

Guide for Authors Complying with U.S. Federal Agency Public Access and Publisher Policies

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In response to the 2022 OSTP memo, U.S. federal agencies now require authors to deposit their manuscripts into agency repositories, often immediately upon acceptance by a journal. Agencies do not charge a fee for authors to deposit their manuscripts, making this an easy and cost-effective compliance option. However, in response to this new federal requirement, some journal publishers now require authors who receive U.S. federal funding to pay publishing fees.

These fees have caused concern and confusion among researchers with federal funding. This places authors in a situation where they must carefully consider publisher policies and fee requirements before making the decision about where to publish their work. **It is important to understand that many publishers freely allow manuscript deposit into repositories without imposing additional charges on federally funded authors.**

However, many authors were not aware of these fees when they submitted their articles for publication and find themselves having to make decisions about what to do late in the publication process—sometimes after peer review has been completed or when their article is ready for final publication.

SPARC developed this guide to help authors consider potential actions they might take at different stages of the funding lifecycle, along with additional resources they might find helpful.

Visit each section to learn more:

- 1) Prior to Applying for Federal Funding
- 2) Before Submitting a Federally-Funded Manuscript to a Journal
- 3) Upon Acceptance of a Federally-Funded Manuscript by a Journal
- 4) Longer-term options and opportunities for institutional change





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Prior to Applying Federal Funding



Tip 1. Understand your funder(s)' requirements

U.S. federal agencies require authors to deposit their manuscripts into agency designated repositories, often immediately upon acceptance by a journal. See SPARC's [Publication Sharing Resource](#) for specific federal agency requirements.

If you have additional funding streams, there may be further requirements (such as publicly posting a preprint or specific license term requirements) to consider.

Resources

[U.S. Federal Public Access Policies](#) webpage provides an overview of which agencies have immediate access policies in effect

Lib Guides on funder policies: [Colorado State](#), [Emory](#), [University of Texas](#), [UW-Madison](#), [WashU](#)

Authors Alliance [NIH Policy Q&A](#) and [Updated NIH and Publisher Guidance](#) provide details about NIH's public access policy

Authors Alliance and SPARC [Legal Pathways to Open Access for Federally Funded Research Factsheet](#) provides an overview of the federal purpose license

[HELIOS Open Federal Purpose License Factsheet](#) provides an overview of the federal purpose license allowing researchers to comply with federal policies and FAQs

SPARC [Publication Sharing Resource](#)

Tip 2. Consider publishing costs

Most federal funders allow for “reasonable” publication costs to be covered under the award. (*Note: [NIH allows for reasonable publication costs to be covered](#), but will not cover publishing costs that are specifically for complying with their policy. NIH is actively reviewing allowable publication costs, particularly APCs.*)

Consider which publishers and journals you might publish with. Understand their policies for self-archiving your article accepted manuscript and if there may be any fees associated with publishing. If publishing fees are required, consider publishing elsewhere (e.g., with a society publisher or university press where fees aren’t required) or include any allowable publishing costs in your budget proposal for funder consideration.

Resources

Lib Guides on publisher policies and fees: [Florida Atlantic](#), [Penn State](#), [University of North Carolina](#), [West Virginia University](#)

[NIH Supplemental Guidance: Publication Costs](#)

[NIH Agreements with Publishers](#) includes lists of publishers that have agreements with NIH

[Jisc Open Policy Finder](#) resource provides information about most publisher policies



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Before Submitting a Federally-Funded Manuscript to a Journal

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SPARC [Publication Sharing Resource](#)

Tip 2. Know your rights as a recipient of federal funding

By accepting federal funding, you grant the funding agency a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work (including author accepted manuscripts) for federal purposes and to authorize others to do so. This is called the [Government Use or Federal Purpose License](#).

The license agreement with your funder takes first priority over any subsequent agreement with the journal publisher (e.g., through the copyright transfer agreement). It acts as a “prior license” that cannot be overridden by agreements signed later in the research process, including publisher agreements that may ask for exclusive rights or impose embargo periods. Be sure you can comply with your funder’s requirements when publishing, otherwise it could impact continuation or future funding.

