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July 2, 2026

Russell Vought, Director
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

RE: University of California, Berkeley Library Comments on Proposed Rule, Regulation for Federal Financial Assistance, 91 Fed. Reg. 32198 (May 29, 2026)

Dear Director Vought:

The University of California, Berkeley Library ("UC Berkeley Library") appreciates the opportunity to comment on the Office of Management and Budget (OMB) Proposed Rule, *Regulation for Federal Financial Assistance,* 91 Fed. Reg. 32198 (May 29, 2026).[1]

While OMB is proposing several updates to 2 CFR Part 200, we write specifically to address the revisions to two code sections:

- § 200.461 (Publication and Printing Costs); and
- § 200.454 (Memberships, Subscriptions, and Professional Activity Costs).

These proposed changes would make publication costs and journal subscription expenses broadly unallowable under federal awards.

We urge OMB to withdraw both provisions. As detailed below, these changes would undermine the dissemination of federally funded research and contradict existing federal public access policies. The proposed rule would impair the infrastructure that supports U.S. scientific

[1] Office of Management and Budget. (2026, May 29). *Regulation for Federal Financial Assistance*. Federal Register. https://www.federalregister.gov/d/2026-10817

productivity, and shift costs onto institutions, libraries, and individual researchers who lack the capacity to absorb them.

Institutional Context

The UC Berkeley Library submits this comment on behalf of an institution that sits at the center of the U.S. research enterprise. The University of California performs 10% of all U.S. academic research and development and produces nearly 10% of all scholarly publications in the United States.[2] UC Berkeley received $473 million in federal research funding in 2024–25,[3] with grantees relying on federal awards to defray publication-related fees so they can make their published research broadly available for the advancement of science. Indeed, in 2025, researchers across the entire UC system spent more than $20 million on publication-related expenses, with the majority of funding drawn from federal grants.

UC Berkeley Library invests approximately $12 million each year licensing electronic content—scholarly journals, databases, books, multimedia resources, and data—that researchers require to conduct their work. And individual researchers and labs leverage federal funds to subscribe to academic journals and other materials whose access is not already provided through library investments.

Publication and access to scholarly literature are not ancillary to the university's research mission; they are integral to it—and they are the two ends of a single system. Section 200.461 would withdraw federal support for the *output* of research—the publication of findings—while § 200.454(b) would withdraw federal support for its *input*—access to the published literature researchers must engage with to do their work. The proposed revisions thus strike at both ends at once, impairing the infrastructure that enables a significant share of U.S. research output and threatening the researchers' ability to disseminate publicly funded discoveries to the public and the world. We address each provision in turn; as we explain, each is independently unsupportable, and together they would sever federal funding from the entire lifecycle of research knowledge.

Concerns About § 200.461: Publication and Printing Costs

The proposed revision to § 200.461 makes publication costs, including article processing charges (APCs), unallowable under federal awards except where (a) specifically required by federal statute, or (b) approved in advance by the federal agency on a case-by-case basis. This revision is unsupportable for several independent reasons: it conflicts with the

[2] University of California. (2019). Chapter 9: Research. In *University of California accountability report 2019*. https://accountability.universityofcalifornia.edu/2019/chapters/chapter-9.html
[3] University of California, Berkeley. (n.d.). *Excellence in research*. Vice Chancellor for Research Office. https://vcresearch.berkeley.edu/excellence

government's own public access policies, rests on a mistaken view of publication's role in research, and would shift rather than reduce costs in ways that fall hardest on those least able to bear them.

The Proposed Rule contradicts and undermines federal public access policies

The 2022 OSTP memorandum *Ensuring free, immediate, and equitable access to federally funded research* and subsequent agency public access plans require that federally funded research be made immediately and freely available to the public upon publication, with no embargo period.[4] Multiple federal agencies, including the National Institutes of Health (NIH), have implemented or are implementing zero-embargo public access policies pursuant to this directive.[5]

Many publishers currently offer federally funded authors only two compliance pathways: (1) pay an APC to publish the article open access on the publisher's website, satisfying the immediate-access requirement; or (2) deposit an author accepted manuscript (AAM) in a repository—but impose an embargo that may violate the zero-embargo federal requirement, or require an APC or additional fee to avoid the embargo.

By making publication costs unallowable while simultaneously requiring immediate public access, the proposed rule places federally funded researchers in a difficult compliance position. The rule's own language acknowledges this tension without resolving it: "A general requirement to make results publicly available must not be construed as authorizing publication costs." That language sets the requirement and the cost prohibition side by side, but leaves researchers and institutions to absorb the gap between them.

The federal government has spent over a decade building public access research infrastructure and policy. The policies recognize that open dissemination is not separate from the research mission but is the final, essential step that converts research activity into public benefit. The proposed revision to § 200.461 reverses this trajectory and creates an incoherent policy environment in which the federal government simultaneously requires open dissemination but prohibits the costs many publishers are requiring to achieve it.

