

Administration for Community Living (ACL) Public Access Plan

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1. BACKGROUND AND PURPOSE

On February 22, 2013, the White House Office of Science Technology and Policy (OSTP) issued a memorandum to the heads of executive departments and agencies entitled “Increasing Access to the Results of Federally Funded Scientific Research” (OSTP Memo or Public Access Memo). In the memorandum, OSTP asks federal agencies with research and development budgets greater than \$100 million per year to develop a plan to ensure free public access to federally-funded, peer-reviewed scientific publications and to maximize public access—to the extent feasible and permitted by law—to digital data resulting from federally funded research.

The Administration for Community Living (ACL) is an Operating Division (OPDIV) within the Department of Health and Human Services (HHS), initially established on April 18, 2012, by bringing together the Administration on Aging, the Office on Disability, and the Administration on Developmental Disabilities. Through budget legislation in subsequent years, Congress moved several programs that serve older adults and people with disabilities from other agencies to ACL, including the State Health Insurance Assistance Program, the Paralysis Resource Center, and the Limb Loss Resource Center. Recently, the 2014 Workforce Innovation and Opportunities Act moved the independent living program, Assistive Technology program, and the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR) from the Department of Education to HHS/ACL. The transfer of NIDILRR, which has a current appropriation for research and development of approximately \$104 million, necessitated the development of an ACL public access plan (prior to this transfer, ACL did not administer research programs).

NIDILRR’s mission is to generate new knowledge and to promote its effective use to improve the abilities of individuals with disabilities to perform activities of their choice in the community, and to expand society’s capacity to provide full opportunities and accommodations for its citizens with disabilities. NIDILRR achieves this mission by providing for research, development, demonstration, training, technical assistance, and related activities to maximize full integration of individuals with disabilities in society; ensuring the widespread distribution of practical scientific and technological information in usable formats; and promoting the transfer, use, and adoption of rehabilitation technology for individuals with disabilities in a timely manner.

ACL will make available to the public ACL/NIDILRR peer-reviewed scientific publications and data arising from research funded in whole or in part by ACL/NIDILRR, to the extent feasible and permitted by law and available resources.

The ACL Public Access Plan is intended to:

- Establish a mechanism for compliance with the OSTP public access policy;
- Make published results of ACL/NIDILRR-funded research more readily accessible to the public;
- Make scientific data collected through ACL/NIDILRR-funded research more readily accessible to the public; and
- Increase the use of research results and scientific data to further advance scientific endeavors and other tangible applications.

ACL plans to implement its public access to publications plan in FY2016. ACL is developing a plan to address public access to scientific data and will begin implementing the data public access plan in FY2017.

2. PUBLIC ACCESS TO PEER-REVIEWED PUBLICATIONS

a. Definitions

Embargo: An embargo is defined as a period between the date of publication and the date the publication is made publicly available for free.

Final peer-reviewed manuscript: A final peer-reviewed manuscript is defined as an author's final manuscript of a peer-reviewed paper accepted for journal publication, including all modifications from the peer-review process.

Final published article: A final published article is defined as a publisher's authoritative copy of the paper, including all modifications from the publishing peer-review process, copy editing, stylistic edits, and formatting changes.

Peer-reviewed publication: A peer-review publication is defined as a publication describing original scientific research findings that has been peer-reviewed prior to being published in a scientific journal.

Peer-reviewed publication's metadata: Peer-reviewed publication's metadata is defined as information that describes a peer-reviewed publication, generally making the publication uniquely identifiable and more easily searchable. Publication metadata often include the publication author(s), publication title, journal title, publication date, publication abstract, and unique identifying numbers or codes.

b. Scope

The ACL requirements for public access to peer-reviewed publications will be applicable to peer-reviewed publications resulting from all research funded by ACL/NIDILRR, regardless of the funding mechanism (e.g., grant, cooperative agreement, contract, other funding mechanism).

The ACL requirements for public access to peer-reviewed publications will also apply to peer-reviewed publications resulting from research jointly supported by ACL/NIDILRR and a partner agency, when the research is administered by ACL/NIDILRR. An exception to these requirements is when the jointly-supported research is administered by a partner agency with a comparable public access policy. In that case, ACL will defer to the partner agency's public access policy for peer-reviewed publications.

ACL employees whose scientific work is published in peer-reviewed journals as part of their assigned duties will be under the scope of this plan.

ACL does not have an intramural research program; therefore, it is not addressed in this plan.

c. Requirements

These public access requirements will be applied prospectively, and not retrospectively.

ACL will use PubMed Central (PMC)—the National Institutes of Health (NIH) digital archive of biomedical and life sciences journal literature, developed and operated by the National Library of Medicine, as its designated peer-reviewed publications repository.