Resources

[Authors Alliance and SPARC Legal Pathways to Open Access for Federally Funded Research Factsheet](#)

[HELIOS Open Federal Purpose License Factsheet](#)

[NIH Supplemental Guidance: Government Use License and Rights](#)

[DOE Guidance on government use license](#)

Tip 3. Rely on your institution’s open access policy to retain rights

Many institutions have open access policies in place that grant the institution a nonexclusive license to exercise any and all rights under copyright relating to scholarly articles authored by faculty and/or other researchers. This license has similar terms to the Federal Purpose License granted to agencies when you accept federal funding. To assist in article discovery and dissemination, researchers are often asked to provide the accepted manuscript version of a journal article to the institution to be made available in an open access repository.

If your institution has an open access policy, there is likely precedent for faculty and researchers posting, sharing, and reusing journal articles. Your institution’s open access policy can be used as a tool for you to retain the rights to your article, which could aid in complying with federal funder public access policies. As many OA policies are managed by librarians, you can reach out to your campus library to learn more.

Resources

[ROARMAP](#) includes many open access policies adopted by universities, research institutions, and research funders.

[The Coalition of Open Access Policy Institutions \(COAPI\)](#), with over 100 U.S. [member institutions](#), shares best and evolving practices for promoting and implementing institutional open access policies.



Tip 4. Consider retaining rights to your article

You may want to include a rights statement in any federally funded manuscripts submitted for peer review to inform the journal/publisher that the work is subject to the public access policy of a federal funding agency and that the agency has the right to make the author accepted manuscript publicly available. For example, NIH recommends including this statement:

This manuscript is the result of funding in whole or in part by the National Institutes of Health (NIH). It is subject to the NIH Public Access Policy. Through acceptance of this federal funding, NIH has been given a right to make this manuscript publicly available in PubMed Central upon the Official Date of Publication, as defined by NIH.

You might also determine if you will be publishing your manuscript under an open access license (e.g., CC BY) and if that allows you to retain your copyrights. If the article will not be published under an open license, you might [retaining your full copyrights](#).

Resources

[SPARC Author Rights and Addendum](#) is a guide that can help navigate the process of retaining your manuscript's copyright

[NIH Supplemental Guidance: Government Use License and Rights](#)



Tip 5. Review policies of target journals

Consider which publishers and journals you are targeting and review their policies for self-archiving your article accepted manuscript and if there are any publishing related fees (possibly called: “article processing charges,” “Gold OA fees,” “fees to comply with funder requirements,” etc.).

If the journal requires publishing fees, you might consider:

- Submitting your manuscript to another publisher that does not require publishing fees.
- Publishing with a society publisher or university press, which can also support smaller, non-profit publishers and your research communities. Many society publishers and university presses allow you to comply with your funder’s policy for free.

Resources

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[NIH Agreements with Publishers](#) includes lists of publishers that have agreements with NIH

Jisc [Open Policy Finder resource](#) provides information about most publisher policies

Tip 6. Understand what options are available for covering publishing costs, if needed

Although a free manuscript submission pathway is generally available to federal grantees, you may still want to publish in a journal that charges fees or requires publishing costs to comply with specific requirements. In such cases, determine:

- What publishing costs are allowable under your award.
- What arrangements or agreements may exist between your institution and the publisher (if you are the corresponding author). Your institution may have negotiated terms that are more favorable than those presented by the publisher’s normal terms.
- Whether your institution or department has a fund to cover publishing costs.
- If you have co-authors, what different mechanisms of support exist at their institutions for covering such costs.

Most federal agencies allow for reasonable publication costs to be covered under the award. Note: NIH allows for reasonable publication costs to be covered, but will not cover publishing costs that are specifically for complying with their policy. NIH is actively reviewing allowable publication costs, particularly APCs.

Resources

[SPARC Publications Sharing Resource](#) includes details about publication costs allowed by each federal funder

[NIH Guidance on Publication Costs](#) includes currently allowable and unallowable costs that NIH funding will cover

Tip 7. Not sure? Ask a librarian!

