

Comments
Of the
American Society of Civil Engineering
On the

The Proposed Rule by the Management and Budget Office, the Health and Human Services Department, the Agriculture Department, the State Department, the Agency for International Development, the Veterans Affairs Department, the Energy Department, the Treasury Department, the Defense Department, the Transportation Department, the Commerce Department, the Interior Department, the Environmental Protection Agency, the U.S. International Development Finance Corporation, the National Aeronautics and Space Administration, the United States Agency for Global Media, the Nuclear Regulatory Commission, the Corporation for National and Community Service, the Social Security Administration, the Housing and Urban Development Department, the National Science Foundation, the National Archives and Records Administration, the Small Business Administration, the Justice Department, the Labor Department, the Homeland Security Department, the Institute of Museum and Library Services, the National Endowment for the Arts, the National Endowment for the Humanities, the Education Department, the Export-Import Bank, the Office of National Drug Control Policy, the Peace Corps, the Election Assistance Commission, the Gulf Coast Ecosystem Restoration Council, the Federal Communications Commission, the Consumer Product Safety Commission, the Delta Regional Authority, the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, the Marine Mammal Commission, the Millennium Challenge Corporation, and the National Credit Union Administration on 05/29/2026

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The American Society of Civil Engineers (ASCE) is pleased to offer the following comments on the Proposed Rule by the Office of Management and Budget (OMB) and other federal agencies to revise the Guidance for Federal Financial Assistance to improve government-wide policies and requirements related to the management of grants, cooperative agreements, and other forms of assistance. The request for information was published in the Federal Register for comment on May 29, 2026, with the comment period closing on July 13, 2026.

Background

Founded in 1852, ASCE is the country's oldest civil engineering organization. Representing more than 160,000 civil engineers from private practice, government, industry, and academia, it is ASCE's objective to advance the science and profession of engineering to enhance the welfare of humanity. As such, among its many endeavors, ASCE is the world's largest publisher of civil engineering information—producing more than 97,000 pages of technical content each year. The ASCE Publications Division produces 35 peer-reviewed research journals (available both in print and online formats), conference proceedings, standards, manuals of practice, technical reports, and monographs under the ASCE Press imprint. ASCE's many other resources for practicing civil engineers include a complete publications catalog; the AMPLIFY platform, which offers practicing engineers a faster and easier way to work with ASCE Standards and related materials using interactive tools and features; and the ASCE Library, which provides online access to over 2.3 million pages of journal articles and proceedings papers.

Introduction

ASCE endorses the principle of providing public access and enhancing dissemination of federally funded research in ways that advance public health and safety and strengthen the global quality of life.

ASCE considers it essential to preserve the scholarly value of the peer-reviewed version of record - which is fixed at its time of presentation without any possibility of historical revision - so the original work cannot be altered by its author or anyone else. ASCE also believes that learned professional societies, acting in accordance with their educational missions, should be able to recover the costs of managing the peer review process, as well as the costs of editing, publishing, disseminating, and maintaining an ever-growing archive in perpetuity. (ASCE Policy Statement 538—Publication of publicly funded research)

Likewise, ASCE believes infrastructure investment strengthens our country's economic competitiveness, improves quality of life, and saves American families money.

ASCE is concerned that the proposed rule, if promulgated in its current form, would prohibit the use of federal research grants to support high-quality, peer-reviewed scientific publications, undermine the impact of federal research investments, weaken U.S. competitiveness, and threaten independent scientific inquiry and debate. Taken together, these dramatic regulatory shifts would significantly undermine the scientific and engineering research that informs infrastructure innovation and investment in the United States and thereby jeopardizes the health, safety, and welfare of our nation's citizens.

ASCE's Concerns

Section 200.202—Program Planning and Design AND Section 200.220—Prohibition of using Federal funds for covered foreign collaborations

These sections of the proposed rule would prohibit recipients of Federal funds from using said funds for any collaboration, agreement, program, or activity with a covered foreign country or entity. While the provision may be intended to protect U.S. national security, ASCE believes that it may have unintended consequences. Section 200.202(e) purports to preserve “appropriate flexibility to support international engagement that demonstrably advances the interests of the United States.” However, the requirement under Section 200.220 to seek exceptions via Federal agency statute or the Federal agency head is at cross-purposes with the stated objective of reducing recipient burden.

