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September 15, 2025

Dr. Jay Bhattacharya
National Institutes of Health
Office of Science Policy
9000 Rockville Pike Bethesda, MD 20892

RE: Request for Information on Maximizing Research Funds by Limiting Allowable Publishing Costs (Notice Number: NOT-OD-25-138)

Dear Director Bhattacharya and NIH Leadership:

SPARC is a non-profit advocacy organization that supports systems for research and education that enable everyone, everywhere to access, contribute to, and benefit from sharing knowledge. Our membership includes more than 200 academic and research libraries at higher education institutions in the U.S. spanning 45 states. We write to provide a response to NIH's Request for Information on Maximizing Research Funds by Limiting Allowable Publishing Costs.

As stewards of taxpayer-funded research, NIH has a fundamental responsibility to ensure that publicly funded scientific knowledge serves the public interest as a shared resource for all Americans. SPARC supports NIH's commitment to maximizing research grant value. However, we do not believe that the proposed options will achieve the NIH's desired outcomes. We encourage NIH to take a more comprehensive approach to balancing flexibility in providing public access to research results with maximizing the taxpayer funds to support research.

Specifically, we believe that models relying on Article Processing Charges (APCs) undermine the progress of open access, scholarly communication, and research integrity, as well as NIH's stated goal of maximizing taxpayer funds for research activities. APCs create barriers where researchers may not publish in highly visible journals due to fee barriers, undermining the collaborative knowledge exchange essential for scientific progress. Attempts to simply limit (or cap) APCs as outlined in several of RFI's options will not adequately address this problem. Evidence from other funders' experience demonstrates that APC caps create pricing floors rather than ceilings which risks shifting costs to institutional budgets without reducing overall expenditures.

By maintaining any role for author-side fees, whether through regulation or shifting costs to institutions, NIH risks perpetuating a system that diverts increasing amounts of funding away from actual research activities as publication volume grows.

NIH should instead strengthen existing public access infrastructure and support scholar-led systems that eliminate the need for author-side fees entirely. Our specific recommendations include fully enforcing NIH's Public Access Policy through PubMed Central deposit requirements, strengthening reuse rights for authors accepted manuscripts, and incentivizing sustainable publishing models like diamond open access that more fully align with the best interests of authors and the NIH alike. NIH's existing infrastructure—PubMed Central, GenBank, and preprint pilots—already provides cost-effective alternatives that allow maximum grant funds to support actual research activities that treat research outputs as publicly available goods.

This approach not only protects taxpayer investments but positions NIH to lead transformation toward an open and more sustainable system for scholarly communication that is better aligned with scientific progress and ensures the American research enterprise receives maximum benefit from federal funding while supporting broad access to knowledge.

The following analysis details why we believe the proposed options will fail to achieve NIH's stated objectives and presents evidence-based alternatives that address both the immediate concerns of maximizing the amount of funding going to research activities and the fundamental threats that author-side fees pose to American scientific leadership.

The Proposed Options Will Not Achieve Their Stated Purpose

Option 1 Shifts Costs Without Controlling Them. Option 1 (disallowing all publication costs from NIH grants) risks shifting costs without actually reducing them. Evidence from the recent Canadian Tri-Agency consultations on this issue underscores that researchers still need to publish for career advancement, and universities may be forced to create or expand publication funds to support faculty research dissemination when federal funding is unavailable.[1] This cost shifting could create institutional imbalances, as universities with limited resources may not be able to support faculty publishing, while administrative burden increases as institutions must track and manage publication funding from multiple sources.

Researchers are already faced with difficult choices between paying publisher fees to ensure open access and funding their research, with increased costs particularly harmful for particular groups, e.g., early-career researchers and others without stable research funding.[2] Option 1 does not address the underlying drivers of expensive publishing choices that relate to career advancement systems, meaning this approach risks simply changing *who* pays fees - rather than reducing them.

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[1] **Government of Canada - Tri-Agency.** (2024, August 7). What We Heard Report: Engagements on the review of the Tri-Agency Open Access Policy on Publications (2024). *Science.gc.ca*. Retrieved from https://science.gc.ca/site/science/en/interagency-research-funding/policies-and-guidelines/open-access

[2] ibid

Options 2-5 Create Pricing Floors, not Ceilings. Evidence demonstrates that price caps create pricing floors rather than ceilings, ultimately increasing costs and leading to market power concentration. The Austrian Science Fund's 15-year experience with APC funding shows that establishing caps leads to price convergence upward to maximum allowed rates, with publishers using government-sanctioned limits as signals to justify higher fees across their portfolios.[3]

Additionally, German institutional spending data reveals that 94% of payments already fall within the €2,000 range similar to NIH's proposed limits in Option 2, suggesting such caps may validate existing fee structures while providing publishers with official endorsement of current pricing models. German data also shows significant market concentration, with ten publishers collecting 92% of all publication fees.[4] APC caps may accelerate this consolidation by favoring publishers with economies of scale, making it difficult for smaller, community-led alternatives to compete within rigid price controls.

As the experience of Coalition S funders demonstrates,[5] publishers use caps as pricing signals, converging prices upward. This dynamic fails to reduce overall expenditures, failing to achieve NIH's goal of maximizing funds available for research activities.

