Comments received in response to the request for public comment on the updated Research Terms and Conditions (RTC) to address and implement the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* issued by the U.S. Office of Management and Budget (OMB) in the Federal Register [80 FR 61849, October 14 2015]

#	UG Reference	Topic	Comment Source	Comment(s) Number	Comment	Response/Resolution
1	200.17	Cluster of Programs	University of Wisconsin-Madison, Washington State, University of Minnesota, Texas A&M, University of Maryland, FDP	15, 48, 62, 77, 91, 106	We are concerned about the confusion likely to arise with the inclusion of language that all awards subject to the RTCs are to be classified as "Research and Development" and listed as such on the SEFA. We recognize that NSF has previously adopted this approach and NIH has recently adopted it as well. Clarification in some of the areas noted below is needed if all awards are to be classified R&D. Issues with positive and negative impacts include: • SEFA: Awards that are under the RTCs will be listed as "Research" but that same type of award from a different part of that agency not under the RTCs may end up being listed in a different section of the SEFA based on where the CFDA directs it should go. This adds burden to institutions in preparing their SEFAs: institutions will need to have a field in their data systems that indicates that an award is or is not subject to RTCs, rather than just sorting by CFDA number. • SUBAWARD ISSUANCE: Since it is obligatory under the UG that pass-through entities notify their subrecipients whether the subaward is R&D, it is helpful to know that all subawards issued under the RTCs will be considered research. • STIPENDS: Stipends (as opposed to salaries) should normally not be included in research awards. If all awards will be considered "research", it is likely that this will increase audit questions related to inclusion of stipends even if the award purpose is training or if a research award has a training component. We do not recommend that clarification be accomplished via FAQ given that IGs/auditors do not uniformly agree that FAQs are definitive. • IP RIGHTS: The Program Income section (200.207) states that there should be no IP rights to the federal agencies granted under fellowships or training grants, but how will this work if these awards if they are considered research? • NSF HERD SURVEY: How does this impact the NSF HERD	• Subaward Issuance: Positive comment • Performance Measurement: Positive comment • It was noted that this clarification has no bearing on the NSF HERD Survey. • This section is addressing research grants in general, it is unlikely that any intellectual property (IP) would be generated directly from training or fellowship awards. Additional information on the issue of IP on training and fellowship awards can be found in sections 200.307 and 200.315. • All awards issued under the Research Terms and Conditions Overlay will be classified as Research and Development (R&D). As such, the auditee must identify these awards as part of the R&D cluster on the Schedule of Expenditures of Federal Awards (SEFA). The auditor should test the awards for compliance as instructed in Part V, Clusters of Programs. It is recognized that some

					Survey? Will those who complete the survey understand the change and will the change be incorporated in the directions for the NSF survey, or will classifications be inconsistent? • PERFORMANCE MEASUREMENT: One clear benefit of having all awards classified as research is that the performance progress report is deemed to satisfy the information collection requirement without resorting to performance information being compared to financial progress. (200.17)	awards may have another classification for purposes of indirect costs. The auditor is not required to report this disconnect (i.e., the award is classified as R&D for Federal Audit Requirement purposes but non-research for indirect cost rate purposes), unless the auditee (IHEs and non-profit entities) is charging indirect costs at a rate other than the rate(s) specified in the award document(s). • There will be a transition period (probably 4 years) where SEFAs will include both awards funded previous to this change in approach and awards made subsequent to it. Previously funded awards may be identified on the SEFA at the organization's discretion. However, awards beginning on or after "XXXXX" must be included in the SEFA as part of the R&D cluster.
2	200.17	Cluster of Programs	Council on Governmental Relations (COGR)	38	Classifying awards differently for the SEFA and F&A treatment becomes a complex set of "if" "then" scenarios to manage within our systems. The complexities of tracking these attributes in systems are likely to lead to errors in preparing the SEFA and add administrative cost to universities, as enhancements to existing systems will be required to track the additional requirement. We suggest that the best option is for SEFA classification for R&D to be based solely on the CFDA number. We further suggest that the RBM and NSF work with the Federal Demonstration Partnership to explore other	• Similar to first bullet point above.

