

COUNCIL ON GOVERNMENTAL RELATIONS

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October 7, 2011

AGENDA

MEETING OF THE COUNCIL ON GOVERNMENTAL RELATIONS

WASHINGTON MARRIOTT HOTEL

October 27 and 28, 2011

Planning information for the upcoming meeting of the Council on Governmental Relations was sent to the COGR Listserve in August 2011. Those planning to attend should make hotel reservations at the Washington Marriott Hotel at 1221 22nd Street, N.W., Washington, D.C. and should send registration notices along with registration fees to the COGR office. Those planning to attend will want to make their travel and hotel reservations. There is a block of rooms reserved for COGR participants. After this block fills, reservations will be accepted only on a space and rate available basis.

The hotel has established October 11, 2011 as the cut-off date for receipt of reservations. There may still be rooms available at the hotel, but these would not have the COGR rate. For reservations already made, changes should be made by telephone to the hotel (202-872-1500) and by FAX to the COGR office (202-289-6698). Cancellations must be received in writing, via fax or mail, no later than Thursday, October 20, 2011 to receive a refund of the registration fee.

Thursday, October 27, 2011

- 8:30 a.m. **Registration**
- 10:00 a.m. – 11:45 a.m. – **Thursday Morning Sessions** – There will be two concurrent sessions:

The COGR Survey of F&A Rates, Current Trends, Future Surveys, and an Update on Recent Negotiations

For the first time, COGR collected comprehensive F&A rate data for all institutional F&A rates. In addition, the COGR survey has transitioned to maintaining historical F&A rate data which provides for more readily available trend analysis.

This session will provide some compilations from the most recent survey, including analysis and perspective on what the trends may suggest. We also will open the discussion to future surveys and what data would be useful to the COGR membership, as well as discussing how/if the results from the COGR survey could be used for advocacy and other public purposes.

As many of you know, one of COGR's recommendations to the A-21 Task Force was to *Formalize an F&A Rate Negotiation Model that is transparent, unambiguous, consistent and collaborative between the Federal government and Research Universities and Institutions.* We

understand that the Task Force is considering taking action on this recommendation. We will use the second half of this session to do an Update on Recent Negotiations and identify practices employed by DCA and ONR that we can share with the A-21 Task Force that would help inform specific actions taken by the Task Force.

PHS/NIH Financial Conflicts of Interest: Now What?

With the issuing of the final rule implementing changes to the *Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought and Responsible Prospective Contractors*, institutions need to consider the policy and procedural changes necessary to achieve compliance by August 2012. We will spend this morning session discussing some of the new and significantly changed requirements in the final rule to help identify practices under consideration by the membership. The session's focus will be on designing effective practices to meet the requirements and identifying critical questions to be raised for the membership during the afternoon discussion with NIH staff. In addition to a consideration of the rule itself, we'll look at some of the Frequently Asked Questions (FAQ) responses that NIH has begun to post to its web site at: <http://grants.nih.gov/grants/policy/coi/>. Members of the Research Compliance and Administration Committee will lead the discussion.

- 12:00 Noon – 1:00 p.m. – **Buffet Lunch**
- 1:00 p.m. – 2:00 p.m. – **Guest Speaker – Robert J. Kenney, Jr., Partner, Hogan Lovells LLP** - Bob Kenney is the lead partner in the federal research practice of Hogan Lovells. A significant portion of his practice involves representation of colleges and universities and other nonprofit institutions engaged in federally sponsored research. He represents leading research institutions in audits, investigations, and disputes with the federal government concerning direct and indirect cost recovery, and advises numerous institutions on compliance with Office of Management and Budget (OMB) Circulars A-21, A-110, A-122, and other grants administration directives and regulations. He has also represented research institutions and companies in matters involving allegations of fraud, misconduct, and conflict of interest, and legal issues relating to intellectual property, technology transfer, human subjects research, animal care and use, and handling of select agents.

