AAP | ASSOCIATION OF AMERICAN PUBLISHERS

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RE: NOT-OD-25-138

Submitted via electronic form.

The Association of American Publishers (AAP) welcomes this opportunity to respond to the Request for Information on Maximizing Research Funds by Limiting Allowable Publishing Costs (NOT-OD-25-138). AAP represents over 80 Professional and Scholarly Publishers, including dozens of domestic scholarly societies representing over a million scientists, engineers, researchers, and other members of the academy. AAP members are the leading American publishers of research and science. AAP members employee tens of thousands of Americans in high paying jobs, and publish the world's leading, cutting-edge research findings.

Given its role as a trade association for book, journal, and education publishers in the United States and its commitment to fostering a competitive marketplace, AAP has adopted policies to ensure compliance with applicable competition and antitrust laws. In preparing this response, AAP has relied solely on publicly available information and there were no discussions or exchanges of competitively sensitive, non-public information between AAP and its members concerning members' individual pricing, costs, or submission policies.

NIH, Office of Science and Technology Policy (OSTP), and the rest of the science community prioritize the work of the publishing community, as they all seek and prioritize the post peer review article version for public access policies, as opposed to pre-prints or submitted manuscripts. Scholarly communication and publication are so integral to the research process all scientific funders, both public and private, assume researchers will broadly communicate and publish their results in a scientific journal or other peer reviewed output, despite there being no requirement they do so. NIH maintains multiple institute websites solely dedicated to boosting the discoveries reported in scientific journals, including NIH Research Matters.

NIH is unique among federal science agencies in having specific, targeted statutory authorization from Congress on the issue of public access (P.L. 110-161). NIH is required, by law, to ensure researchers submit a post publisher version of the peer reviewed manuscript. As part of P.L. 110-161, Congress directed NIH to work closely and collaborate with publishers, and "to carefully take into account the advice of journal publishers on the implementation of this policy."[1]

[1] S. REP. NO. 110-107 (2008). ("Public Access.—The Committee has included bill language that would require investigators who are funded by the NIH to submit an electronic version of their final peer-reviewed manuscripts to the National Library of Medicine's PubMed Central upon acceptance for publication…*The Committee highly encourages collaborations with journal publishers that would enable them to deposit manuscripts on behalf of the funded investigators, if all parties agree. The Committee directs the NIH to seek and carefully take into account the advice of journal publishers on the implementation of this policy.*" (*Emphasis Added*.)

STEM (scientific, medical, engineering, and technical publishers) publishers privately fund and pay for the selection, curation, peer and editorial review, publication, and archival and legacy management of articles reporting on NIH grant funded research. Members of the scholarly publishing community take deep pride in the critical role we have played in scientific research for over four hundred years. There are currently hundreds of competing STEM publishers, who support the publication of thousands of journals. Nearly half of all peer reviewed articles are currently published by journals outside the top five largest publishers.[2]

As noted by OSTP in a report to Congress on the topic of funding open access:

> The ability to publish — and all the benefits that come with publication, including the dissemination of knowledge to different audiences, the opportunity for other researchers to validate, build on, and innovate using existing work, pathways for forming collaborations, and the chance to build recognition and reputation — are central to a healthy and equitable research enterprise.[3]

Simply put: **scientific publishing is essential to the research process.**

Understanding the Costs of Scholarly Communication Business Models

Publishing scientific and medical literature is expensive. For example, the Public Library of Science (PLOS) publishes open access journals in a wide range of biomedical and life sciences and is a strong supporter of the Biden OSTP Public Access policy ("Nelson Memo"), as well as NIH's current public access policy.[4] PLOS is a not-for-profit entity focused solely on open science publication, conducting minimal external activities beyond scholarly communication. Despite charging between $2300 and $6400 per article for publication,[5] PLOS has failed to generate net income in 4 of 9 years.[6] Another Nelson Memo supporter, eLife, which specializes in reviewed pre-prints, relies heavily on outside funder support and charges $3000 for publication fees, and also struggles to produce net income.[7] Clearly, there is a significant cost associated with the publication of published manuscripts.

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[2] *See* David Crotty, *2025 Update: Quantifying Consolidation in the Scholarly Journals Market*, THE SCHOLARLY KITCHEN (Aug. 20, 2025), https://scholarlykitchen.sspnet.org/2025/08/20/2025-update-quantifying-consolidation-in-the-scholarly-journals-market/?informz=1&nbd=&nbd_source=informz.