Using PMC service will enable ACL to meet the following objectives:

- Ensure that the public can read, download, and analyze in digital form final peer-reviewed manuscripts or final published articles;
- Facilitate easy public search, analysis of, and access to peer-reviewed publications directly arising from research funded by the Federal Government;
- Ensure full public access to peer-reviewed publications' metadata, without charge upon first publication, in a data format that ensures interoperability with current and future search technology. The metadata will provide a link to the location where the full text and associated supplemental materials will be made available after the embargo period;
- Encourage public-private collaboration to:
 - o maximize the potential for interoperability between public and private platforms and creative reuse to enhance value to all stakeholders,
 - o avoid unnecessary duplication of existing mechanisms,
 - o maximize the impact of the Federal research investment, and
 - o assist with implementation of the ACL Public Access plan;
- Ensure that attribution to authors, journals, and original publishers is maintained; and
- Ensure that publications and metadata are stored in an archive that:
 - o provides for long-term preservation and access to the content without charge,
 - o uses standards, widely available and, to the extent possible, nonproprietary archival formats for text and associated content,
 - o provides access for persons with disabilities consistent with Section 508 of the Rehabilitation Act of 1973, and
 - o enables integration and interoperability with other Federal public access archival solutions and other appropriate archives.

The ACL public access plan requires that all peer-reviewed publications generated from ACL/NIDILRR -funded research be publicly available via PubMed Central (PMC) no later than 12 months after the official publication date. The peer-reviewed publications may be made available in either the final peer-reviewed article or final peer-reviewed manuscript format.

ACL/NIDILRR-funded authors may choose one of the following options to achieve compliance:

- When appropriate, publish their work in peer-reviewed journals that currently archive their complete contents in PMC (full participation) with a 12 month or less embargo period. In cases where an author publishes with one of these journals, the publisher will supply the final published article directly to PMC and the author does not need to take any additional action to comply with ACL Public Access Policy.

The complete PMC journal list is available at <http://www.ncbi.nlm.nih.gov/pmc/journals/>. The “Participation Level” column indicates which journals have a full participation level and the “Free Access” column indicates the journal’s embargo period from the date of publication. To exercise this option, only those listed journals with both a full participation level and the embargo period of 12 months or less will meet the requirements of the ACL Public Access Policy.

- Submit final peer-reviewed manuscript to PMC through the National Institutes of Health Manuscript Submission System (NIHMS) <http://www.nihms.nih.gov/> upon acceptance of the manuscript for publication, with the understanding that these manuscripts will be made publicly available no later than 12 months after the official date of publication. The author should address the requirements for PMC deposit with the publisher at the time of acceptance or earlier to ensure compliance with the ACL Public Access Policy.

ACL employees whose work is published in peer-reviewed journals as part of their assigned duties will also be required to make the peer-reviewed publications publicly available through either one of the mechanisms indicated above.

d. Compliance and Evaluation

ACL will establish compliance terms and conditions for grant, cooperative agreement, contract, and other funding mechanisms, to be included in all Funding Opportunity Announcements and Requests for Proposals issued after October 1, 2016. The compliance terms and conditions will also be communicated to all recipients of new awards for grants, cooperative agreements, contracts, and other applicable funding mechanisms.

ACL/NIDILRR-supported investigators will be required to report any *peer-reviewed manuscripts that have been accepted for publication* in their annual performance reports and final reports, with an indication whether the compliance with the ACL Public Access Policy has been achieved by one of the two methods below:

- The manuscript is being published in a journal with PMC’s full-participation status with a 12-month or less embargo period; or
- The final peer-reviewed manuscript has been submitted through the National Institutes of Health Manuscript Submission System (NIHMS) with an embargo period of 12 months or less.

Grantee compliance will be monitored by requiring the ACL/NIDILRR-supported investigators to identify the PubMed Central Identification Number (PMCID) for any *peer-reviewed publications* associated with their grant, cooperative agreement, contract, or other funding mechanism to demonstrate compliance with the ACL Public Access Plan. PMC assigns the PMCID to peer-reviewed publications (final peer-reviewed manuscript and final published article) that are under an embargo period as well as those that are already publicly available through PMC.

The data from the PMC’s funding agency administrative portal showing status of submitted final peer-reviewed manuscripts and final published articles associated with ACL/NIDILRR-funded grants, cooperative agreements, contracts, and other funding mechanisms will also be reviewed at a regular interval. This will enable ACL to monitor compliance and take appropriate action

such as prompting investigators who are delayed in completing necessary actions that PMC requires in order to make the peer-review publications available to the public.

Failure to comply with ACL’s public access to publications plan could result in withholding, suspension, or termination of funding for non-competing continuation awards. Before awarding new grants or contracts, ACL will inquire whether prospective awardees are in compliance with the ACL Public Access Policy. Prospective awardees’ failure to comply with ACL’s public access policy could be considered a risk factor in making decision for new awards.

ACL will rely on the HHS petition process for considering requests to shorten the embargo period for publications in a specific field. This process is described in greater detail in the *HHS Guiding Principles and Approach for Enhancing Public Access, Appendix A* at <http://www.hhs.gov/open/public-access-guiding-principles/index.html#app-a>.

