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Response to Request for Information from the Office of Science and Technology Policy

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Accountability:

Simplification of the reporting requirements is one issue that should be addressed. Distribution of reports is often excessive and inefficient. The investigator is required to submit the same final report numerous times and to various locations. The creation of a central web-based repository where all technical reports could be transmitted and stored would ease the burden. Over the course of a project, the agency program contacts often change so the reports are often sent to the wrong person or place and ultimately lost. This web-based, central repository would also allow more open access to the data and would allow easier and more wide-spread dissemination of the results to sponsors, legislators, scientists, and the general public.

The simplification of reporting requirements would also facilitate the sponsor close out process. Often, the responsibility for award closeout is transferred to a specific "closeout" unit within a federal agency. As a result of the report distribution concerns previously listed, the University regularly receives requests for previously submitted reports. In addition, many awards may not be officially closed for several years after the expiration of the period of performance due to the prolonged closeout process and redundant report requests. Accordingly, many files of the institution must be retrieved from archived files in order to accommodate the request for reports from the "closeout" unit.

Inconsistency of policies and practices among Federal Agencies:

It is recommended that only one agency of the federal government be responsible for facilities and administrative (F&A) indirect cost rates. The preferred rate calculation and monitoring methods are those employed by the Department of Health and Human Services. Contracts involving a University's non-cognizant agency often involve unique stands on the application of the indirect cost rate. Further more, many agencies will fund only a portion of a federally approved rate when the full negotiated rate is eligible for reimbursement.

Development of an institutional F&A rate should serve as the baseline for contract negotiations for all federal awards. Consistency in application of the institutional F&A rate should bear across federal negotiations. In more direct terms, every federal agency should be required to reimburse the full F&A rate negotiated under federal guidelines with the cognizant agency of the university.

Federal agencies are placing restrictions, or outright prohibitions, on publication rights and the right to disclose information. In addition, federal agencies impose restrictions on the use of foreign nationals in research projects that are unclassified. These restrictions are inconsistent with the Administration's stated policies as outlined in National Security Decision Directive (NSDD) 189, which prohibits restrictions on the conduct of or reporting on the results from

unclassified fundamental research. New categories and terms ("sensitive but unclassified," "controlled but unclassified," and "sensitive homeland security information") have been developed by the federal government. However, clear guidelines concerning the definition, coverage and use of these new categories has not been published at the federal level. Agency program and contract officials are placing terms/clauses in grants and contracts which require clearance of research data in otherwise unclassified and uncontrolled subject areas. This is done in an attempt to control fundamental research with the potential to fall later into sensitive but unclassified areas. However, these terms make it difficult to determine if in fact the research is controlled under the export control laws. These terms also make it difficult to determine whether or not the university is able to retain its fundamental research exemption under the export control laws.

Information Technology

Depending on the state of the implementation of the systems in place, electronic research administration can increase the efficiency of the proposal and award processes, both externally and internally. Although the cost of setting up and monitoring electronic systems can pose budgetary challenges, thoughtfully planned technology deployment has a significant potential to increase administrative contract and grant management efficiency.

Greater efficiency could be achieved through sponsor utilization of electronic data exchange. Attempts to respond to sponsor request for old reports via electronic submission are often rejected by the sponsor in lieu of paper form requirements. Electronic submission should also incorporate use of encryption to secure potentially sensitive information during transmittal. Federal sponsors have been unable to make use of encryption during report submission.

Electronic grant proposal submission as originally defined appeared to be a simple way for researchers to present their ideas in order to obtain funding. However, the uniform dataset (TS194) was never implemented. Various electronic processes have now evolved and none of them embrace the use of data uploaded directly from the databases of the requesting institution. Each sponsor's system is different with different technology and different requirements. Currently, the exchange of electronic information is complicated and problematic. While the amount of paper used has been reduced the costs associated with disparate uncoordinated system deployment has substantially increased.

Creation of electronic invoicing with data upload capabilities from the award recipient would also serve to make electronic data exchange more efficient. Only some federal agencies will allow for electronic invoicing. In addition, the invoice review process should be streamlined to increase the award recipient’s receivables turnover rate. The payment process for federal awards may take several months, inclusive of the review/approvals required by the federal sponsor. This creates

significant delays between the time funds are expended and the time funds are received.

Regulatory Requirements:

The Federal Demonstration Partnership was introduced to help reduce administrative burdens for the investigator and the institution. In theory the partnership should eliminate barriers in the process of obtaining various approvals on various issues. In practice the system is not as effective as it could be because of the agency specific requirements and because some federal sponsors do not participate. An impact of the federal compliance requirements is the additional administrative record keeping and reporting requirements to institutional governing boards. The reports require detailed records of incidences and actions taken to address risks identified. Accordingly, additional staffing is necessary to support the compliance and reporting effort. In response universities have established additional Institutional Compliance Committees or Executive level Task Forces, in addition to an Institutional Compliance Office, which meet regularly and receive reports on those areas deemed to represent the greatest risk to the institution should there be an instance of non-compliance with institutional or federal regulations. Areas of risk for which additional reports and monitoring may be required include human subjects, animal welfare, information security technology, export control arena, environmental health and safety, and others.

A single annual institutional submission of reports and certifications should be submitted to one central repository rather than having individual reports and certifications submitted to each individual agency for each award. Such an approach would be consistent with the "single audit" philosophy promulgated at the federal level under A-133 for financial information.

Compliance requirements have grown exponentially in areas such as social and behavioral research. The federal government should exempt most social and behavioral research from IRB review. As one former IRB administrator has stated (opinion), "most IRB reviews were unnecessary or overly complicated."

Research Support

Use of grants and cooperative agreements with less restrictive terms and conditions than contracts for the conduct and direction of research afford greater flexibility with respect to the research program and enhance innovative approaches. Less restrictive terms should significantly decrease the amount of negotiation time thereby minimizing disruption to the research time line.

Industry often accepts terms and conditions in government contracts which are appropriate to industry, but then transfers those requirements to university sub-

contractors. Often the transfer of the terms and conditions puts the public research institution at odds with other federal requirements to which the public institution must comply.

The Department of Defense and other agencies are including limitations on foreign nationals in research contracts, which have a negative impact on research. This negative impact is manifest both in the loss of intellectual talent and by an increase in the time required for contract negotiation. The restriction bears on policies against discrimination in research opportunities and on the application of export controls.

Multidisciplinary and Collaborative Research

The National Science Foundation's GOALI program as well as the STTR and SBIR programs of federal agencies are examples of effective means of promoting collaborative programs between universities and industry.

Research Infrastructure

Studies have indicated that the Federal Government does not pay the full F&A costs of research, notwithstanding the negotiation of F&A rates with the universities. Also, a number of federal programs and agencies either do not pay any F&A or only pay a reduced rate. Research contracts that exclude the full rate of recovery require the university to make up the difference. In an era of declining financial resources, institutions can ill-afford supplementing contracts that include only partial rate recovery.

Technology Transfer Optimization

Permitting universities to own Intellectual Property (IP) generated from federal projects has increased the tension between for-profits and universities on contracts where IP is at issue. Certainly, the issue of IP ownership, control and licensing is the single greatest area of contention in negotiations and causes the longest delays.