

# ***COGR Update***

## ***NECA Conference***

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# *COGR Overview & Mission*

- ▶ Council on Governmental Relations ([www.cogr.edu](http://www.cogr.edu)), est. 1948
- ▶ ~190 member institutions, staff of six
- ▶ COGR advocates for policies and practices that reflect the mutual interests and separate obligations of federal agencies and research institutions as it relates to research and graduate education
- ▶ Active Board and Committees, ~50 individuals from member institutions
- ▶ Regular collaboration with Higher Ed Associations and other partners

# ***AGENDA***

- Science & Security
- COVID-19 Resources
- Higher Education Emergency Relief Fund (HEERF)
- Costing Update
  - Challenges with Payment Management System
  - Engaging with CAS & HHS
  - Audit: Federal and Single Audit
  - Other Costing Of-Interest

# *Science & Security: Legislative Concerns*

- U.S. Innovation and Competition Act, S. 1260
  - Passed Senate (bipartisan support) on June 8
  - Significantly increases NSF (and other agency) funding authorizations ...
  - However, significantly increases scrutiny of foreign engagements (particularly, China)
  - House counterparts H.R. 2225 (NSF) and H.R. 3593 (Energy); still to be passed and reconciled with S. 1260
  - Bottom line, this would create significant challenges for all foreign engagements; PI monitoring and reporting
  - And to further complicate, new Florida law requiring similar monitoring and reporting challenges

# *Science & Security: Agency Concerns*

## ○ Ongoing Regulations

- NIH, NOT-OD-21-073 – Implementation of Changes to the Biographical Sketch and Other Support Format Page
- NIH FAQs on Other Support and Foreign Components
- NSF FAQs on Current and Pending Support
- **THE CHALLENGE** ... trying to reconcile a wide array of guidance from: OSTP JCORE, National Security Presidential Memorandum-33 (NSPM-33), National Defense Authorization Act (NDAA) 2020 and 2021, NIH, NSF, etc.

## ○ COGR addressing all of the above (see [www.cogr.edu](http://www.cogr.edu))

- COGR Resource Page (<https://www.cogr.edu/science-and-security>)
- COGR “Chart Comparing [the wide array] of Disclosure Requirements”
- COGR White Paper on Foreign Influence

# ***COVID-19 Resources***

- May 2020: *Furlough Programs* (focus on Consistency Principle)
- June 2020: *Research Ramp Up* (Labs, Animals, Human Subjects)
- COGR Analyses on OMB Flexibilities
- COGR Impact Surveys
- August 2020, January 2021: *Financial Crisis and the Pandemic Normal (Research Impact Metric Model - RIM)*
- April 2021: *F&A Cost Rates and Reimbursement Pressures*
- Ongoing: *Higher Education Emergency Relief Fund (HEERF)*
- All available at: <https://www.cogr.edu/cogrs-faqs-and-resources-covid-19s-impact-federal-awards>

# Higher Education Emergency Relief Fund (HEERF)

## ○ Three tranches of HEERF

- \$14 B, Coronavirus Aid, Relief, and Economic Security (CARES) Act, March 2020
- \$23 B, Coronavirus Response and Relief Suppl. Approps. (CRRSA), Dec. 2020
- \$40 B, American Rescue Plan (ARP), March 2021
- Dept. of Education: <https://www2.ed.gov/about/offices/list/ope/arp.html>
- COGR: [https://www.cogr.edu/sites/default/files/HEERF\\_FAQs\\_V2\\_April30\\_2021.pdf](https://www.cogr.edu/sites/default/files/HEERF_FAQs_V2_April30_2021.pdf)

## ○ Implementation and Compliance:

- Student and Institutional as two separate awards and compliance requirements
- Institutional focus: allowable charges, lost revenue, F&A, reporting, audit
- COGR response to recent Federal Register Notice: *Docket ID No. ED-2021-SCC-0093. HEERF I, II, III Data Collection Form*
- Ongoing attention to single audit

# Costing Updates





# Challenges with Payment Management System

- HHS/NIH/PMS 120 Day Close-out/Liquidation
  - NIH-OD-21-149—*Updated Process for Requesting Drawdowns [beyond 120 days]* (July 8, 2021); prior approval module in eRA Commons as the new request mechanism
  - Community needs to be diligent on complying with the 120-day closeout requirement
- Submission of Final Federal Financial Report (FFR)
  - NIH NOT-OD-21-138 (June 4, 2021) provides “leniency” on late Final FFRs into PMS
  - New PMS edit checks were the problem; relaxed edit checks allow Final FFR submission
  - However, ultimate solution is elimination of Federal Cash Transactions Report (and the required reconciliation between FCTR and FFR); possible elimination later in the year?
- PMS closing of legacy G-accounts
  - Ongoing initiative for two years; some institutions still have unresolved deficit balances
  - HHS/PMS committed to not institute unilateral closeout, nor debt collection, if there is an unresolved deficit balance

# Engaging with CAS & HHS

- Biennial Property/Equipment Inventory & “Cognizance”
  - Required under 2 CFR 200.313(d)(2 )
  - COVID-19 pandemic made this difficult and dangerous
  - OMB M-20-17 did allow and M-21-20 (March 19, 2021) continues to allow waiver
- HHS/CAS Cognizance Clarification
  - CAS: F&A, DS-2s, all things indirect
  - HHS: Inventory, Effort/Payroll Distribution, Micropurchase Threshold, etc.
  - Audit Resolution: indirect vs. direct audit issue may decide responsible entity
- DS-2s
  - Better guidance under 2 CFR.200.419(b)(1): *The initial DS-2 and revisions to the DS-2 must be submitted in coordination with the IHE's indirect (F&A) rate proposal; and* (b)(2): *An IHE may proceed with implementing the change after it has notified the Federal cognizant agency for indirect costs [approval may still be required]*
  - No new DS-2 form anytime soon

# ***Audit: Federal and Single Audit***

- NSF OIG F&A Compliance Finding
  - NSF OIG position: New F&A cost rate at time of award (e.g., 54 percent) must be used rather than initially proposed F&A cost rate (e.g., 52 percent)
  - COGR letter to NSF (May 14<sup>th</sup>) under review by NSF and OMB
- NSF OIG COVID-19 and OMB Flexibilities (M-20-17, etc.)
  - Ten reports; see <https://www.nsf.gov/oig/reports/reviews.jsp>
  - Capstone: all were “generally prudent in their stewardship of federal resources”
- 2021 Compliance Supplement (CS) and Addendum
  - CS released August 13<sup>th</sup>; Addendum in early Fall
  - Special attention to new programs (e.g., HEERF) created under each of the three federal relief bills

# *Other Costing Of-Interest*

- 2 CFR 200 (Uniform Guidance)
  - Effective August (selected)/November 2020 and revised FAQs on May 3, 2021
  - Update to the outdated utility cost adjustment (UCA) was considered during the 2 CFR 200 revision process, but OMB decided to wait
- NIH Data Management/Sharing policy, effective January 2023
  - Current effort to understand “cost of implementation/cost of compliance”
  - Considerations around who pays / how to pay for an unfunded mandate
- COGR Paper, *F&A Cost Rates and Reimbursement Pressures Under COVID-19: Maintaining a Fair and Reliable System* – April 2021
- 2019 NSF Higher Education R&D Survey results are available (see <https://nces.nsf.gov/pubs/nsf21313>)

**QUESTIONS**  
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