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[4] Office of Science and Technology Policy. (2022, August 25). *Ensuring free, immediate, and equitable access to federally funded research* [Memorandum]. Executive Office of the President of the United States. https://bidenwhitehouse.archives.gov/wp-content/uploads/2022/08/08-2022-OSTP-Public-Access-Memo.pdf

[5] National Institutes of Health. (2025, June 23). *NIH public access policy overview*. U.S. Department of Health and Human Services. https://grants.nih.gov/policy-and-compliance/policy-topics/public-access/nih-public-access-policy-overview

Publication is not secondary to research—it is a core and expected outcome

This conflict stems from a threshold premise reflected in OMB's stated rationale—that publication is peripheral to the research the government funds. OMB's rationale asserts that publication costs "are not inherently necessary to carry out the core programmatic objectives of most Federal awards" and "may serve institutional, professional, or reputational interests rather than the specific objectives of the Federal program." This view does not match the role publication actually plays.

Dissemination of findings through peer-reviewed publication is not a discretionary post-research activity. It is an integral and expected component of virtually every federally funded research project. Federal agencies routinely require peer-reviewed publication as an indicator of progress and productivity. Peer review and publication are how the scientific community validates findings, builds upon them, and translates them into applications that serve the public interest. Publication is how research creates public value. Without it, the federal investment in research is incomplete.

The Proposed Rule shifts costs rather than eliminating them

Because peer-reviewed publication is integral to federally funded research rather than ancillary to it, making its costs unallowable does not make those costs disappear. It merely shifts them onto others. If publication costs cannot be charged to federal awards, researchers will be forced to:

- Pay out of other limited institutional funds that could otherwise be used for research itself, lab supplies, or personnel;
- Pay out of pocket, creating personal financial barriers to research dissemination;
- Rely on institutional or library open access funds that are already severely strained—UC Berkeley operates one of the final remaining campus-level OA publishing funds in the UC system; or
- Forgo publishing in the journal best suited for their work, compromising dissemination, visibility, and academic freedom.

Our institutions and libraries are not positioned to take on millions of dollars in redirected publication costs. The proposed rule would not reduce expenditure on publishing. It would merely transfer the financial burden from the grant (where it is a legitimate research cost) to institutions and individuals (who lack the resources to bear it).

The Proposed Rule disproportionately harms early-career and under-resourced researchers

This cost-shifting will not burden all researchers equally. It will fall hardest on those least able to absorb it. Early-career investigators—including postdocs, assistant professors, graduate students, and researchers at less-resourced institutions—often lack alternative funding sources to cover publication fees outside of their grants. They often do not have discretionary departmental funds, endowed chairs, or personal research accounts.

Inability to publish in high-impact, peer-reviewed venues limits their visibility, career advancement, competitiveness for future funding, and ability to contribute to their fields. This will exacerbate existing inequities in the research community, concentrating publishing advantage among senior researchers at well-endowed institutions and creating a disadvantage for the next generation of scientists whose careers depend on a strong publication record.

The case-by-case approval exception is impractical

The rule's case-by-case approval mechanism is unlikely to relieve these harms in practice, given the administrative burden it would place on agencies and institutions alike. Requiring individual prior agency approval for each publication cost introduces an enormous administrative bottleneck for both federal agencies and research institutions. A single federally funded research project may result in numerous publications over the life of the grant. Federal program officers are not equipped to adjudicate potentially thousands of individual publication-cost requests each year.

This provision is inconsistent with OMB's own stated goals of administrative efficiency. It would generate significant new paperwork for agencies, since the underlying publication activity is a normal and expected component of the research the agency has already decided to fund.

The Proposed Rule undermines U.S. research competitiveness

The cumulative effect is not merely financial or administrative. By disallowing publication costs and providing no workable exception, the rule slows the dissemination of U.S. research at a moment of intense global competition. Rapid, open dissemination of research findings accelerates scientific progress, enables translation of basic research into applications, and supports U.S. economic competitiveness. Open access publishing, oftentimes including those models that require an author-facing open access fee, are a common publishing model for getting the results of federally funded research into the hands of the public, policymakers, and innovators who can act on it.

Restricting researchers' ability to publish openly and promptly slows the pace of discovery and cedes leadership to international competitors whose governments actively support open access publication. The proposed rule would put U.S. researchers at a structural disadvantage in the global competition for scientific leadership at precisely the moment when that leadership matters most for national security, economic growth, and public health. The federal government's investment in research is only fully realized when results are widely disseminated.

Recommendation

We urge OMB to withdraw the proposed revision to § 200.461 in its entirety and retain the current policy under which publication costs—including APCs and open access fees—are allowable direct costs of federally funded research.