[3] WHITE HOUSE OFF. OF SCI. AND TECH. POL'Y, REP. TO THE U.S. CONG. ON FIN. MECHANISMS FOR OPEN ACCESS PUBL'G OF FEDERALLY FUNDED RSCH. 27 (2023).

[4] NAT'L INST. OF HEALTH, COMPILED PUB. COMMENTS ON THE REQUEST FOR INFO. ON THE NAT'L INST. OF HEALTH DRAFT PUB. ACCESS POL'Y 229 (2024), https://osp.od.nih.gov/wp-content/uploads/2024/10/Compiled-Public-Comments-on-RFI-on-the-NIH-Draft-Public-Access-Policy-508C.pdf.

[5] *Publication Fees*, PLOS, https://plos.org/fees/ (last visited Sep. 9, 2025). (Range of current fees for Research Articles - PLOS One: $2382-PLOS Medicine: $6460. PLOS is not an AAP member.)

[6] *Financial Overview 2023*, PLOS, https://plos.org/financial-overview/ (last visited Sep. 9, 2025). (Data from available Form 990s filed between 2015 and 2023.)

[7] *Elife Sciences Publications Ltd*, PROPUBLICA, https://projects.propublica.org/nonprofits/organizations/453588477 (last visited Sep. 9, 2025). (Data collected from ProPublica's Nonprofit Explorer. Between 2015 and 2023, eLife received between 28% and

The articles themselves are written by and for technical professionals and have a limited general audience or marketability. Skilled editors, physical and online infrastructure, integrity checks, and addressing the myriads of challenges and opportunities associated with artificial intelligence require substantial investment. Additionally, not-for-profit domestic scientific societies often cover the cost of member services, professional development, scientific discourse and conferences, and fellowships through publishing revenue, while commercial publishers must develop and return shareholder investment and capital. There is increasing evidence that the viability of domestic non-profit scientific societies is threatened by public access mandates do not allow for sustainable business models.[8]

Publishers are committed to the concept of public access, however recouping the cost of publication has traditionally rested with subscribers and interested readers. Subscriber logins and access controls serve to ensure publishers are able to recoup costs, and historically funders have acknowledged this fact by allowing modest delays in requiring free non-subscriber access to articles reporting on funded research. A reader driven scholarly communication system not only ensures the primary users fund peer review and publication; it also creates a positive feedback system where subscriber reaction to journal and publisher quality self regulates and ensures automatic quality improvement.

Immediate public access, whereby a researcher deposits a post peer review edited manuscript to a repository for free public availability immediately upon acceptance for publication, can undermine the subscription, subscribe to open, or other arrangements which have traditionally enabled publishers to invest in ensuring the quality, integrity, and preservation of the scientific record. Unfortunately, there is ample evidence of subscription cancellation in lieu of open access[9] domestically and abroad using programs such as Unsub.org and Unpaywall.org, as well as blogs tracking journal cancellations and contract data sharing. Subscription cancellations undermine the private funding needed to continue producing trusted high-quality publications to help advance human health and welfare, job creation, and economic growth.

Publishers have responded by developing alternative models, such as Gold Open Access (Gold OA), to meet grant funder immediate public access requirements while ensuring the continued integrity of peer reviewed publications. Article publication or processing charges allow publishers to ensure article integrity and quality of the Version of Record, while providing the public immediate access to the article in question. Gold OA publications, unlike the accepted manuscript, often incorporate metadata and other grant funder requirements and are continuously monitored and updated, guaranteeing the public of best available science when access repositories such as PubMed Central.

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100% of its revenue from contributions, as opposed to program services. eLife failed to generate positive net income in 3 of 9 years. eLife is not an AAP member.)

[8] Rob Johnson, *When Society publishing suffers, research suffers*, RSCH. PRO. NEWS (May 28, 2025), https://www.researchprofessionalnews.com/rr-news-uk-views-of-the-uk-2025-may-when-society-publishing-suffers-research-suffers/.

[9] Xijie Zhang, *Is open access disrupting the journal business? A perspective from comparing full adopters, partial adopters, and non-adopters*, 18 J. OF INFOMETRICS, no. 4, 2024, https://www.sciencedirect.com/science/article/pii/S1751157724000865?via%3Dihub.