					options if the CFDA number cannot be exclusively relied on for the purpose of SEFA classification. (200.17)	
3	200.86	Recipient	University of Maryland	92	We ask if the clarification listed is intended to change the UG definition that subrecipients are excluded?	• It was discussed that the definition of "recipient" does not include subrecipients. The following has been added: "The term does not include subrecipients."
4	200.110	Effective Date	Harvard Medical Schools (Bringham & Women's Hospital and Massachusetts General Hospital), Univ of Wisconsin-Madison, Caltech, Washington State, Univ of Minnesota, Texas A&M, Univ of Maryland, FDP	3, 14, 29, 49, 63, 78, 93, 114	While we understand that the rollout of the Research Terms and Conditions will be listed in each agency's implementation plan, we strongly encourage a consistent approach across all agencies, and that any implementation plan not be imposed globally without a modification of each award. We recommend an approach that involves a clear understanding for agencies, grantees, and auditors of the point in time at which the new terms and conditions apply for each award. (200.110)	• It was noted that the last time the Research Terms were completed, each participating agency provided an implementation plan that outlined which awards and award actions would reference them and when. The Research Terms were not implemented in a consistent manner across all agencies. The challenge remains this time because each agency has a process for implementing revised terms and conditions. Therefore, consistent with past practice, each agency will determine the effective/applicability date for implementing the Research Terms.

5	200.112	Conflict of Interest	Univ of Wisconsin-Madison, Caltech, COGR, Washington State, Univ of Minnesota, Texas A&M, Univ of Maryland, FDP	16, 30, 39, 50, 64, 79, 94, 116	We believe the RTC's silence on COI is a missed opportunity to clarify the intent of 200.112. The OMB FAQ's .112-1 state "the conflict of interest policy in 2 CFR 200.112 refers to conflicts that might arise around how a nonFederal entity expends funds under a Federal award. These types of decisions include, for example, selection of a subrecipient or procurements as described in section 200.318." While the general intent of section 200.112 is widely understood to be procurement focused (and several federal agencies have adopted the language in 200.318 as their COI policy), there is no such equivalent language in 2 CFR 200 for subrecipients or the selection thereof. In 2000, FDP was able to get confirmation from OMB that subawards are not considered procurement actions; this deserves to be recognized. COGR has raised this issue with OMB. Since the language remains "as-is" in the COFAR FAQ's, we believe that the RTCs have an opportunity to document the intent of 200.112 as applicable to procurement transactions only and should clearly cross-reference the general procurement standards in 200.318. (200.112) Similar comment: We note that the draft RTCs are silent on Conflict of Interest, and we believe this is a missed opportunity for consistency. We understand that this is a difficult discussion given the vastly different COI policies imposed by NIH, NSF and EPA – to name just a few – but would suggest that the position that each agency may impose its own requirements should be considered only as a short-term action plan, since it detracts from streamlining goals. This topic offers an opportunity for common sense and leadership – for example, the FDP could opt to pilot streamlined processes (such as eliminating travel disclosures from the NIH COI policy, or elimination of at-time-of-proposal-time disclosures) and be able to demonstrate that adequate stewardship of Federal funds is able to be maintained. In addition, the content of OMB FAQ .112-2 should be added directly to these terms and conditions. (200.112)	• The group discussed that agencies do review conflicts of interest with agency ethics officers including when those situations pertain to scientific collaborations. So, while the Research Terms Overlay refers to the FAQs, it was decided that the Overlay should not explicitly address the subrecipients issue in this section. • The group talked about whether or not the OMB FAQs have the full force and effect of 2 CFR 200. OMB has determined that they do. So, in the Research Terms Overlay, the FAQs are referenced. It was never the intent to incorporate the full text of the FAQs in 2 CFR 200. • It was recommended that the statement, "The OMB FAQs have the full force and effect of 2 CFR 200" be placed on page 1 in the Research Terms Overlay. If OMB, which must clear the Research Terms Overlay, does not accept the statement, then the FAQs would need to be incorporated throughout the document. • See comment 24 for the group's response to the request for consistent implementation across all agencies.

