



December 4, 2023

Mr. Steven Mackey  
Policy Analyst  
Office of Federal Financial Management at the OMB  
Washington, DC 20006

*Re: Federal Register Proposed Rulemaking for OMB–2023–0017*

Dear Mr. Mackey,

We are writing in regard to [OMB's revised Guidance for Grants and Agreements](#) published in the October 5, 2023 *Federal Register*.

The Association of Research Libraries (ARL) and its members have a special interest and expertise on this topic, particularly in emphasizing the importance of ensuring the Uniform Guidance accurately reflects the critical role of libraries within the research ecosystem.

ARL requests that OMB clarify or provide more information about the intent of its proposed change to the copyright language in section 200.315(b), "the recipient or subrecipient is not prohibited from asserting any copyright it may own in any work resulting from or acquired under the Federal award." We urge OMB to clarify and confirm that this updated language is an accurate update reflecting that copyright automatically comes into being upon fixation, and that authors and researchers do not need to place notice (or otherwise be required to seek federal approval) on a work to receive copyright protection. Providing reasoning or the intent for such a change would be helpful to avoid misinterpretations of this provision.

We ask OMB to clarify that the proposed new definition of encumbrance in 200.315(a) does not imply that federal approval would be required for copyright owners to license their works.

We appreciate OMB's reference to repositories in section 200.315(b) and recommend that OMB amend the sentence, "This includes the right to require recipients and subrecipients to make such works available through agency-designated public access repositories" to include "under terms that provide the public with broad reuse rights."

Although 2 CFR 200 Appendix III.B.8 was not addressed in this proposed rulemaking, ARL encourages future review of 2 CFR to take the following evidence into consideration on the investments of research libraries in supporting federally funded research on their campuses.

ARL is a membership organization representing 127 research libraries affiliated with research universities, federal libraries, and public libraries. As collaborative partners supporting the full life

cycle of scientific inquiry, ARL's mission is to create an equitable, enduring, and barrier-free research information environment to advance research and learning. In 2021 ARL institutions, on average, had \$605 million in research expenditures. This funding came from federal sources—the National Institutes of Health (NIH), National Science Foundation (NSF), and Department of Defense (DOD), and others—as well as institutional research investments, nonprofit organizations, and state and local funding.<sup>1</sup> Libraries provide critical infrastructure and services to support the scientific needs of researchers on their campuses.

As ARL has [previously shown](#) (please see letter dated August 9, 2023), libraries have transformed significantly since 1958 when OMB Circular A-21 was first published, and even in the last 10 years since the implementation of the Uniform Guidance. Library collections have always been foundational to research libraries and the communities they support. However, in the last decade research libraries have expanded services and infrastructure to include more computational research (such as statistical or GIS services and systematic reviews) and research data infrastructure and services. These services provide the tools to enable researcher and institutional compliance for federal public access and data management and sharing policies. Often the libraries' investment and development of these services are a result of increased research and development (R&D) expenditures and federal policies related to the research taking place in higher education institutions.

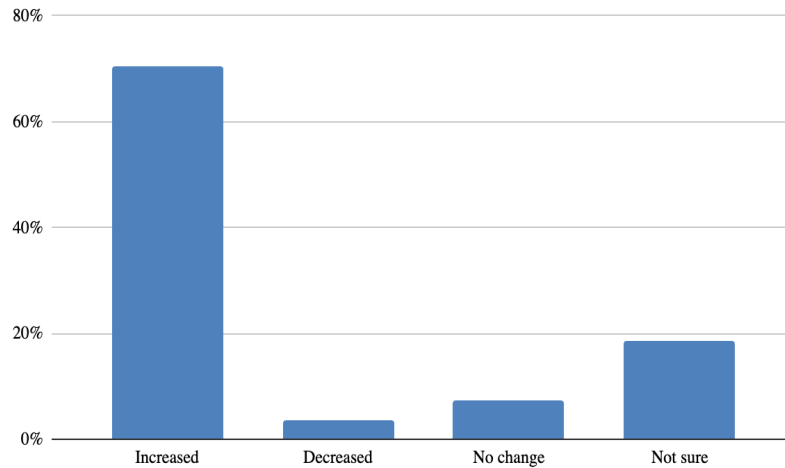
In a November 2023 survey of ARL membership, we found that over 90% of research libraries spend more than 10% of their total budget on research related services and infrastructure, with the majority spending over 50% of their total budgets on these services.

Overwhelmingly, our members have increased their investments in research support services in the last 5 years (see figure below).