While Green open access (i.e., self-archival) affords free compliance to the author, it does not guarantee researchers will be able to publish in the journal of their choosing for free. Free to post does not equal free to publish. The ability to freely deposit a manuscript has little value to NIH or the public writ large if it cannot find a venue for publication, or worse, does not receive the necessary checks for integrity and quality afforded by peer review, as well as maintenance and preservation of the Version of Record, where post publication assessment and adjudication of the article occurs. As a group of top science policy experts noted in the *Proceedings of the National Academies of Science*:

> For many years, a 12-month embargo afforded by earlier federal policy directives allowed the Green OA model to thrive in parallel with the traditional journal subscription model. Gold OA is likely to become the preferred business model for scientific journals after the new OSTP directive...[10]

In moving to immediate public access, the government is functionally transitioning the cost of publication from the institutional reader to the public via the grantee.

NIH is now proposing to cap grant publication recoverable costs via price controls, even as it implements a new burdensome grant compliance requirement. This new proposal threatens to force researchers to pay out of pocket should new limits prove to be too low or threaten the integrity of NIH scholarly communication if researchers seek publishing outlets of low quality. Since the 1970s, most economists have taken a dim view of price controls, with the Federal Reserve Bank of St. Louis noting "Price controls have had a very long but not very successful history"[11] and the Heritage Institute stating bluntly "Statist price controls kill innovation, destroy markets, and stymie or degrade economic development."[12]

AAP notes this NIH proposal appears to be a unique instance of NIH attempting to control and regulate NIH mandated research costs. AAP is unaware of any other detailed NIH regulation limiting or attempting to set a cap on other research inputs by a specific dollar amount, such as reagents and catalysts, microscopes and other hardware, or biological inputs. AAP is also unaware of NIH questioning the profits or revenues of other research inputs manufacturers. By NIH's own calculation, it is working to regulate a research input making up less than 1% of overall grant expenditures.

AAP Guidance on NIH's proposed publishing cost control scenarios

In order to save time and space, AAP will refer to the proposed options for limiting cost by number and title.

- **Option #1: Disallow all publication costs.**

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[10] Phillip A. Sharp, et al., *The future of open research policy should be evidence based*, 121 PROC. OF THE NAT'L ACAD. OF SCI., no. 32, 2024, https://www.pnas.org/doi/10.1073/pnas.2412688121.

[11] Christopher J. Neely, *Why price controls should stay in the history books*, FED. RSRV. BANK OF ST. LOUIS (Mar. 24, 2022), https://www.stlouisfed.org/publications/regional-economist/2022/mar/why-price-controls-should-stay-history-books.

[12] Adam Mossoff, *Pandemics, Patents, and Price Controls*, THE HERITAGE FOUND. (May 13, 2021), https://www.heritage.org/economic-and-property-rights/report/pandemics-patents-and-price-controls.

The Code of Federal Regulations § 45 CFR 75.461 indicates costs associated with publication are allowable under a federal award, while § 2 CFR 200.461 states that article processing charges are specifically allowed. In addition, NIH Grants Policy Statement 7.9 also confirms publication costs are allowed. A proposal to suddenly disallow grantees to recover NIH mandated costs associated with publication appears to contradict long standing and established OMB and NIH policy and would require researchers to pay entirely out of pocket to publish articles that comply with NIH immediate open access requirements.

- **Option 2: Set a limit on allowable costs per publication.**

This option is ill-advised and could seriously damage the research integrity and quality NIH has historically sought and supported. In November 2023, OSTP, in response to a request to Congress, undertook an analysis of funding mechanisms for open access publishing.[13] As part of that analysis, OSTP retrieved APCs for federally funded researchers published from 2016 to 2021. Using this information, OSTP was able to develop a range of APCs for the top one hundred journals favored by US funded scientists across a range of agencies. OSTP estimated the journals NIH researchers preferred to publish had average APCs of $3372 for fully open journals and $4824 for Hybrid journals. The estimates of agency APC costs appear consistent with APC studies of federally funded publications and industry trends.[14] [15] [16] OSTP's estimates suggest the Option 2 price (and Option 3 price, see below) are too low, by a significant amount.

An artificially low-price cap threatens to divide researchers by ability to afford publication in a quality journal. Researchers outside the traditionally well-resourced R1 community, such as scientists and doctors from rural or non-research focused institutions, could be forced to pay out of pocket to communicate in their preferred outlet due to non-market-based reimbursement rates.

AAP strongly believes researchers should be allowed to communicate their work in the method and journal that best suits their research, and capping reimbursement per article threatens researchers' freedom to publish, while potentially requiring them to fulfill grant requirements at personal expense.

