COGR
Council On Governmental Relations

2019-2020 Year in Review

As an association of almost 190 leading research institutions, COGR provides its members with expert analysis, guidance, and resources regarding the financial and regulatory infrastructure associated with the acceptance of federal funding for research. We also foster productive relationships between the research community and federal policy makers, advocating for innovation and change that avoid unnecessary regulatory burden.

As this academic year comes to a close, it seems like a good time to take a brief look at what COGR has accomplished in some key areas on behalf of its membership. We could not have done this without the commitment and efforts of our Board and Committee members and the many other people at your institutions who are engaged as volunteers.

COVID-19

To say the past year was an unprecedented one for research institutions is an understatement. When the academic year began, we were all dealing with a wealth of serious and challenging issues related to foreign influences on academic research. It felt all-consuming - until earlier this year, when it paled in comparison to the challenges presented by COVID-19.

As COGR and its member institutions began to respond to the public health emergency created by COVID-19, COGR swiftly took actions to help its members navigate these uncharted waters. Importantly, COGR led a multi-association urgent request in March asking OMB to extend key regulatory flexibilities to all federal assistance awards, which they did within a matter of days (more recently, the associations requested that OMB extend the flexibilities beyond the June 17 expiration). As agencies each began implementing those efficiencies, COGR tracked and documented the different approaches, ultimately collecting over 100 different agency guidance documents, analyzing and summarizing them, saving member institutions from having to do their own tracking and allowing them to focus on much more pressing local issues. We quickly crowd-sourced institutional plans for ramping down, created a living set of FAQs, and launched webinars to address the most pressing topics, with up to 850 registrants each. As restrictions are being lifted, COGR has created and is adding to a similar set of resources for the ramp up of on-campus research. The full set of resources can be found here.

In addition to collecting and creating these resources, COGR successfully advocated with funding and regulatory agencies for maximum flexibility in terms of compliance expectations and continues to do so. In many cases, after hearing the challenges our member institutions were facing, we were able to make compelling arguments for additional flexibilities, such as reporting impacts to NIH grants as part of annual reporting instead of grant-by-grant for now.

Foreign Influences

When the academic year began, the most complex and consuming issue the research community was dealing with was foreign influences on research and the failure of some researchers to disclose significant foreign commitments and resources. COGR worked actively and aggressively with funding and security agencies; a critical role was to represent the concerns of institutions, particularly those under investigation, without any of them having to identify themselves to agencies.

Some of the steps COGR took to help its members included:

- Opportunities at multiple COGR meetings[1] for institutions to hear directly from funding and security agencies, as well as from other institutions on steps they were taking to address the challenges
- Partnering with agencies such as DOD and FBI to help improve communications and understanding.
- In light of a continued lack of clarity regarding PI reporting of outside activities and support, COGR developed guidance on NIH's Other Support requirements based on its numerous discussions with NIH.
- Collated institutional policies on Conflict of Commitment for COGR Member Institutions
- Creation of a framework to help member institutions assess individual global (and domestic) engagements.
- As problematic legislation was being (and continues to be) developed, COGR provided its analysis and regulatory expertise, as well as insight into institutional impact, to other higher education associations to inform their engagements with Congressional members and staff.
- COGR offered to be (and was) interviewed by GAO to help inform the institutional interviews on COI that GAO was developing.
- Developed a Science and Security Resource page on the COGR website to collate relevant news stories, COGR comment letters, publications, and presentations, and other resources from various higher education associations.

As policymakers now begin turning their attention to these issues again, we will continue to be deeply engaged on behalf of our members.

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[1] *To access meeting presentations, please visit https://www.cogr.edu/Meeting-Reports-and-Agendas-Archives.*

Excellence in Research: Understanding F&A Whitepaper

Just over a year ago, COGR released what we believe may become the definitive resource for understanding F&A: *Excellence in Research: The Funding Model, F&A Reimbursement, and Why the System Works*, with an accompanying slide deck that members use locally[2]. Among other topics, the whitepaper includes the history of the federal funding model, an intro to F&A as well as a deeper dive into the nuts and bolts, audit and compliance, and the 26% cap. It also does some myth-busting, explores some other systems, and offers suggestions for improvement. This was by far our most accessed resource, pre-COVID. At the same time, COGR also partnered with five other associations to create a video on understanding the true costs of research.

Revision of 2 CFR 200 (Uniform Guidance)

When OMB issued proposed changes to 2 CFR 200 early in 2020, we were pleased to see a number of changes that COGR had advocated for, including to the micro purchase threshold, the 120 day close out period, and subrecipient monitoring. However, some of the revisions were problematic or unclear. A COGR working group analyzed the revisions and ultimately drafted a 35-page response letter. We continue to engage with OMB as they consider their final regulation.

Other Highlights

- Section 117 reporting[3]. COGR, working alone and with other associations, asked the Department of Education for guidance on Section 117 reporting, which the Department refused to do, choosing instead to launch investigations and issue a problematic "Information Collection Notice." While the final notice is still challenging, it did reflect several of the improvements we requested, including deferring the requirement to provide "true copies" of agreements to formal rulemaking. COGR will be watching for this and be prepared to weigh in.