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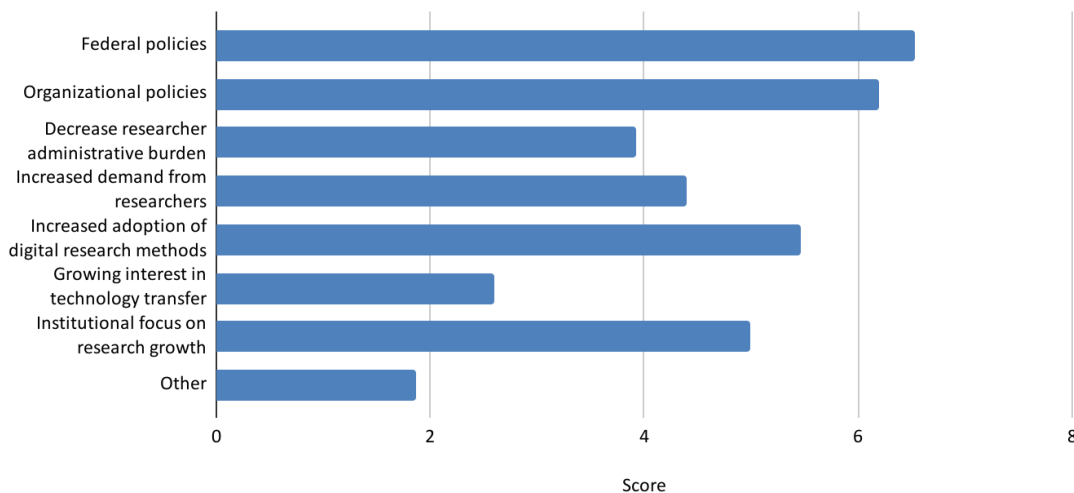
<sup>1</sup> Higher Education Research and Development (HERD) Survey, "Rankings by Total R&D Expenditures," National Center for Science and Engineering Statistics, US National Science Foundation, accessed June 25, 2023, <https://ncesdata.nsf.gov/profiles/site?method=rankingBySource&ds=herd>.

Please indicate whether expenditures have changed in the past 5 years



Our members indicated that these increases have ranged from 6–10% of total library expenditures. When we asked what were the largest drivers of these expenses, our members indicated that federal policies for research data management and sharing, public access, research security, and research integrity were the top reasons for the increases. The figure below shows a breakdown of additional drivers of research expenses.

What are the primary drivers of the increased expenditures for research services and infrastructure?



In future review, we continue to support COGR’s recommendation on how the library component for 2 CFR 200 Appendix III.B.8 should be modified to read:

**Association of Research Libraries** 21 Dupont Circle NW, Suite 800, Washington, DC 20036  
 (202) 296-2296 | [ARL.org](http://ARL.org)

## 8. Library Expenses

a. The expenses under this heading are those that have been incurred for the operation of the library, including the cost of books and library materials purchased for the library, less any items of library income that qualify as applicable credits under §200.406. The library expense category should also include the fringe benefits applicable to the salaries and wages included therein, an appropriate share of general administration and general expense, operation and maintenance expense, and depreciation. **In addition, research data and management sharing, information technology, research compliance, and other costs specific to supporting the research infrastructure of the institution are allowable.** Costs incurred in the purchases of rare books (museum-type books) with no value to Federal awards should not be allocated to them.

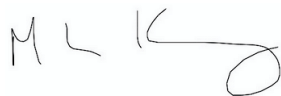
**b. In the absence of the alternatives provided for in Section A.2.d, the expenses included in this category should be allocated to serviced or benefitted academic functions (e.g., Instruction, Research, Other Sponsored Activity) on the basis of modified total salary costs.**

**c. Alternatively, the expenses included in this category first should be allocated on the primary categories of users and second to the applicable functions associated with each category of users.**

This recommendation for updating the treatment of the library in Appendix III will provide a more fair reimbursement of library costs to research institutions given the significant investments they have made in services and infrastructure in support of the cutting-edge science happening on their campuses.

We appreciate the opportunity to submit this evidence, and we look forward to providing responses to any questions you may have. Please contact Cynthia Hudson Vitale, Director of Science Policy and Scholarship, at [cvitale@arl.org](mailto:cvitale@arl.org) if you have questions.

Sincerely,



Mary Lee Kennedy  
Executive Director  
Association of Research Libraries

Cc: Deidre Harrison, Deputy Controller