6	200.211	Public Access	University of Wisconsin-Madison, COGR, Washington State, Univ. of Minnesota, Texas A&M, Univ. of Maryland, FDP	17, 40, 51, 65, 80, 95, 116	We appreciate the clarity added in this section; however, we ask that any notification process to an agency of potentially classifiable information include the involvement of the Institutional Official as well as the Principal Investigator. To accommodate this request, we recommend the language in 200.211(b) be changed to the "Principal Investigator, via his or her Institutional official, should promptly notify the awarding agency's Program Official…". This is also consistent with many institution's policies on communicating official information with federal agencies. (200.211)	• It was noted in the group that since awards are made to the institutions, the clarification should reference the institution's policy, but should not require the submission to come from the Institutional Official. • The group added the following clarification to 200.211(b): "…in accordance with his/her institution's policies and procedures."
7	200.300	National Policy Requirements	Harvard Medical Schools (Bringham & Women's Hospital and Massachusetts General Hospital), Univ of Wisconsin-Madison, COGR, Washington State, Univ of Minnesota, Texas A&M,	4, 18, 41, 52, 66, 81, 96, 117	We object to the inclusion of the statement, "should an applicable national requirement be missing from the matrix, recipients and subrecipients are nevertheless responsible for compliance with applicable national policy requirements." While this language was included in the prior RTCs, 200.300 (a) states "The Federal awarding agency must communicate to the non-Federal entity all relevant public policy requirements, including those in general appropriations provisions, and incorporate them either directly or by reference in the terms and conditions of the Federal award." While we recognize that on occasion a requirement may be inadvertently omitted and downstream corrective action is necessary and appropriate, we suggest replacing the existing language with "if an omission to the terms and conditions of the award has been identified, the federal awarding agency will modify the award to include the	• It was noted that NSF continues to maintain the matrix which the group has determined should include only Federal policy requirements. There are so many policy requirements that some may inadvertently be excluded from the matrix. Additionally, the group does not have the authority to exempt anyone from the requirements. • In 2 CFR 200 it states that there are National Policy

			Univ of Maryland, FDP		additional requirement. The grantee shall be allowed a reasonable amount of time to comply with the requirement." (200.300)	Requirements and agencies are required to notify awardees of them. The matrix was created as a convenience to awardees and the group has determined that there is a value in having it in one location maintained by NSF. Each agency is expected to provide their own statutory requirements and appropriations provisions to their awardees. Therefore, the statement in the Research Terms Overlay will stand but has been revised to state that "Agencies are required to maintain and identify specific general appropriations provisions in the Federal award or on publicly available websites."
8	200.306	Cost Sharing	COGR, FDP	42, 107	We recommend for further clarity, adding a reference to OMB Memo M-01-06, Clarification of OMB A-21 Treatment of Voluntary Uncommitted Cost Sharing and Tuition Remission Costs dated January 5, 2001. (200.306)	• It was noted that OMB Memo M-01-06 was already added as a technical correction to 2 CFR 200. Nothing further is needed.
9	200.307	Program Income	Univ of Wisconsin-Madison, Washington State, Univ of Minnesota, Texas A&M, Univ. of Maryland, FDP	19, 53, 67, 82, 97, 118	We support the language that no scholarship, fellowship, training grant, or other funding agreement made primarily to a recipient for educational purposes will contain any provision giving the Federal awarding agency rights to inventions made by the recipient. However, no one seeking clarification on this topic would think to look for this statement about IP rights on fellowships, scholarships, and training grants in the Program Income clause. ***This term should either be moved or cross-linked to Section 00.315 Intangible Property.***	• The comment recommends that this section be cross-linked to 200.315 Intangible Property. This has been added.

10	200.308	Revision of Budget	COGR, Univ of Minnesota	43, 68	Section (d)(2)(ii)contains information regarding one-time extensions in that the recipient must notify the Federal awarding agency in writing with the supporting reasons and revised end date at least 10 days before the final end date of the period of performance specified in the award. We recommend that this be revised to read as follows: "For one time extensions, the requirement for the recipient to notify the Federal awarding agency in writing with the supporting reasons and revised end date at least 10 days before the final end date of the period of performance specified in the award is waived. Recipients are required to maintain documentation of the supporting reasons for the extension and must notify the awarding agency of the new end date within 30 days after the period of performance specified in the award. *Note: Another Comment proposed 15 working days after, rather than the 30 days after.* We further recommend that to add clarity to the acceptable reasons for approving a onetime extension, the last sentence be modified slightly to "This one-time extension is to allow additional time for work related to the project scope and may not be exercised merely for the purpose of using unobligated balances. (200.308)	• In reference to the first recommendation, it was noted that the sponsor closeout process is often initiated before 30 days after the final end date, and that programs find the justification of the extension request to be useful. The group agreed that such a request would constitute a deviation from the requirement in 2 CFR 200 as opposed to a clarification. The purpose of the Research Terms Overlay is to provide clarification of the Research Terms, not deviations from it. The group decided that they would not support the inclusion of this deviation request, which would require OMB approval. • In relation to the second recommendation, the group agreed to the clarification. The language in this section has been modified to read "This one-time extension is to allow additional time for work related to the project scope and may not be exercised merely for the purpose of using unobligated balances."