This raises considerable concern for ASCE as a non-profit society publisher in the civil engineering discipline, as it will for many other entities in similar situations. For instance, the U.S. National Science Foundation and National Science Board report that China has outpaced the U.S. in overall research and development investment, especially in the engineering field. China produces approximately 1.3-1.5 million engineering graduates annually as compared to an estimated 130,000-141,000 engineering graduates from the U.S. Globally, China generates the largest volume of research publication outputs (31%, as compared to 12% from the U.S.), with the greatest percentage of that output concentrated in engineering. U.S. researchers and scientific authors publish with international collaborators more frequently than authors in any other country, with China featuring as the U.S.'s most regular collaborator. (<https://ncses.nsf.gov/pubs/nsbsep20261/executive-summary>).

These general statistics also hold true when analyzing content published by ASCE. Research with at least one author from China has represented the largest volume of ASCE journals content for approximately the past five years. As of 2025, 43.5% of accepted ASCE journals content has at least one co-author based in the People's Republic of China. Introducing obstacles to collaboration between U.S. and China-based researchers, as suggested in this proposed rule, would severely impact ASCE as well as other science and research publishers — who source significant revenue from publishing — and set back U.S. science and research innovation.

Section 200.205—Federal Agency Review of Merit of Proposals AND Section 200.340—Termination and Suspension

Section 200.205 introduces two revisions of significant concern to ASCE. The first is the requirement that senior political appointees must conduct a pre-issuance review of grant proposals, including an assurance that discretionary awards “demonstrably advance the President's policy priorities.” Independent, competitive peer review is essential in developing impactful real-world research outcomes and technological advancements. Under no circumstances should research priorities or funding be steered by political agendas—the precise outcome this proposed rule will precipitate. Further, the speed with which political focus can shift based on changes in administration priorities could hobble research and development, potentially bringing scientific advancement to a standstill. As written, this proposed rule politicizes scientific discovery and research agendas—precisely the sorts of actions condemned in the [Restoring Gold Standard Science Executive Order](#) that President Trump released on May 23, 2025.

Secondly, the revisions codify peer review as solely an advisory function, which cannot replace agency discretion. Specifically, the proposed rule goes so far as to say peer review methods are neither discouraged nor disallowed to inform agency decision making, but that peer review recommendations should not be routinely deferred to and would not be binding. Seeking peer review recommendations would be at the discretion of the political appointee(s) rather than required to augment the decision-making process with expert perspectives. In keeping with the Restoring Gold Standard Science Executive Order, it is essential that “federally funded research is transparent, rigorous, and impactful, and that Federal decisions are informed by the most credible, reliable, and impartial scientific evidence available. We must restore the American people’s faith in the scientific enterprise and institutions that create and apply scientific knowledge in service of the public good. Reproducibility, rigor, and unbiased peer review must be maintained.” Failing to require and take independent peer review into account when making grant and funding decisions is a failure to promote Gold Standard Science.

Section 200.340 extends the politicization of grant proposal review and approval to the discretionary termination and suspension of Federal awards. Like Section 200.205, this section presents the same concerns regarding political priorities driving research agendas and research therefore being subject to Administration changeovers.

It is important to note that the proposed rule impacts not only grants supporting research but all federal grants. This means investment in the essential infrastructure that supports public health and safety is at risk under the proposed rule and it therefore will have a direct and profound effect on all U.S. citizens. Decisions related to funding must account for the principles of sustainability and resiliency and cannot be subject to shifting political winds. It is wholly inappropriate for individuals in these appointed roles to make decisions with a focus on maximizing political goals.

Section 200.432—Conferences

This section adds a requirement that costs for attending conferences are allowable only if the conference is expressly approved by the agency and included in the terms and conditions of the award. The concern this raises is twofold. First, many Federal grant awards include a requirement related to information sharing, including presentations at conferences. The mechanics of preparing a grant proposal and winning an award as compared to the timing and process of launching an event and communicating the program render this proposed rule virtually impossible to administer. Many ASCE members have expressed grave concerns that they will not be able to attend ASCE conferences should this rule be enacted as written, limiting their ability to share valuable research to the larger engineering and construction industry.

To put the issue into perspective, ASCE is launching a unified event across all subdisciplines of civil engineering in March 2027, a conference that will offer many hundreds of technical sessions at which researchers will communicate their work. However, under the proposed rule, if a researcher wins a grant in November 2026, they will not know at that time (and in the run up to that time, as they prepare their grant proposal) which events will be most suitable for them to attend. The theme and program for ASCE’s 2028 premier technical conference will not have been announced at that point in time. Smaller, more narrowly focused events will be impacted even more dramatically.