Alternative Recommendations to Accomplish the Stated Purpose

Fully Enforce Existing Deposit Requirements in the NIH Public Access Policy. Require all funded researchers to deposit copies of their Author Accepted Manuscripts into PubMed Central (or another agency-approved open repository) immediately upon acceptance. This approach provides immediate public access without requiring any publication fees, allowing maximum grant funds to support research activities. It is notable that during the recent Canadian national consultation, respondents recommended creation of a large-scale repository where funded authors would be mandated to deposit all peer-reviewed publications, citing NIH's PubMed Central as a successful example of this model.

Strengthen Reuse Rights. Enhance the NIH Public Access policy to ensure that the public has the right to fully reuse these Author Accepted Manuscripts to maximize their value. Supporting researchers in retaining sufficient rights to their work enables broader dissemination without ongoing publisher fees while ensuring taxpayer-funded research serves the public interest. This can be achieved by outlining a rights retention strategy and ensuring articles are published under a license that allows for full reuse.

Support Sustainable Open Access Publishing Options. Incentivize the use of publication options that do not rely on expensive fees to publishers, including repository deposit of Author Accepted Manuscripts, preprint sharing, early dissemination of data, code, software and other outputs, and use of community-controlled publishing models such as Subscribe to Open (S20) and diamond open access. Diamond open access models are gaining traction t in the research community and are increasingly

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[3] **Rieck, K.** (2019). The FWF's Open Access Policy over the Last 15 Years – Developments and Outlook. *Zenodo*. https://doi.org/10.5281/zenodo.3060200

[4] **Jahn, N., & Tullney, M.** (2016). A study of institutional spending on open access publication fees in Germany. *PeerJ*, 4, e2323. https://doi.org/10.7717/peerj.2323

[5] **cOAlition S.** (2023, October 31). Towards responsible publishing: a proposal from cOAlition S. *Zenodo*. https://doi.org/10.5281/zenodo.8398480

viewed as an aspirational goal.[6] These models are free for both authors and readers, eliminating rent-seeking based on prestige while maintaining rigorous peer review standards.

Evidence demonstrates that many funders are currently supporting diamond open access initiatives, and expanding direct support for journals across all scholarly disciplines to support these community-controlled alternatives would be a positive contribution.[7]

Looking Forward: Building on NIH's Infrastructure Success

NIH's robust existing research communication infrastructure, including PubMed Central, provides both world-class and cost-effective opportunities for researchers to share their work, allowing more dollars to be directed toward actual research activities. This scalable infrastructure supports sustainable models for disseminating research outputs with predictable operational costs, avoiding per-article fees that increase exponentially as research productivity grows.

Evidence shows that researchers are increasingly sharing articles ahead of peer review and participating in open peer review of author-shared articles. Building on NIH's existing preprint pilot programs and requiring immediate sharing of research findings through repositories would accelerate scientific progress while bypassing traditional publication bottlenecks and costs entirely.

NIH has a unique opportunity to break the cycle of expensive publishing by not only providing public access alternatives, but also further incentivizing the open sharing of research outputs, including publications, data, and software code, in grant review criteria and career advancement evaluations.

Conclusion

NIH's goal of maximizing research funds for research activities while ensuring public access to taxpayer-funded research is both important and achievable. This requires moving beyond approaches that continue to rely on author-side payments to publishers and moving toward supporting scholar-led communication systems that serve the research community through predictable infrastructure costs rather than arbitrary per-article fees.

By fully enforcing repository deposit requirements through PubMed Central, strengthening existing public access infrastructure, supporting rights retention, and incentivizing sustainable publishing models, NIH can lead transformation toward scholarly communication aligned with public interests and scientific progress rather than commercial profit extraction. Mandatory deposit of Author Accepted Manuscripts ensures immediate public access without any publication fees, while enhanced reuse rights and support for diamond open access models create a comprehensive framework that maximizes research funding for actual research activities.

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[6] **Government of Canada - Tri-Agency.** (2024, August 7). What We Heard Report: Engagements on the review of the Tri-Agency Open Access Policy on Publications (2024). *Science.gc.ca*. Retrieved from https://science.gc.ca/site/science/en/interagency-research-funding/policies-and-guidelines/open-access

[7] **cOAlition S.** (2023, October 31). Towards responsible publishing: a proposal from cOAlition S. *Zenodo*. https://doi.org/10.5281/zenodo.8398480

This approach honors the public trust invested in NIH by ensuring that taxpayer-funded research truly serves the public interest, providing unrestricted access to the discoveries that taxpayers have already paid for. This not only protects taxpayer investments but also ensures that American scientific enterprise receives maximum benefit from research funding while supporting the next generation of researchers.

Any policy that simply regulates APC payments rather than addressing the causes that create dependence on them will continue to divert precious research dollars to publisher profits while creating barriers to the open knowledge exchange that drives scientific discovery. We urge NIH to seize this opportunity to move away from fee-based publishing models entirely by requiring immediate repository deposit and building on its existing infrastructure successes.

We appreciate the opportunity to provide input on this important policy initiative and stand ready to work with NIH to advance solutions that truly serve American research and the public interest..

Sincerely,

Corinna Turbes
Senior Manager, Government Relations
SPARC