



Document Downloaded: Friday September 10, 2010

DOE ARRA-Funded Programs

Author: David Kennedy

Published Date: 04/09/2010

COGR

an organization of research universities

COUNCIL ON GOVERNMENTAL RELATIONS

1200 New York Avenue, N.W., Suite 750, Washington, D.C. 20005
(202) 289-6655/(202) 289-6698 (FAX)

BOARD OF DIRECTORS

CHAIR

ALBERT HORVATH
The Pennsylvania State University

MICHAEL AMEY
The Johns Hopkins University

JAMES BARBRET
Wayne State University

ELAINE BROCK
University of Michigan

SUSAN CAMBER
University of Washington

MICHELLE CHRISTY
Massachusetts Institute of Technology

KELVIN DROEGEMEIER
University of Oklahoma

JAMIE LEWIS KEITH
University of Florida

NATALIE KRAWITZ
University of Missouri System

CHARLES LOUIS
University of California, Riverside

JAMES R. MAPLES
University of Tennessee

CORDELL OVERBY
University of Delaware

SUSAN SEDWICK
University of Texas, Austin

JOHN SHIPLEY
University of Miami

WENDY STREITZ
University of California System

ARA TAHMASSIAN
Boston University

JAMES TRACY
University of Kentucky

MARIANNE WOODS
University of Texas,
San Antonio

DAVID WYNES
Emory University

ANTHONY DE CRAPPEO
President

April 9, 2010

Mr. Anthony Brooks
Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Mr. Nathan Frey
DOE Desk Officer
Office of Information and Regulatory Affairs, OMB
New Executive Office Building, Room 10102
725 17th Street, NW
Washington, D.C. 20503

Subject: Proposed Agency Information Collection Activities
Federal Register, March 26, 2010 (Volume 75, FR14588)

Email to: recoveryinformationcenter@hq.doe.gov
nfrey@omb.eop.gov

Fax to: 202-586-6969

Dear Mr. Brooks and Mr. Frey,

The Council on Governmental Relations (COGR) is an association of 182 research universities and their affiliated academic medical centers and research institutes, which together account for over 90 percent of the Federally-funded basic research conducted by colleges and universities. COGR concerns itself with the influence of federal regulations, policies and practices on the performance of research and other sponsored activities carried out at its member institutions.

We are writing in response to the Department of Energy invitation for public comment on a proposed emergency collection of information specific to the American Recovery and Reinvestment Act of 2009 (ARRA).

First, we would like to take this opportunity to thank the Administration and the Department of Energy for its support of the research community and we are enthusiastic about the opportunities that have been made available through ARRA. Research Universities are fully committed to the accountability and transparency mandates of ARRA and are keenly aware of the public trust and stewardship responsibilities associated with managing ARRA funds – we treat this privilege with the highest level of care and diligence.

In response to the DOE request for public comment, the 182 COGR member institutions are united in our call to disallow DOE's emergency request, at least in terms of its applicability to Research Universities and similar institutions. The following three points highlight why the DOE request should be rejected.

1. Research Universities should not be subject to new reporting requirements designed for "high risk" programs

A "Special Report" by the DOE Office of Inspector General (OAS-RA-10-04, February 2010) cited: *"The Department had taken a number of proactive steps to foster timely implementation of the Weatherization Program. However, in spite of the Department's efforts, grantees had made little progress in weatherizing homes. As of February 2010, the one-year anniversary of the Recovery Act, only a small percentage of Recovery Act weatherization funds had been spent and few homes had actually been weatherized."*

COGR's understanding is that the impetus for the DOE proposed emergency collection of information is based on the need for the Department to more effectively implement and monitor the Weatherization program. ARRA funded research programs sponsored by DOE, as well as programs funded by other major research funding agencies such as NIH and NSF, have proven to be effectively implemented and managed by Research Universities over the course of the past year. To sweep Research University programs into the same basket as "high risk" programs will result in an unfair administrative burden placed on Research Universities and will not enhance the performance of ARRA funded DOE research programs.

2. Additional reporting requirements are inconsistent with the statutory requirements of the American Recovery and Reinvestment Act of 2009

ARRA Section 1512, Reports on Use of Funds, Sub-section (g) GUIDANCE, specifically states: *"Federal agencies, in coordination with the Director of the Office of Management and Budget, shall provide for user-friendly means for recipients of covered funds to meet the requirements of this section."*

FederalReporting.gov has been a well-designed and effective government-wide application to accumulate important metrics related to ARRA activity. Research Universities have invested significant resources to ensure that the accountability and transparency requirements of ARRA are being met and have successfully utilized FederalReporting.gov. In fact, we have been cited as having a compliance rate of 99.9% with the reporting requirements mandated in Section 1512 of ARRA.

Imposing any additional reporting requirements on Research Universities could have the unintended effect of compromising the current level of reporting proficiency that has been established. Some COGR members already have been asked by DOE program staff to provide additional information and/or to provide it on a more frequent basis (i.e., monthly). This is inconsistent with the mandates of the ARRA legislation – specifically, any additional reporting and/or monthly requirements imposed by DOE **do not** represent a "user-friendly means" for Research Universities to meet the Section 1512 reporting requirements.

3. Reporting guidance provided by the Office of Management and Budget has provided consistency for grant recipients and should not be compromised

OMB has been an active and steady hand to the grant recipient community throughout the duration of ARRA. If the DOE proposed emergency collection of information is allowed to be applied to Research Universities, it will create a new unfunded reporting burden.

Mr. Brooks and Mr. Frey

April 9, 2010

Page Three

The June 22, 2009 OMB Implementing Guidance (M-09-21) included guidance on how Federal agencies should approach their requests and proposed changes to the legislatively mandated reporting elements. In section 2.8 of the June 22nd guidance, OMB included this comment to address any Federal agency request to combine recipient reporting elements: *“Federal agencies that seek to have recipients transfer information from existing systems into the www.FederalReporting.gov solution will be required to conduct a thorough analysis of the complexity of such arrangements as well as the burden impact on the relevant recipient community before initiating such a requirement or option. Federal agencies that determine that such a requirement is necessary will issue program-specific reporting guidance that is reviewed and approved by OMB before it can be effective.”*

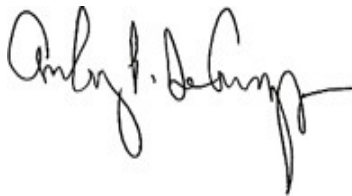
OMB diligently has worked with and considered Research Universities during the implementation of ARRA reporting requirements. The research community needs OMB to continue the same approach of providing a fair balance between extraordinary Federal agency expectations and appropriate application to Research Universities – otherwise, OMB loses its ability to be a fair arbiter and will lose the trust of the research community.

* * * * *

Again, we appreciate the opportunities that have been made available through ARRA by the Administration and the Department of Energy. However, the proposed emergency collection of information by DOE will create additional administrative burdens for Research Universities; inappropriately label programs managed by Research Universities as “high risk” programs; and due to the non-specific nature of exactly what the emergency collection of information entails, create an open-ended “blank check” for DOE to ask for unlimited information.

The Council on Governmental Relations appreciates your attention to this important matter, and we look forward to responding to any questions you may have.

Sincerely,



Anthony P. DeCrappeo
President, COGR

Cc: Steven Koonin, Under Secretary for Science, Department of Energy
Danny Werfel, Office of Management and Budget, Controller
James Maras, Office of Management and Budget
Diane DiEuliis, Office of Science and Technology Policy