Your campus librarian may be able to help. They are tremendous resources to help you understand funder policies, publisher requirements, publishing options, and how to manage any conflicting requirements. They can also help you determine if your institution has an open access policy that can aid in complying with funder policies.

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Upon Acceptance of a Federally-Funded Manuscript by a Journal

Tip 1. Review publisher's manuscript deposit policies

Review your publisher's policy for options to deposit/self-archive your article accepted manuscript into your funder required repository. Understand if your publisher is requesting a fee to comply with your funder's requirements.

Resources

Lib Guides on publisher policies and fees: [Florida Atlantic](#), [Penn State](#), [University of North Carolina](#), [West Virginia University](#)

[NIH Agreements with Publishers](#) includes lists of publishers that have agreements with NIH

Jisc [Open Policy Finder resource](#) provides information about most publisher policies

Tip 2. Respond to publishing fee requests

If you've been communicating with your journal/publisher or finalizing publication, you may be asked to pay a publishing fee. You'll need to determine if you're willing and able to cover the requested fee (*see Tip 5. under Before Submitting a Federally-Funded Manuscript to a Journal*). If the fee presents a significant barrier and you are in a position to change publishers, consider withdrawing your manuscript and publishing in a journal (e.g., a society publisher or university press) where fees aren't required. *Note: The agreement with your federal funder to provide them a license to your accepted manuscript takes first priority over any subsequent agreement with the journal publisher.*

If you are committed to publishing in a journal that requires a fee and you are not in a position to pay, you have several options to consider (all of which would be helpful to discuss with a campus librarian):

- Reach out to the journal/publisher to discuss. If you're finalizing the publication and there is a click through screen asking you if the publication is federally funded (which will then require payment), you can stop the process there and contact the journal/publisher. Remind them of your funder's policy and that you are unable to pay for compliance.

- Reach out to your journal editor. Let them know you need to comply with your funder requirement, but are unable to pay the publishing fee for compliance. They may be able to request a fee waiver.
- Reach out to your funder to discuss available options. Share your experience with your program officer/manager. It's important for them to understand what is happening, so they can share internally and provide additional guidance.
- If you decide to move forward with depositing the author accepted manuscript into the agency designated repository without paying the publishing fee, it is recommended you discuss with your research office, campus librarians, and/or campus counsel as your publishing agreement is a contract between you personally and your publisher. Though depositing the manuscript ensures compliance with your funder requirements, it's important to understand any potential consequences. Failing to pay the required fee may be a breach of the contract with your publisher.

Note: This guidance provides options to consider but is not legal advice. While we're not aware of any publisher pursuing legal action to date against an author for failing to comply with a provision that conflicts with federal funding obligations, it is possible that some publishers could pursue this option.

Resources

[SPARC Publication Sharing Resource](#) provides an overview of federal funder requirements

Tip 3. Not sure? Ask a librarian!

Your campus librarian may be able to help. They are tremendous resources to help you understand funder policies, publisher requirements, publishing options, and how to manage any conflicting requirements.

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Longer-Term Options and Opportunities for Institutional Change

Tip 1. Discuss within your institution

Have conversations with your department chair or others at your institution about the need to support federally funded researchers by crediting publication in journals that support no-cost compliance with funder policies.

Have conversations within your institution about making different types of research outputs publicly available (e.g., data and software). Discuss how you might better incentivize and reward openness and transparency in research evaluation and tenure and promotion processes. The [HELIOS Open](#) community might be a good starting place. They are a cohort of colleges and universities committed to collective action to advance open scholarship and promote a more transparent, inclusive, and trustworthy research ecosystem across their campuses.

Tip 2. Discuss with publishing community

Have conversations with your journals/publishers about developing pathways to comply with funder policies without requiring fees.

If you're an editor and disagree with your journal's policies around compliance, have conversations about changing their policies to allow for free compliance with funder requirements. If the publisher/journal is not amenable, consider following the model established by many other editorial boards that have left their publisher when their interests diverge from what's best for that journal's community.

Consider supporting society publishers and university presses as they often don't require payment for complying with funder policies.