Concerns About § 200.454: Memberships, Subscriptions, and Professional Activity Costs

The proposed revision to § 200.454(b) states: "Costs of the recipient's or subrecipient's subscriptions to business, professional, academic, and technical periodicals are unallowable." This provision targets the other side of the same system. Where § 200.461 would bar federal funds from supporting the publication of research, § 200.454(b) would bar federal funds from supporting access to published research overall. And § 200.454(b) is, if anything, the more extreme of the two: where § 200.461 at least preserves a nominal case-by-case exception, § 200.454(b) provides no exception of any kind.

Access to current scholarly literature—journals, databases, datasets—is not a luxury or administrative convenience. It is a prerequisite for conducting rigorous, informed research. Researchers cannot design experiments, conduct literature reviews, avoid duplication of effort, build on existing knowledge, or ensure the rigor and reproducibility of their work without access to the published scholarly record.

UC Berkeley faculty, graduate and undergraduate students, postdoctoral researchers, and professional staff rely on access to scholarly publications, databases, and data to power their research and scholarship. They draw upon, incorporate, cite, and expand upon these resources in producing research that constitutes a significant amount of U.S. academic research and development.

The proposed revision to § 200.454(b) would directly jeopardize existing arrangements specifically designed to provide access to scholarly literature. The UC Berkeley Library partners with Lawrence Berkeley National Laboratory (LBNL)—a Department of Energy national laboratory—to provide access to academic journals, databases, and datasets that support the joint research mission of the library and the laboratory. The proposed rule's blanket prohibition on the use of federal funds for academic and technical periodical subscription costs would harm UC Berkeley and LBNL researchers.

The Proposed Rule prevents research projects from obtaining essential materials

While many academic journals are provided through centrally-funded library subscriptions, no research library can subscribe to every journal, database, or specialized data product that individual research projects may require. The UC Berkeley Library subscribes to thousands of journals and databases, investing approximately $12 million annually. But the universe of scholarly publishing is vast and highly specialized. Individual labs, departments, and funded projects routinely need access to niche publications, technical standards, specialized datasets, or newly launched journals not yet in the library's collection.

Currently, principal investigators on federal grants can use award funds to purchase or license these specialized materials when they are needed for their specific research. The proposed rule would eliminate that ability entirely.

Researchers cannot ensure that their work is reproducible if they cannot access the methods sections of prior publications. They cannot conduct comprehensive literature reviews if they are barred from subscribing to the journals in their field. They cannot verify claims or identify gaps in existing knowledge without access to the published record.

The need for access is not limited to traditional reading and citation; it is increasingly computational. Modern research methods depend on the ability to analyze large volumes of published literature. Text and data mining (TDM) techniques allow researchers to analyze vast swaths of the scientific record. The White House has specifically called for the development of TDM techniques to accelerate scientific discovery.[6] These methods require access to subscribed content. A prohibition on using federal funds for academic subscriptions directly undermines the computational research capacity that drives U.S. innovation.

The Proposed Rule will increase unfunded demand on library budgets

The likely consequence of this prohibition is that researchers, labs, and departments will turn to the library and expect it to fill the gaps in purchasing subscriptions and datasets that were previously funded by federal grants. This would significantly increase demand on library collections budgets that are already under severe pressure from increasing costs of scholarly journals. Because § 200.454(b) admits of no exception, even subscription costs that are

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[6] The White House. (2020, March 16). *Call to action to the tech community on new machine readable COVID-19 dataset* [Press release]. https://trumpwhitehouse.archives.gov/briefings-statements/call-action-tech-community-new-machine-readable-covid-19-dataset/

reasonable, necessary, and directly allocable to the funded research would be barred. We respectfully question whether a categorical prohibition—applying regardless of necessity, the nature of the research, or agency judgment—reflects the range of circumstances in which researchers require access to the published record. Even where OMB views particular subscription costs as better treated as indirect costs, a prohibition admitting no exceptions may sweep more broadly than necessary to address that concern.

Recommendation

We urge OMB to withdraw the proposed revision to § 200.454 (particularly (b)) and retain the current policy under which subscriptions to professional, academic, and technical periodicals are allowable costs when they are reasonable, necessary, and allocable to the funded research.

Conclusion

The UC Berkeley Library respectfully urges OMB to withdraw the proposed revisions to §§ 200.461 and 200.454(b) in their entirety.

As we have explained, the proposed revisions to these sections would eliminate federal cost support for both sides of the scholarly communication equation. Section 200.461 would bar researchers from using direct award funds to publish their findings. Section 200.454(b) would bar the use of federal funds to subscribe to the journals, databases, and datasets researchers need to conduct their work.

The result is a regulatory framework in which federally funded researchers can neither disseminate their own results nor access the results of others through any federally supported cost pathway. This is not a narrowing of allowable costs; it is the effective defunding of the scholarly communication infrastructure upon which the federal research enterprise depends. The result will be that government-sponsored research will become less usable by researchers and less visible to the public who funded it. No amount of institutional cost-shifting can substitute for what these provisions would dismantle.

Respectfully submitted,

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