- **Option 3: Set a limit on allowable costs per publication and allow a higher amount to be paid when peer reviewers are compensated.**

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[13] WHITE HOUSE OFF. OF SCI. AND TECH. POL'Y, REP. TO THE U.S. CONG. ON FINANCING MECHANISMS FOR OPEN ACCESS PUBL'G OF FEDERALLY FUNDED RSCH. 27 (2023).

[14] *See* Eric Schares, *Impact of the 2022 OSTP memo: A bibliometric analysis of US federally funded publications*, 4 QUANTITATIVE SCI. STUD., no. 1, 2023, https://direct.mit.edu/qss/article/4/1/1/114456/Impact-of-the-2022-OSTP-memo-A-bibliometric.

[15] *See* Stefanie Haustein et al., *Estimating global article processing charges paid to six publishers for open access between 2019 and 2023* (Jul. 23, 2024), https://arxiv.org/abs/2407.16551.

[16] *See* Stefanie Haustein et al., *NIH explores capping APCs: Let's look at the evidence*, SCHOLCOMMLAB (Sep. 3, 2025) https://www.scholcommlab.ca/2025/09/03/nih-apc-caps/.

AAP questions the procedural and cost viability of NIH funded peer review payment system. Will grantees be required to ensure peer reviewer payment? What compliance mechanisms does NIH envision? NIH does not appear to have clearly defined statutory authority to regulate peer reviewer compensation in the private marketplace.

There is no contractual relationship between NIH and publishers in grant funding agreements; publishers pay the immediate cost of managing peer review and publication, and any licensing claims by NIH are non-statutory and legally untested. Research grants fund research and scientific discovery, not unspecified downstream creative written works. Many articles are based on years of research, experience, and collaborative input and may occur after grant close-out. Written works not specifically requested or commissioned by the federal government are the sole intellectual property of the rights holder.

If NIH would like to encourage a holistic review of the peer review system, AAP would welcome an opportunity for publishers to explore novel ideas and pilot projects to boost research integrity and quality. A poorly implemented reviewer compensation system could create incentives which encourage predatory or payment seeking behavior that threatens the integrity of peer review.

- **Option 4: Set a Limit on the total amount of an award that can be spent on publication costs.**

While AAP remains concerned NIH is engaging in market price controls without fully understanding the costs associated with its NIH Public Access Policy, AAP believes option 4 may allow researchers flexibility to choose how and where to communicate their results. By setting an overall grant limit, researchers will have the ability to submit to a journal that ensures their work receives robust peer review and integrity checks, while also allowing the researcher to tailor the dissemination of their work to the ideal audience.

AAP believes the percentage amount suggested by NIH may prove to be insufficient. Many NIH funded researchers do not regularly budget to cover the cost of the immediate public access mandate, underestimating the future total amount of grant funds that should be made available for publication. Current grantees have a range of subscription funded green open access journals from which to choose, which will change as journals reorganize business models to accommodate NIH's immediate deposit mandate.

The scholarly journals marketplace is estimated to be approximately $11 billion dollars,[17] while overall US R&D Funding was nearly $784 billion in 2023.[18] AAP suggests 1.4 %, similar to the percentage publishing share of US global R&D, or $30,000, whichever is greater and indexed to inflation, as total grant amount available for publication costs. Additionally, NIH should require researchers appropriately

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[17] Dan Pollock et al., *News & Views: Total Value of Scholarly Journals Market*, DELTA THINK, (April 16, 2024), https://www.deltathink.com/news-views-total-value-of-scholarly-journals-market.

[18] David Bonaglia et al., *End of Year Edition – Against All Odds, Global R&D Has Grown Close to USD 3 Trillion in 2023*, World Intell. Prop. Org. (Dec. 18, 2024), https://www.wipo.int/en/web/global-innovation-index/w/blogs/2024/end-of-year-edition.

budget to ensure adequate cost coverage and monitor reported budgets to acquire an accurate estimate of publication costs.

- **Option 5: Set a limit on both the per publication cost and the total amount of an award that can be spent on publications.**

AAP believes Option 5 is overly complex. If NIH plans to set a grant amount cap, as proposed in Option 4, researchers should have the freedom to choose how they allocate resources under the cap and not be constrained by non-evidence-based cost setting.