As Mr. Kenney prepares to retire from the firm, we've asked him to provide his perspective on the evolution of the research enterprise, some of the highs and lows of the many engagements he's had with universities and federal agencies, and what he sees on the horizon as the major challenges we will face in the coming years.

- 2:00 p.m. – 2:15 p.m. - **Break**
- 2:15 p.m. – 3:45 p.m. - **PHS/NIH Financial Conflicts of Interest: An Agency Perspective** - With the issuing of the final rule implementing changes to the *Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought and Responsible Prospective Contractors*, the National Institutes of Health (NIH) has begun to provide guidance to the research community to help institutions achieve compliance by August 2012. Sally Rockey, NIH Deputy Director for Extramural Research and Director of the Office of Extramural Research, will summarize the significant changes to the rule, answer questions and, with the assistance of Joe Ellis, Director, NIH Office of Policy for Extramural Research

Administration (OPERA), Diane Dean, Director, OPERA Division of Grants Compliance and Oversight (DGCO), and Kathy Hancock, Assistant Grants Compliance Officer, DGCO. Some questions will be crafted at the Thursday morning session addressing the rule but questions will be welcomed from all participants from the floor. The final rule and recently posted Frequently Asked Questions (FAQs) are available on the NIH website at: <http://grants.nih.gov/grants/policy/coi/>

- 3:45 p.m. – 4:00 p.m. – **Break**
- 4:00 p.m. – 5:30 p.m. - **Presentation of the Phase I Recommendations by the A-21 Task Force** - Earlier this year, the Office of Management and Budget (OMB) convened an A-21 Task Force under the Office of Science and Technology Policy (OSTP) to explore policy updates that could reduce cost and administrative burden for research universities and institutions. A “Request for Information” (RFI) was issued by the Task Force, under the auspices of an NIH RFI, in June. In late July, COGR and many COGR member institutions responded to the RFI and provided the Task Force with recommendations. The COGR Recommendations covered 45 pages of detailed analysis and specific suggestions designed to address a wide variety of topics. A separate cover letter and the 45-page Recommendation document can be found at www.cogr.edu (see Latest News, July 28, 2011 link on the COGR home page).

The A-21 Task Force implemented an aggressive schedule for reviewing and responding to the RFI responses. The Task Force provided their internal recommendations to senior leadership at OMB and OSTP at the end of August. The timing of releasing the Phase I recommendations has been coordinated with a similar initiative that is being conducted specific to OMB Circular A-87, *Cost Principles for State, Local and Indian Tribal Governments*. The A-21 Task Force will continue working toward a Phase II series of recommendations to OMB with a target for completion by the end of the calendar year.

Members from the A-21 Task Force will present the Phase I recommendations, including their perspective on how the recommendations will be implemented and any challenges that they foresee during the implementation phase. And to the extent that they are able to do so, they will share those topics that they hope will be part of the Phase II recommendations. This should be an interactive session and there will be significant opportunities for questions and answers between COGR members and the Task Force members.

- 5:30 p.m. – 6:30 p.m. - **Reception**
- 6:30 p.m. - **Dinner**

Friday, October 28, 2011

- 7:30 a.m. – 8:30 a.m. - **Buffet Breakfast**
- 8:30 a.m. – 9:00 a.m. - **Association Update** – AAU Federal Budget Update

- 9:00 a.m. – 10:15 a.m. - **COGR Committee Reports**

Research Compliance and Administration - Revision of COGR's *Access to and Sharing and Retention of Research Data: Rights & Responsibilities*

Contract and Intellectual Property

Costing Policies

- 10:15 a.m. – 10:30 a.m. - **Break**
- 10:30 – Noon – **Continue Committee Reports** – Discussion of questions submitted by the membership (**Members are encouraged to submit advance questions and issues for Friday morning discussion to ataylor@cogr.edu**)
- 12:00 Noon – **Adjournment**

Attendance at COGR meetings is limited to employees of member universities, their governing boards and research foundations, affiliated hospitals and affiliated research institutes.