



To: Defense Acquisition Regulations System
Department of Defense

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RE: Comments on DFARS Case 2020-D028 [Docket DARS-2024-0027]
Submitted by email to: osd.dfars@mail.mil.

On behalf of our member public and private research universities and institutions, we appreciate the opportunity to provide feedback on the Department of Defense's (DOD) proposed amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) regarding public access to DOD-funded fundamental research.

Our organizations strongly support DOD's efforts to increase public access to federally funded research results. We commend the DOD for harmonizing definitions and data management plan requirements with other federal agencies, which reduces researcher burden. We also appreciate that the proposed policy will allow researchers to submit their publications through existing Defense Technical Information Center repositories, which include OSTI, a repository managed by the Department of Energy. We applaud the DOD for working with other agencies to share repository infrastructure, which helps further reduce researcher burden in having to navigate different infrastructures.

We recommend the following additions to further align the proposed plan with other agency policies:

- **Policy Effective Date**

We recommend these policies apply to all newly awarded grants and contracts on or after October 1, 2025.

- **Official Date of Publication**

Define when peer-reviewed manuscripts must be deposited in DOD-authorized repositories. We recommend adding to 252.235-70XX(a):

"Official Date of Publication means the date on which the article is first made available in final, edited form, whether in print or electronic (i.e., online) format."

Revise 252.235-70XX(b) to state:

"Submission of final peer-reviewed manuscript. The Contractor shall submit an electronic copy of the manuscript on the Official Date of Publication to one of the following Defense Technical Information Center repositories:"

- **Sensitive Data Protections**

Revise 252.235-70YY Data Management Plan (b)(11):

"A statement that the data cannot be made available to the public when there are national security, controlled unclassified information concerns, trade secrets, confidential commercial information, personally identifiable information, or other information which is protected under law or policy."

- **Publication and Data Sharing Costs**

Clarify that article processing charges and costs associated with making data publicly available can be directly charged to the grant or contract.

These recommended clarifications will help align DOD's policy with the requirements of other federal agencies while ensuring appropriate protections for sensitive information.

The proposed changes to DFARS parts 235 and 252 demonstrate DOD's commitment to both scientific advancement and practical implementation considerations. The clear definitions, specific requirements, and use of established infrastructure will help ensure successful adoption across the research community.

We look forward to working with the DOD as these requirements are implemented and appreciate the Department's ongoing commitment to advancing public access while maintaining appropriate protections for sensitive research.