unclear how new NIH Policy will impact legality of this policy)
- Authors have to self-archive their Author Accepted Manuscript
- Copyright usually held by publisher (this may also change now)

What should authors do?

- Read publisher and journal policies carefully before submission
 - Green Open Access and Self-Archiving are possible free options in publisher agreements
 - LSUHSC Libraries have tools including [Cabells](#) to identify potential journals
 - [Directory of Open Access Journals](#) (DOAJ) and [PubMed Central Journal List](#)
- Utilize the existing [publisher agreements](#) that the Libraries have negotiated for the institution
- Avoid journals with extremely high APCs if your budget is limited
- Publishers may try to steer authors to paid OA when they learn that the work requires zero-embargo due to NIH policy
- NIH is clear that compliance with the new Policy will **NOT** require paying an APC

How do I inform publishers that NIH funds were used for my work?

- Be transparent during journal submission process by indicating that the Author Accepted Manuscript is subject to the NIH Public Access Policy
- Include this sample language with their Submitted Manuscript and (if accepted) the Author Accepted Manuscript:

“This manuscript is the result of funding in whole or in part by the National Institutes of Health (NIH). It is subject to the NIH Public Access Policy. Through acceptance of this federal funding, NIH has been given a right to make this manuscript publicly available in PubMed Central upon the Official Date of Publication, as defined by NIH.”

From Supplemental Guidance to the 2024 NIH Public Access Policy: Government Use License and Rights
NOT-OD-25-049

Can I use grant money to pay publishing costs?

- Yes. All costs must comport with guidelines in [2 CFR 200 subpart E](#)
- From **§ 200.461 Publication and printing costs:**

Page charges, article processing charges (APCs), or similar fees such as open access fees for professional journal publications and other peer-reviewed publications resulting from a Federal award are allowable where:

- (1) The publications report work supported by the Federal Government; and*
- (2) The charges are levied impartially on all items published by the journal, whether or not under a Federal award.*

Direct funds may be used to pay an APC for the release of the Final Published Article.

Funds may NOT be used to support access for the Author Accepted Manuscript.

[From NIH: Supplemental Guidance to the 2024 NIH Public Access Policy: Publication Costs](#)

Role of Institutional Repositories

Author Accepted Manuscripts can also be deposited in institutional repositories.

- [LSU Digital Scholar](#) is our institutional repository and can also post your manuscript.
- Email digitalscholar@lsuhsc.edu to start the process.

This is not a substitute for depositing in PubMed Central. This is an additional option that will help boost the visibility of your manuscript.

How do I submit my paper to PubMed Central?

- Authors should review their publishing agreement
- Choose method that is most appropriate and consistent with their publishing agreement.
- Methods A, B, C, D available – See table on next slide
 - Method C is recommended because it involves the Author submitting the manuscript

Important Note: **Awardees** are responsible for ensuring manuscripts are submitted to the NIHMS upon acceptance for publication.

Overview of Submission Methods

Version of Paper Submitted	Final Published Article	Final Peer-Reviewed Manuscript
Submission Process	Publisher posts the paper directly to PMC	Papers are required to be submitted via the NIHMS upon acceptance for publication. Publishers, authors or their designee deposit files and the NIHMS converts them to the PMC native format.
Submission Method to Deposit Files	<ul style="list-style-type: none">Method A: Some journals automatically post NIH supported papers directly to PMCMethod B: Authors must make special arrangements for some journals and publishers to post the paper directly to PMC	<ul style="list-style-type: none">Method C: Authors or their designee must submit manuscripts to the NIHMSMethod D: Some publishers will submit manuscripts to the NIHMSAwardees are responsible for ensuring manuscripts are submitted to the NIHMS upon acceptance for publication
Approve Submission	Publisher	Author, via NIHMS
Approve PMC web version	Publisher	Author, via NIHMS
Responsible Party	NIH Awardee	NIH Awardee
To cite papers, from acceptance for publication to 3 months post publication	PMCID or "PMC Journal- In Process"	PMCID or NIHMSID
To cite papers, 3 months post publication and beyond	PMCID	PMCID

How do I report my publications to NIH?

- Anyone submitting an application, proposal or report to the NIH must include the PMC reference number (PMCID) when citing applicable papers that they author or that arise from their NIH-funded research.
- Authors will use My NCBI to report papers

Sample citation:

Sala-Torra O, Gundacker HM, Stirewalt DL, Ladne PA, Pogosova-Agadjanyan EL, Slovak ML, Willman CL, Heimfeld S, Boldt DH, Radich JP. Connective tissue growth factor (CTGF) expression and outcome in adult patients with acute lymphoblastic leukemia. Blood. 2007 April 1; 109(7): 3080–3083. PMCID: PMC1852221

[From NIH: Reporting Publication to NIH](#)

Review of Author Requirements

Acknowledge

NIH funding when submitting manuscript to journal and in the posted manuscript

Submit

Author Accepted Manuscript to PubMed Central by Official Date of Publication

Report

All papers that arise from grant must be reported when submitting applications, proposals, and reports to NIH

Must include the PubMed Central reference number (PMCID)

Even partially funded work must be reported

Enforcement of Policy

Failure to deposit the Author Accepted Manuscript into PubMed Central by the Official Date of Publication is non-compliance.

Failure to acknowledge federal funding in the manuscript is considered non-compliance.

Failure to provide evidence of compliance in applications/proposals/reports is a violation of the terms and conditions of the NIH award. (i.e. PMCID)

Noncompliance may be considered by the NIH when making future funding decisions.

Researcher Checklist



ORCiD IDs

Required for all federal grant submissions

Connect to eRA Commons Personal Profile



SciENCv

Tool from My NCBI to generate Biosketch



Biosketch

Document highlighting qualifications of key personnel for proposed grant project

Reach out to the Libraries for assistance with learning how to use these tools.

Thank you and Contact Information

Survey (very short!)
Help us collect
metrics!

Follow us on
Instagram!

Sign up for Library Emails!

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