11	200.318	Procurement Standards	Harvard Medical Schools (Bringham & Women's Hospital and Massachusetts General Hospital), Univ of Wisconsin-Madison, Washington State, Texas A&M, Univ of Maryland, FDP	5, 6, 20, 21, 54, 83, 98, 108	The OMB FAQ, which is referenced in the current language, is not universally acceptable to the Inspectors General/Auditors. Instead, we suggest language that would directly indicate that equipment screening is not required. (200.318)	• The group has added a bullet to the first page of the Research Terms Overlay stating that the OMB FAQs have the full force and effect of the Uniform Guidance. Therefore, the group has addressed comments about the OMB FAQs in a holistic approach. It was also noted that by putting the statement within the terms and conditions of awards, it must be accepted by auditors. If auditors or inspectors general recommend disallowances for items covered by the referenced FAQs, it would be within agencies' authority to resolve those differences.
12	200.318	Procurement Standards	Caltech	32	The RTC refers to the FAQs on these same topics. If I understand the intent, it was to incorporate the FAQ responses into the RTCs. If that interpretation is correct, the approach is quite effective! However, even if my interpretation is correct, it would still be helpful to include at least the essence of the FAQ responses so that readers of the RTCs, particularly auditors, will have a more direct way of determining what the FAQ response has indicated. (200.318 and 200.320)	• The group has already addressed this issue.
13	200.320	Methods of Procurement	FDP	109	Rather than referring to an OMB FAQ (not universally acceptable to IGs/auditors), please add language that dictates the conditions under which sole source procurement is justified for research awards.	• The group has already addressed this issue.
14	200.320	Methods of Procurement	NSF/NIH	123	Micropurchase threshold from $3500 to $10,000	• It was determined that OMB is working on developing guidance on this issue.

15	200.332	Fixed Amount Subawards	Harvard Medical Schools (Bringham & Women's Hospital and Massachusetts General Hospital), Univ of Wisconsin-Madison, Caltech, Washington State, Univ of Minnesota, Texas A&M, Univ of Maryland, FDP	7, 22, 33, 55, 69 84, 99, 119	There is a need for added clarity about whether or not prior written approval is needed for fixed amount subawards and for fixed amount subawards exceeding the Simplified Acquisition Threshold. At the present time, the RTCs for 200.332 refer the reader to 200.407, which in the UG version, indicates that prior agency approval is needed; however, in the Research Terms and Conditions section for 200.407, prior approval is waived unless an Agency-Specific requirement mandates approval. ***We believe the intent here is to waive prior approval for fixed amount subawards unless the agency-specific requirements dictate otherwise, but an added reference to ensure the reader is directed to the Research Terms and Conditions 200.407 waived prior approvals section would be appreciated.*** The second issue relates to fixed amount subawards exceeding the Simplified Acquisition threshold. Is prior approval waived for these or not? ***This can be clarified by adding the following underlined language in the RTC 200.407 waived prior approval language section on subawards that "Unless otherwise specified in the Agency-Specific Requirements, the non-Federal (pass-through entity) may provide subawards based on fixed amounts at any dollar amount, provided that the subawards meet the definition for fixed amount subawards in 200.201."***(200.332)	• It was thought that the intention was to waive prior written approval unless agency-specific requirements dictate otherwise. The group agreed that the intention is correct and agreed with the recommendation to add "Unless otherwise specified in the Agency-Specific Requirements, the non-Federal (pass-through) entity may provide subawards based on fixed amounts at any dollar amount, provided that the subawards meet the requirements for fixed amount awards in 200.201". Further, the requested cross-reference with 200.407 has been added.
16	200.343	Closeout	Univ. of Maryland	100	Thank you very much, RTC Working Group, for extending the 120 day requirement to all reports-financial/ performance, and other reports. We would also like add that PMS needs to be on the same timeline as the UG (200.343)	• During the discussion it was noted that agencies have the flexibility to opt out of the 120 day requirement in favor of the 90 day requirement in 2 CFR 200. • It was also noted that PMS is not used by all agencies in the group and it was decided that the Research Terms Overlay would not be the appropriate place to address this issue.
17	200.400	Policy Guide	Univ. of Maryland	102	We request that the RTC spell out the FAQ language addressing the Dual Role of Students and Post-Doctoral Staff instead of the	• The group has already addressed this issue.

