

New Federal Law - Effective April 7, 2008 for NIH Funded Research*

For those who publish the results of NIH funded research, a new federal law requires scientists to submit journal articles that result from NIH funds to the digital archive PubMed Central⁽¹⁾. As of April 7, 2008, all articles based on NIH funds **must** be submitted to PubMed Central upon acceptance for publication.

Background

Washington, D.C. – December 26, 2007 – President Bush has signed into law the Consolidated Appropriations Act of 2008 (H.R. 2764), which includes a provision directing the National Institutes of Health (NIH) to provide the public with open online access to findings from its funded research. This is the first time the U.S. government has mandated public access to research funded by a major agency. The provision directs the NIH to change its existing Public Access Policy, implemented as a voluntary measure in 2005, so that participation is required for agency-funded investigators. Researchers will now be required to deposit electronic copies of their peer-reviewed manuscripts into the National Library of Medicine's online archive, PubMed Central. Full texts of the articles will be publicly available and searchable online in PubMed Central no later than 12 months after publication in a journal. 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. -Public Law 110-161, Division G, Title II, Section 218

Does the law apply to me?

The Policy applies to you if your peer-reviewed article is based on work in one or more of the following categories:

Directly⁽²⁾ funded by an NIH grant or cooperative agreement active in Fiscal Year 2008 (October 1, 2007- September 30, 2008) or beyond;

Directly funded by a contract signed on or after April 7, 2008; or

Directly funded by the NIH Intramural Program.

Compliance – three steps:

- A. **Address Copyright.** Before you sign a publication agreement or similar copyright transfer agreement, make sure the agreement allows the article to be submitted to NIH in accordance with the Public Access Policy.
- B. **Submit the article to NIH.** Deposit a copy of the peer-reviewed manuscript in the NIH Manuscript Submission (NIHMS) system. You or someone in your organization, or your publisher may deposit the article, but the PI author will have to verify and approve the manuscript personally via the NIHMS system.
- C. As of May 25, 2008, NIH applications, proposals, and progress reports must include the PubMed Central reference number when citing an article that falls under the policy and is authored or co-authored by the investigator, or resulted from the investigator's NIH award. This policy includes applications submitted to the NIH for the May 25, 2008 due date and subsequent due dates.

The NIH Public Access home page is <http://publicaccess.nih.gov/>. This web site contains links to information about policy details, the submission

process, Frequently Asked Questions, and a list of journals that will submit articles to PubMed Central for an author.

- (1) PubMed Central (PMC) is the U.S. National Institutes of Health (NIH) free digital archive of biomedical and life sciences journal literature.
<http://www.pubmedcentral.nih.gov/about/faq.html>
- (2) 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#Toc5460040

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