Research Integrity and a Changing Scholarly Communication Market

Historically, the scholarly communication system self corrects as a function of both business and research integrity, particularly when driven by subscription-based funding models where readers determine quality. Journals are only as good as the quality of their published research, name, and reputation, and seek to ensure articles are of the highest quality in order to maintain trust and readership with their communities.

Publishing high quality work with integrity requires substantial investment, and proposals to limit cost risk limiting quality. AAP urges NIH to be wary of responses to this RFI establishing non-peer reviewed articles as cheap and equivalent to peer reviewed manuscripts. While pre-prints and other non-reviewed products have an important role in the scientific dialogue and debate ecosystem, to untrained readers, they may appear as authoritative or scientifically accepted, when in fact they are not yet verified for broad public consumption. Pre-print systems still carry substantial costs: many publishers sponsor and manage pre-print systems with publishing revenues, while other preprints systems have recently received outside funding to enhance, support, or reorganize operations. [19] [20] RFI responses encouraging NIH to require grantees to submit non-peer reviewed articles will simply increase the already substantial bureaucracy and paperwork associated with public access grant compliance.

Increasing evidence of coordinated scientific fraud in the research ecosystem indicates more, not less, peer and editorial review is necessary if taxpayers are to be assured of the integrity and quality of federal research investments.[21] NIH should be seeking to invest in more publisher quality and integrity checks by enabling grantees to publish in journals upholding the highest standards.

Growing biomedical research expenditures, as well as improved computational tools to catch falsified and erroneous submissions, are boosting both the number of articles in circulation and increasing the need for improved integrity and quality checks. More than ever, rigorous publication protocols and standards are necessary to ensure the research community and taxpayers about the quality of research

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[19] *Research repository arXiv receives $10m for upgrades*. CORNELL CHRONICLE. (2023, October 19). https://news.cornell.edu/stories/2023/10/research-repository-arxiv-receives-10m-upgrades

[20] Jeffry Brainard, *In bid to expand, bioRxiv and medRxiv preprint servers move to newly formed nonprofit.* SCIENCE. (March 11, 2025), https://www.science.org/content/article/bid-expand-biorxiv-and-medrxiv-preprint-servers-move-newly-formed-nonprofit

[21] *See* Reese A. K. Richardson et al., *The entities enabling scientific fraud at scale are large, resilient, and growing rapidly*, 122 PROC. OF THE NAT'L ACAD. OF SCI., no. 32, 2025, https://www.pnas.org/doi/epdf/10.1073/pnas.2420092122.

and development. In order to create a sustainable open science system which fosters choice, integrity, and maximizes taxpayer investment, NIH should reimagine public access and partner with publishers.

An Alternative Vision of Public Access

AAP continues to advocate the best method for addressing issues of cost in publication is through a vibrant, competitive, and dynamic publishing marketplace with maximum author choice. By collaborating with publishers to foster a wide range of business models and methods of communicating discoveries, NIH could create successful public access policies that minimize onerous and bureaucratic researcher compliance requirements, as well as taxpayer cost. Rather than mandating a one-size-fits-all public access approach, NIH should foster an open communication ecosystem to boosts science with many publishing options.

AAP proposes NIH, in combination with an overall grant cap of 1.4%, reinstitute a modest delay of 12 months on requirements authors deposit a peer accepted manuscript based on NIH funding. A delay will allow publishers to continue to offer free green/subscription based open access compliance options and is consistent with the statutory requirements of P.L. 110-161, while the grant cap ensures researchers exercise budgetary care in publication. Additionally, authors retain the right to choose to publish immediate open access via Gold or other publisher supported rapid dissemination models. The general public and taxpayers will have access to the array of NIH funded research, while also encouraging a variety of publishing options for authors to pursue in communicating the results of their research.

Conclusions

We believe a financially sustainable, collaborative open science system which engages the publication community can be a boon for research. AAP members will continue to bring scientific discoveries and innovations to the public and push the boundaries of science, medicine, and knowledge. We would welcome the opportunity to work with NIH to realize our shared goals of ensuring that America's investment in scientific research helps advance human health and welfare and fosters innovation, jobs, and economic growth.

About AAP

The Association of American Publishers (AAP) is the national trade association for book, journal, and education publishers in the United States, the largest such publishing market in the world. Among its many priorities, the AAP works to ensure and advance a rational copyright framework that incentivizes and respects the intellectual and financial investments of authors and their publishers, including, especially, a vibrant and secure marketplace for the exercise and protection of exclusive rights.

Submitted With Regards,

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