- Controlled Unclassified Information (CUI) and Cybersecurity. COGR has followed NIST's development of the SP 800171 security requirements, engaging in numerous discussions with NIST along the way, which resulted in some significant improvements. In addition, COGR worked jointly with EDUCAUSE in approaching DOD with concerns about the implications of the draft DOD Cybersecurity Maturity Model Certification program for DOD-funded fundamental research at COGR member institutions. We will continue to be in contact with DOD as the program is rolled out.

- Technology transfer. COGR is working closely with NIST, as they rebuild the iEdison invention reporting system. We also joined the Bayh-Dole 40 coalition, celebrating 40 years of the Bayh-Dole

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[2] *For a de-branded and modifiable copy of the slide deck, please contact Toni Russo at trusso@cogr.edu*
[3] *COGR Letters on Section 117 can be found on our website at www.cogr.edu under "Latest News"*

Act and working to highlight the many resulting products and businesses. Finally, we continue to work with other associations, providing our assessment of the impact of proposed legislation to better inform their advocacy.

- Furlough Guidance. In May, as COGR members were considering and beginning to implement furloughs, COGR overhauled its *Furlough Programs and Implications for Financial Research Compliance* as a resource.

- Nonprofit Funders and Research Institutions (NFRI) Partnership. Together with the Health Research Alliance, COGR has coordinated a number of research institutions and nonprofit funders to discuss areas of friction in NF-sponsored research. The group has focused on intellectual property and technology transfer, research support costs (i.e., indirect costs), and streamlining administrative processes. Participants have developed a much greater understanding of each other's concerns and are developing materials for broader use.

- HHS G-accounts. When institutions began getting collection letters related to HHS G-accounts, COGR worked with the HHS Policy Office and Payment Management Systems staff to convince them to revoke the collection letters and work more collaboratively with grantees through this process.

- Confidentiality Issues Related to Responding to Allegations of Research Misconduct. In collaboration with the Association of Research Integrity Officers (ARIO), COGR released *Confidentiality Issues Related to Responding to Allegations of Research Misconduct*. The paper was developed as an educational tool to set forth a framework of institutional considerations regarding when and how research misconduct matters can or should be disclosed.

Formal Comment Letters

COGR not only comments on proposed regulations and relevant RFIs, but we strive to provide our comments to our members before the deadline, to assist them in the development of their own responses. In the past year, we submitted almost 30 such comments on behalf of our membership, sometimes in partnership with other associations.[4]

May 2020

- OMB: requesting extension of M-20-17 flexibilities
- DEA: comments on *Controls to Enhance the Cultivation of Marihuana for Research in the United States*
- EPA: comments on *Strengthening Transparency in Regulatory Science*

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[4] *COGR Comment Letters can be found on our website at: https://www.cogr.edu/News-Stories*

- OSTP: Comments on public access to publications, data and code from federally funded research.

March 2020

- President Trump: Fetal tissue research restrictions and COVID-19
- OMB: Comments on revisions to 2 CFR 200 (Uniform Guidance)
- OSTP: Comments on desirable characteristics of data repositories
- NIH-NLM: Comments on modernization of clinicaltrials.gov
- Dept. of Ed.: Section 117 reporting requirements Information Collection Notice

February 2020

- FAA: Comments on *Remote Identification of Unmanned Aircraft Systems*
- Dept of Ed.: Comments on proposed *Free Inquiry* rule

January 2020

- USDA: Comments on proposed rules regarding hemp
- OSTP: Response to RFI on the Joint Committee on the Research Environment
- NIST: Response to RFI on iEdison
- USDA/NIFA: Comments on the Reimaging NIFA Initiative
- NIH: Comments on draft *Data Sharing and Management Policy*

December 2019

- OMB: Objecting to the Dept of Ed's Section 117 Emergency Order
- SAMHSA: Expressing concern about new attestation requirements regarding cannabis

November 2019

- EPA: Comments on *Strengthening Transparency in Regulatory Science*

August 2019

- NASA: Comments on proposed sexual harassment policy
- NIST: Comment on *Protecting Controlled Unclassified Information, SP800171B*

July 2019

- NSF: Comments on proposed PAPPG revisions
- OMB: Comments on 2019 Compliance Supplement
- FDA: Comments on scientific data and information about products containing cannabis
- HHS: Fetal tissue research
- Dept of Ed.: Section 117 reporting Information Collection Notice

Resources for Members

In addition to the topical resources discussed above, COGR has begun distributing a digest of news relevant to the administration of research three times a week. Our meetings, virtual for now, are open to members only. We have begun offering webinars on current issues and will continue to do so. Several times a year summaries of current issues and hot topics are distributed to members, with the most recent being our May Update. Members are always welcome to contact COGR staff to discuss issues of concern or get the latest information.