Compliance of ACL employees who published in peer-reviewed journals as part of their assigned duties will be monitored through internal clearance and reporting processes.

e. Implementation Timeline

Begin to communicate ACL requirements for public access to peer-reviewed publications to ACL stakeholders and solicit input and feedback from stakeholders through ACL website and other appropriate venues.	March 1, 2016
Establish an interagency agreement with NIH establishing PMC as the repository for ACL/NIDILRR-funded peer-reviewed publications	March 31, 2016
Publish ACL’s requirements for public access to peer-reviewed publications on the HHS Public Access website, ACL website (ACL.gov), and other appropriate venues, and identify point of contact within ACL to respond to questions, comments, or suggestions	October 1, 2016
Incorporate terms and conditions on compliance with ACL’s requirements for public access to peer-reviewed publications into ACL-sponsored grant, cooperative agreement, contract, and other funding mechanism notices, such as Funding Opportunity Announcements and Requests for Proposals	October 1, 2016
Communicate terms and conditions on public access to peer-reviewed publications all recipients of new awards for grants, cooperative agreements, contracts, and other applicable funding mechanisms.	October 1, 2016
Review the status of implementation of ACL requirements on public access to peer-	October 1, 2017

reviewed publications and assess compliance	
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3. PUBLIC ACCESS TO SCIENTIFIC DATA

ACL will further develop a plan to address the OSTP policy on public access to scientific data. The plan will outline definitions, scope, requirements, compliance and evaluation, and implementation timeline. The plan will address the following objectives:

- Maximize access, by the general public and without charge, to digitally formatted scientific data created with ACL/NIDILRR funds, while:
 - o protecting confidentiality and personal privacy,
 - o recognizing proprietary interests, business confidential information, and intellectual property rights and avoiding significant negative impact on intellectual property rights, innovation, and U.S. competitiveness, and
 - o preserving the balance between the relative value of long-term preservation and access and the associated cost and administrative burden;
- Ensure that all ACL/NIDILRR extramural researchers receiving funding for scientific research develop data management plans describing how they will provide for long-term preservation of, and access to, scientific data in digital formats resulting from ACL/NIDILRR funded research, or explaining why long-term preservation and access cannot be justified;
- Allow the inclusion of appropriate costs for data management and access in proposals seeking ACL/NIDILRR funding for scientific research;
- Ensure appropriate evaluation of the merits of submitted data management plans;
- Include mechanisms to ensure that researchers comply with data management plans and policies;
- Promote the deposit of data in publicly accessible databases, where appropriate and available;
- Encourage cooperation with the private sector to improve data access and compatibility, including through the formation of public-private partnerships with foundations and other research funding organizations;
- Develop approaches for identifying and providing appropriate attribution to scientific data sets that are made available under the plan;
- In coordination with other agencies and the private sector, support training, education, and workforce development related to scientific data management, analysis, storage, preservation, and stewardship; and
- Provide for the assessment of long-term needs for the preservation of scientific data in fields that ACL/NIDILRR supports, and outline options for developing and sustaining repositories for scientific data in digital formats, taking into account the efforts of public and private sector entities.

The plan will address scientific data collected by ACL employees as part of their assigned duties. ACL does not have an intramural research program; hence intramural research will not be addressed in ACL’s plan for public access to scientific data.

Public Access to Scientific Data Plan Development and Implementation Timeline:

Submit ACL public access plan for scientific data	November 1, 2016
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to HHS Office of Secretary for clearance	
Begin to communicate ACL requirements for public access to scientific data to ACL stakeholders	February 1, 2017
Publish ACL's requirements for public access to scientific data on the HHS Public Access website, ACL website (ACL.gov), and other appropriate venues, and identify point of contact within ACL to respond to questions, comments, or suggestions	March 1, 2016
Incorporate terms and conditions on compliance with ACL's requirements for public access to scientific data into applicable ACL-sponsored grant, cooperative agreement, contract, and other funding mechanism notices, such as Funding Opportunity Announcements and Requests for Proposals	October 1, 2017
Communicate terms and conditions on public access to scientific data to applicable recipients of new awards for grants, cooperative agreements, contracts, and other applicable funding mechanisms.	October 1, 2017
Review the status of implementation of ACL requirements on public access to scientific data and assess compliance	October 1, 2018

4. RESOURCES

ACL will leverage existing capabilities and resources to implement its Public Access Plan within its current operating budget.

5. INTERAGENCY COORDINATION

ACL interagency coordination will include the following:

- Full participation on the HHS interagency public access work group;
- Full participation on the government-wide public access publications and data work groups facilitated by OSTP;
- Coordination with NIH in the use of NIH Manuscript Submission System and PubMed Central repository to enable full public access to ACL-funded peer-reviewed publications; and
- Coordination with other HHS agencies in developing data management and sharing requirements.

6. PUBLIC CONSULTATION AND NOTICE

ACL will publish a Notice of a Proposed Public Access Plan on the ACL website and also use other appropriate venues to solicit comments from stakeholders including federally funded researchers and universities. ACL will publish the Final Public Access and on the ACL and HHS Public Access web sites.

ACL will periodically update the Final Public Access Plan as needed, and seek feedback from stakeholders on the proposed updates through ACL website and other appropriate venues.