					clarification being accomplished via FAQ, given that IGs/auditors do not uniformly agree that FAQs are definitive. (200.400-2)	
18	200.400	Policy Guide	FDP	110	New and not sure of intent??	• The intent of this section was to reference and incorporate this FAQ into the Research Terms Overlay, which is the intent of all references that are made to FAQs of relevance.
19	200.407	Prior Written Approval	Harvard Medical Schools (Bringham & Women's Hospital and Massachusetts General Hospital), Univ of Wisconsin-Madison, Washington State, Univ. of Minnesota, Texas A&M, Univ of Maryland, FDP	8, 23, 56, 70, 85, 101, 120	In general, this section is excellent. However, the reference to prior approval being waived for 200.412 Direct costs, paragraph (c) referencing the waiver of prior approval to direct charge the salaries of administrative and clerical staff contains a circular reference that still needs resolution. Specifically, 200.413 says, "(c) The salaries of administrative and clerical staff should normally be treated as indirect (F&A) costs. Direct charging of these costs may be appropriate only if all of the following conditions are met: (1) Administrative or clerical services are integral to a project or activity; (2) Individuals involved can be specifically identified with the project or activity; (3) Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency; and (4) The costs are not also recovered as indirect costs. The language in 200.407 should be modified to read that prior approval is waived to direct charge the salaries of administrative and clerical staff provided that all of the conditions of 200.412(c), (1), (2) and (4) are met. (200.407)	• One comment stated that there was a circular reference between this section and 200.412 on direct costs with respect to the prior approval of direct charging of administrative and clerical staff salaries. NSF requires prior written approval for these expenses, unless such costs are explicitly included in the proposed budget, while NIH waives approval unless the inclusion is related to a change of scope. Clarifying language has been added to this section.

20	200.407	Prior Written Approval	Caltech	34	This section refers the reader to §200.407 "regarding prior written approvals for compensation—personal services." Is the reference to the UG or to the RTCs? §200.407 of the RTCs includes a reference to §200.430, paragraph (h). Is this reference to the UG or the RTCs? This is quite confusing! What is the RTC trying to communicate in this section? We would appreciate some clarification. (200.430)	• The reference to §200.430 (h) is the Uniform Guidance reference.
21	200.407	Prior Written Approval	COGR	44	* 200.308 - Revision of budget and program plans (see comment in #45) * 200.332 - Refers the reader to §200.407. The Uniform Guidance indicates that agency approval is needed; however, RTCs §200.407 indicates that prior approval is waived unless an Agency-Specific requirement mandates approval. We believe the intent is to waive prior approval for fixed amount subawards unless the agency-specific requirements dictate otherwise, however the inclusion of a reference to the RTCs §200.407 would provide greater clarity. We further recommend that it be made clear that prior approval is waived for fixed amount awards at any dollar amount. * 200.413 - This is still unclear as to when prior approval is required. 200.407 provides that prior approval is not necessary if all conditions of 200.413 are met. 200.413(C)(3) states that administrative clerical salaries may be direct charged if "such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency". We recommend this be revised to "Direct charge the salaries of administrative and clerical staff if all conditions in 2 CFR 200.413 are met, excluding the prior approval requirement in 200.413(c)(3). * 200.431 (i)(2)(ii) - We do not agree that making required severance pay to departing employees should require the prior approval of the awarding agency. The institutions have well documented severance pay policies that provide for the proper allocation of the severance pay across all sources of funds which have supported the individual. With those controls in place, we don't see the purpose of seeking prior approval from the awarding agency * 200.439 Equipment and Other Capital Expenditures. The language in the RTC clarification (pg. 30) b (3) indicates "capital	• 200.308: This was addressed in comment # 10 of this document. • 200.332: This issue was addressed earlier and the section on Fixed Amount subawards has been updated. • 200.413: The group agreed with the recommendation in this comment to exclude the condition listed in 200.413 (c)(3). All other conditions remain. • 200.431 (i)(2)(ii): This comment led to a discussion among the agencies and it was determined that as long as the awardees' cognizant agency for indirect cost allowed for it, then the awarding agencies should not need to require prior written approval. It was decided to remove "Federal awarding agency" and retain "cognizant agency" in this section. • 200.439: It was decided that for consistency, "equipment" would be removed from the

					expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct costs except with the prior written approval of the Federal awarding agency, or pass-through entity." This is a major change from the June 2011 version of the RTCs, which in #27 (a) (1) (iii) & (b) (2) allowed "as direct charges capital expenditures for improvements to equipment that materially increases the equipment's value or useful life." If this RTC clarification stands, it would create new burden on both the institution as a grantee and pass-through entity if approving for a subrecipient. We recommend the clarification on pg. 30 be modified and limited to "capital expenditures for improvements to land or buildings" and that, consistent with the June 2011 RTCs, the clarification on pg. 37 be expanded to allow capital expenditures for improvements for equipment. * 200.456 Participant Support Costs – Participant Support Costs are listed in 200.407 as a cost item that does not need the prior approval of the awarding agency. However the prior approval requirement in 200.308(c)(5) for rebudgeting from participant support costs to other cost categories is never addressed. Since the participant support costs are listed in 200.407 as a cost that does not require prior approval, it should be clarified in 200.407 whether the rebudgeting of those costs to another category requires prior approval.	requirement for prior written approval in this section. • 200.456: Upon review of the language in the Uniform Guidance, the group believes that 200.308 (d) prohibits Federal agencies from waiving the prior written approval requirements listed in 200.308 (c)(1), including the provision related to participant support costs. As a result, 200.308 (c)(1)(v) has been retained in section 200.308 of the Draft RTCs Overlay document.

22	200.439	Equipment and Other Capital Expenditures	Univ of Wisconsin-Madison, Washington State, Univ. of Minnesota, Texas A&M, FDP	24, 57, 71, 86, 121	The language in the research terms clarification on page 37 only specifically addresses part (b)(2). Part (b)(3) is addressed in a clarification on page 30, which states that "Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity." This is a major change from the June 2011 version of the Research Terms and Conditions, which in #27(a)(1)(iii) & (b)(2) allowed "as direct charges capital expenditures for improvements to equipment that materially increases the equipment's value or useful life." If the clarification on (b)(3) were to remain as is, it would create new burden. ***We recommend that the clarification on page 30 be modified and limited to "capital expenditures for improvements to land or buildings" and that, consistent with the June 2011 RTCs, the clarification on page 37 be expanded to allow capital expenditures for improvements to equipment.*** (200.439)	• The comment on this section was addressed under 200.407 Prior Written Approvals. The change noted above has also been reflected in this section.
23	200.456	Participant Support Costs	Harvard Medical Schools (Bringham & Women's Hospital and Massachusetts General Hospital), Univ of Wisconsin-Madison, Caltech, Washington State, Univ of Minnesota, Texas A&M, Univ of Maryland, FDP	10, 25, 35, 58, 72, 87, 103, 122	The language regarding prior approvals needed for participant support costs needs additional clarification or cross-referencing. Section 200.456 regarding participant support costs directs the reader to see 200.407 where we learn that prior approval to add participant support costs is waived. But section 200.308 still requires agency approval to rebudget out of participant support costs to other categories of expenses. ***It would be helpful if these sections could be cross-listed, or better yet, that the rules regarding use of participant support costs under RTC awards all be listed in a single location.***(200.456)	• This comment was addressed above in the discussion on section 200.407 Prior Written Approval.

