



January 23, 2020

Dr. J. Scott Angle
Director, National Institute of Food and Agriculture

Mr. William Hoffman
Chief of Staff, National Institute of Food and Agriculture

U.S. Department of Agriculture
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Washington, DC 20250

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SUBJECT: REIMAGINING NIFA

Dear Dr. Angle and Mr. Hoffman,

The Council on Governmental Relations (COGR) is an organization composed of over 180 leading research universities and organizations, including affiliated academic medical centers and research institutes. COGR concerns itself with the impact of federal regulations, policies and practices on the performance of research conducted at our member institutions. We work hand-in-hand with other research and higher education associations and engage with federal research agencies to advance the research and scientific discoveries that make our nation and the world a better place.

We appreciate your invitation to respond to the “*Reimagining NIFA*” initiative. The research, extension, and education mission of NIFA is critical to our nation’s well-being, and your focus on enhancing organizational effectiveness and reducing administrative burden are fully aligned with COGR’s mission to affect positive regulatory reform.

On the next page we have provided four possible areas of discussion, which COGR believes could have an immediate and positive impact on enhancing organizational effectiveness and reducing administrative burden, while not compromising institutional accountability. We look forward to discussing each in more detail and providing support to NIFA as you lead this important initiative.

1) Creative Use of Funding Instruments. Cost-Reimbursement awards are the typical funding instrument used for NIFA competitive awards. However, OMB and other industry leaders are advocating for the use of less burdensome Fixed Amount awards. While an objection to the use of Fixed Amount awards has been that research does not always provide a clear measurement of outcomes, COGR suggests that if outcomes are defined more broadly (e.g., advancing science through experimentation and disclosure of results), the use of Fixed Amount awards are totally appropriate. As an initial approach, NIFA could implement a Fixed Amount award pilot for awards under a certain dollar threshold, which then could be closely monitored to assess risk.

2) Collaborative Proposal/Award Model. This is a variation on 1) above, and represents another approach to the use of creative funding instruments. Under this model, investigators across institutions would propose joint funding requests, bypassing the prime/subrecipient relationship, and successful projects would be awarded individually to each institution. NSF has utilized this approach (see [Collaborative Proposals, 2019 NSF PAPPG](#): “*A collaborative proposal is one in which investigators from two or more organizations wish to collaborate on a unified research project*”) with one important outcome being the elimination of the administratively burdensome task of subrecipient monitoring and allowing each recipient institution to manage the 30 percent of Total Federal Funds Awarded (TFFA) limitation (see 3) below) individually.

3) Simplify the Indirect/F&A Cost Reimbursement Process. NIFA is unique among federal agencies with its 30 percent Federal & Administrative cost (F&A) limitation of the TFFA. While research institutions are diligent in their compliance with the 30 percent limitation, there are two areas where flexibilities could be offered, which would help to minimize administrative burden:

- The [NIFA Matching requirement FAQ web page](#) (dated May 17, 2019) provides policy guidance related to F&A cost reimbursement. Specifically, FAQ #9 restricts the application of unrecovered F&A as a match on NIFA programs that have a matching requirement. 7 CFR 3430.52(b) is the source for this restriction; however, the restriction is not statutorily-driven, but rather is driven by NIFA policy. COGR’s understanding of the 30 percent F&A limitation is that as long as the unrecovered F&A match does not exceed 30 percent of the TFFA, unrecovered F&A should be allowable to be used for the match, while also being an allowable charge to the award.
- The [Farm Bill Indirect Cost Provision Guidance](#) (dated July 10, 2019) also provides policy guidance related to F&A cost reimbursement. New requirements under the 2018 Farm Bill, Section 7125 (which modified Section 1462(c)) significantly complicate the

F&A cost reimbursement process. Further, the July 10, 2019 guidance is confusing and creates new burden as it relates to documentation required for calculating F&A reimbursement when a subrecipient relationship has been established. COGR has identified three solutions to minimize the burden: a) confirm that F&A cap compliance is applied at the end of each budget period, and not on each funding draw occurrence—using each draw occurrence would create significant burden, b) allow institutions to rebudget costs as F&A costs at the end of the budget period and/or project period if the 30 percent TFFA has not been reached, and c) consider use of the NSF Collaborative Proposal/Award Model (described above), which would eliminate the use of subrecipients in certain situations, which in turn would minimize the need for a complex F&A calculation.

4) Time and Effort Reporting Requirements. The 2018 Farm Bill, Section 7613, encourages the Secretary, in consultation with OMB, to review current time and effort reporting requirements. The intent of this section of the 2018 Farm Bill is to minimize reporting burden, which COGR supports. However, a key principle of time and effort reporting burden is consistency across all NIFA programs, as well as consistency with other federal agencies. Reducing burden associated with time and effort reporting is important, though the consistency principle must precede any proposed changes.

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Thank you for considering COGR's comments and we look forward to working with you on these ideas in support of "Reimagining NIFA." Please contact David Kennedy at (202) 289-6655, ext. 4 (or dkennedy@cogr.edu) to follow up.

Sincerely,



Wendy D. Streit
President