Psssst – Did you hear what’s coming next?: Impending Policy Changes/Updates

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UNC System and State Regulations

- Board of Governors Policies and Regulations

- NC Administrative Code
  - [https://www.osbm.nc.gov/management/grants](https://www.osbm.nc.gov/management/grants)

- UNC Business Process Compliance Program
On January 28, 2016, President Barack Obama signed the Grants Oversight and New Efficiency Act (GONE Act) into law. The purpose of the law is to reduce costs associated with maintaining bank accounts of expired grants that contain undisbursed funds or a zero balance.

Congress designed the GONE Act to hold Federal awarding agencies accountable for timely closeout of grant awards in response to a 2013 Washington Post article that found that the Federal government spent at least $890,000 on service fees to maintain empty bank accounts of expired grants.

The bill defines "federal grant award" as a grant, including a cooperative agreement, in an agency cash payment management system held by the U.S. government for which: (1) the grant award period of performance has been expired for more than two years, and (2) closeout has not yet occurred.

Under the Uniform Guidance, Federal awarding agencies and pass-through entities should complete all closeout activities within one year. 2 CFR 200.343(g) states: The Federal awarding agency or pass-through entity should complete all closeout actions for Federal awards no later than one year after receipt and acceptance of all required final reports.
Federal Regulatory Updates – RPPR update


- Does not change the performance reporting requirements in 2 CFR 200

- Will be used by agencies that support research and research related activities

- Mandatory category remains – what was accomplished or learned. Optional categories will now include project outcomes – what were the outcomes of the work?

- The RPPR data dictionary has been updated, verb tense modified as needed, new additions to the instructions and questions

- They have initiated the OSTP clearance process, once completed it will move through OMB to participating agency implementation

- Note – not all Federal agencies are participating at this time (NIH, NSF, EPA, NASA, NEH, DOJ, DOD, DOE, and HS are participating)
Federal Regulatory Updates – RTCs update

- Federal-wide Research Terms and Conditions (RTCs) Update

- Revisions to implement UG will apply to research and research related grants made by the participating agencies to IHEs and non-profits

- Participating Agencies include: Department of Agriculture – NIFA, Commerce - NIST/NOAA, Homeland Security (didn't participate but will adopt), Energy, Transportation – FAA, EPA, NASA, NIH, NSF

- The other agencies declined to participate and therefore will not be using the RTCs that have been revised by this group at this time and therefore will rely on agency specific terms and conditions

- The revision incorporates the entire UG by reference, no crosswalk.
Federal Regulatory Updates- RTC continued

- They have also incorporated by reference the COFAR FAQs which have the full force and effect of the UG

- Will apply to an award when included as part of the award or when incorporated in the award by reference

- The following additional documents will be included in the implementation:
  - Appendix A, prior approval matrix
  - Appendix B, Sub award Requirements matrix (includes all of the flow down terms and conditions)
  - Appendix C, National Policy Matrix
Federal Regulatory Updates- RTC continued

- Agency implementation plans and agency participation expressed as a concern during the comment period.

- Implementation plans - they don't want agency implementation plans, there needs to be consistency.

- That said, they provided an implementation plan; applying to all grants, cooperative agreements, all new awards, incremental funding.

- Agency specific requirements will be referenced and will need to be cross referenced when noted in the Notice of Award.

- Process: RTC working group; initiate formal OSTP clearance process; clear through OMB; implementation. It is at the OSTP stage currently and it is hoped that it will progress quickly. Deviations would cause delays at the OMB stage and there are no blatant deviations. The majority of the exceptions are in the prior approval matrix.
FDP and COGR Updates- U.G. Procurement

COGR expects OMB and the COFAR to finalize the following:

1) An extension of the grace period for implementation of 2 CFR 200.317-326 (the procurement standards). The grace period will be extended to FY 2019 (i.e., July 1, 2018 for most institutions) and will be announced in the Preamble to Proposed Rulemaking.


3) Over the remainder of 2016 and into the first-half of 2017, the Rulemaking process will unfold. Under this timeline and due to an extension of the grace period, regardless of any modifications, 2 CFR 200.317-326 will become effective in FY 2019 (i.e., July 1, 2018 for most institutions).
FDP and COGR Updates- DATA Act

- The DATA Act, passed in 2014, aims to make federal grants information increasingly accessible and searchable through establishing government-wide financial data standards and increasing the availability, accuracy and usefulness of Federal spending information.

- In May 2015, a new pilot program for the law was launched by the Office of Management and Budget (OMB) and the Department of Health and Human Services (HHS) – The Section 5 Grants Pilot.

- The pilot framework includes collecting feedback from grantees via the National Dialogue website, analyzing “data centric” forms, and testing models.

- These models include:
  - an online repository for grants-specific data standards, definitions, and context (the Common Data Element Repository or CDER Library);
  - a test model that will allow grantees to submit the Federal Financial Reporting form through one system/portal, rather than multiple entry systems;
  - a more streamlined approach to Single Audit reporting (SF-SAC/SEFA forms);
  - a standardized notice of award cover sheet for Federal awards;
  - and an online portal that provides federal grant lifecycle information (Learn Grants).
FDP and COGR Updates- Regulatory Reform

- Unfunded mandates and exploring ways to reduce administrative burden have been a hot topic at both FDP and COGR.

- The National Academies report, *Optimizing the Nation’s Investment in Academic Research*, recommended that research institutions:
  - Conduct a review of institutional policies developed to comply with federal regulation of research to determine whether the institution has created additional and unnecessary administrative burden.
  - Revise institutional policies that go beyond those necessary and sufficient to comply with federal, state, and local requirements.

COGR has reviewed the Federal Demonstration Partnership Faculty burden Survey to identify major areas of concern to faculty.

COGR Research Regulatory Reform Committee has compiled an Administrative Burden Checklist with suggested ways to reduce burden without compromising compliance. The Research Compliance Steering Committee is working with the list to see if we can implement any of the recommended changes.
OHRP Notice of Proposed Rulemaking (NPRM)  
Changes to the Common Rule

- Requires all domestic sites of multi-site NIH-funded studies to use a single IRB of record, regardless of the number of sites engaged. The NIH Single IRB will go into effect on May 25, 2017. See NOT-OD-16-094 for additional information.

- Expands the definition of a human subject to include all biospecimens (e.g., urine, blood, biopsy specimens), regardless of whether or not they are identified (i.e., they are accompanied by information about the person they were obtained from). This would almost always require use of broad informed consent for research use (using a government template that has not yet been developed) and will significantly impact research with biospecimens.

- Exempt vs excluded; Excluded or declared as outside the scope of the regulations would not require any administrative or IRB review. A decision tool will be created to use in providing a determination of whether or not a study is exempt. The decision tool would be used by the investigator thus obviating both the need for further review and the concern that the institution might be subjecting itself to future liability by allowing PIs to use the tool.
The Department of Labor’s final overtime rule updates overtime regulations contained in the Fair Labor Standards Act (FLSA). The final rule was announced on May 23, 2016 in the Federal Register.

The FLSA final overtime rule automatically extends overtime pay protections to millions of workers and will impact our postdoctoral researchers.

The final rule will raise the salary threshold from $455 a week ($23,660 for a full-year worker) to $913 a week ($47,476 for a full-year worker) effective December 1, 2016.

Salary floor for executive/administrative positions exempt from FSLA overtime. Total annual compensation requirement for highly compensated employees (minimum duties test)

The effective date of the final rule is December 1, 2016.


Stay tuned for additional information regarding how our institution will address the final rule.
We ❤ You!

Thank You