The secondary concern is the risk to ASCE’s educational programming and therefore revenue streams related to critical education and professional development programs that engineers

require to remain up to date on all of the changes in their profession and to ensure public health, safety and welfare are maintained. With conferences and education accounting for 21% of overall ASCE revenues, any threats to this revenue stream also threaten the ability to provide engineers with the knowledge they require to remain top practitioners in the field.

Section 200.454—Memberships, Subscriptions, and Professional Activity Costs

As written, this section prohibits using Federal funds for memberships in professional societies unless those memberships are necessary to fulfill award requirements. Further, the section precludes using Federal funds for subscriptions to academic, technical, professional, and business publications with no stipulation for an exception in the case of requiring access to those publications to fulfill award requirements. Such prohibitions demonstrate a fundamental misunderstanding on the part of OMB as to how research is conducted. It is impossible to formulate a research question, design a research experiment, conduct the research, and communicate its results and impact on the evolution of science without access to the scholarly research literature in the associated discipline(s). Restricting such access would irreparably degrade the quality of research funded by the federal government.

Additionally, as an organization, ASCE relies on membership dues, publications revenues, conferences, and education to fund approximately 80% of its operations. Publication sales represent more than a third of the revenue for ASCE, largely via the collection of subscription payments from institutions and firms around the globe. This revenue is reinvested into ASCE's mission-based, non-revenue-generating programs to advance the civil engineering profession. Research institutions and federal agencies subscribe to ASCE content largely to put this content into the hands of the researchers who are conducting their research under the support of a grant award. As written, this proposed rule would not only financially hamstring ASCE but harm the advancement of infrastructure in the United States.

Section 200.461—Publication and Printing Costs

In this section, OMB proposes to make publication costs unallowable in a Federal grant award unless such costs are expressly required by statute or approved in advance by the Federal agency on a case-by-case basis. Page charges, article processing charges (APCs), or similar fees such as Open Access (OA) fees are all deemed unallowable. The proposed rule goes even further so as to state that "A general requirement to make results publicly available must not be construed as authorizing publication costs," which is tantamount to expecting publishers—including non-profit professional society publishers—to facilitate peer review, protect research integrity, and serve the research community and the public by disseminating Gold Standard Science without compensation.

As stated above, this proposition is in direct conflict with ASCE's Policy Statement 538, regarding "Publication of publicly funded research". ASCE is deeply concerned that essentially defunding professional societies from rigorously reviewing and validating research and then broadly disseminating that research will do grave harm to the U.S. scientific community, the public, and to scientists and engineers worldwide.

Process

According to rulemaking process, OMB has a responsibility to address and respond to all substantive comments submitted during the public comment period. With more than 70,000 comments received with 2 weeks still remaining in the comment period, it appears that reading

and addressing all comments will be a time-consuming process. Despite this, NSF released a draft for public comment on June 24, 2026 related to its [Guidance on Financial Assistance](#), to implement the OMB proposed rule. The public comment deadline for this draft is August 24, 2026—42 days after the comment period close for the OMB proposed rule and 37 days before the OMB proposed rule is expected to go into effect. The optics of such a timeline imply that comments submitted on the OMB proposed rule will not be taken into account before enactment.

Conclusion

ASCE's 2025 Report Card for America's Infrastructure gave the nation's infrastructure an overall grade of C. Among the Report Card's recommendations to improve the grade and enhance the nation's infrastructure are robust research and development into innovative materials, technologies, and processes to modernize and extend the life of infrastructure, expediate repairs or replacements, and promote cost savings. This is only possible with robust funding and the efficient and effective dissemination of federally funded research results that preserves peer review, which ASCE believes would be compromised if this proposed rule is adopted.

For the reasons stated in our comments, **ASCE believes that it is in the best interest of researchers and the nation for OMB to withdraw this proposed rule.** OMB should focus future rulemaking on preserving the ability for researchers and publishers to recover reasonable, grant-related publication expenses and reject policies prohibiting or conditioning the eligibility of publication costs for federally funded research. We stand ready to work constructively with OMB to advance transparency in science while protecting scientific integrity, economic competitiveness, and U.S. leadership in science. Thank you for your consideration of our views, if we can be of further service, please do not hesitate to contact Martin Hight, ASCE Senior Manager for Government Relations at mhight@asce.org or 202-789-7843.