24	N/A	Appendices & Agency-Specific Requirements	Harvard Medical Schools (Bringham & Women's Hospital and Massachusetts General Hospital), Univ of Wisconsin-Madison, Washington State, Univ. of Minnesota, Texas A&M, Univ of Maryland, Harvard University, FDP	2, 12, 46, 60, 75, 89, 105, 112	We note that none of the appendices (Prior Approval Matrix (Appendix A), Subaward Requirements Matrix (Appendix B) and National Policy Requirements Matrix (Appendix C) has been included in draft form for comment. ***We believe that all appendices and Agency-Specific Requirements should be provided for comment prior to any finalization of the Research Terms and Conditions, and that agencies should carefully consider recipient comments prior to implementing deviations from the standard terms and conditions*.** Based on existing Uniform Guidance implementations, we believe that there are deviations which may – or may not – be purposeful or necessary. For instance, the USDA NIFA Terms and Conditions (12/14) require prior written approval for "change in a key person specified in the **application** or the award" (emphasis added). Another example is 200.462 Rearrangement and reconversion costs, page 31, which states that prior approval is required, but actual requirements may vary by agency (examples: NIH and NSF). A question has also been raised about whether a component unit of an agency (for example, an NIH institute or center) will be permitted to impose its own individualized requirements; release of a draft agency-specific requirements for comment would either eliminate this concern or would allow for appropriate input to be considered.	• The group discussed this request and noted that agencies need to retain the flexibility to have their own requirements due to statutory, national policy, regulatory and programmatic requirements that may be tied to specific funding sources. • It would not be feasible to make these requirements uniform for all awards or all agencies implementing the Research Terms and Conditions, because this approach would necessitate the adoption of the most stringent requirement across all awards. • Further, it is not feasible for agencies to agree to a formal public comment process every time requirements change; the frequency of these changes would make the process overly burdensome and inefficient.
25	N/A	Federal Participation	COGR	36	We encourage the RBM and participating agencies to continue efforts to require or encourage participation of remaining agencies and their components funding research at our member organizations to adopt the RTCs as well as remind participating agencies that implementation deviations from the RTC's will complicate and add burden to institutions. We recommend as a further commitment to consistent application of the Uniform Guidance and these RTCs, that participating agencies identify a high ranking official within the	• Part one of this requirement is addressed above. • In relation to part two of this comment, the group agreed that people already know who to contact at agencies if they have questions of this nature.

					agency as a contact for confidential inquiries from recipients when agency actions appear to deviate from requirements of the Uniform Guidance and these RTCs without the proper exception approvals.	
26	N/A	Federal Participation	Harvard Medical Schools (Bringham & Women's Hospital and Massachusetts General Hospital), Univ of Wisconsin-Madison, Caltech, Washington State, Univ of Minnesota, University of Colorado Boulder, Texas A&M, Univ of Maryland, FDP	1, 11, 28, 36, 45, 61, 73, 74, 88, 111	While we are delighted to see that nine federal agencies (Commerce, DOE, EPA, NASA, NSF, DHHS, USDA, DOT, and Homeland Security) have at least some portion of their agency participating in the federal Research Terms and Conditions, we believe that the other federal research agencies should also endorse and participate in this effort. We strongly encourage OMB, COFAR and OSTP to push hard for federal-wide participation in these terms and conditions. In addition, we believe that all award-making components of an agency should participate. As written, it appears that only some parts of Commerce (NOAA and NIST), one component of DHHS (NIH), one component of USDA (NIFA), and one component of DOT (FAA) intend to participate. This obligates researchers and research administration staff, as well as local data management systems, to track and manage multiple sets of terms and conditions for a single agency's assistance awards, and reduces the overall effectiveness that consistent use of a single set of terms and conditions offers. Instead of streamlining, it appears that the regulatory burden will actually be increased in this regard when compared to the previous research terms and conditions, since the previous research terms and conditions were adopted for federal-wide use in 2008.	• Involvement of all agencies in the Research Terms and Conditions is not practical because some agencies want the flexibility to determine the terms and conditions to use with their awards. • Adoption of these Research Terms and Conditions is not feasible across all award-making programs of an agency, because some agencies have only a few programs that make research awards.
27	N/A	Resolution of Disputes or Discrepancies	University of Wisconsin-Madison	26	As an institution of higher education, we have encountered situations in which an agency appears to be imposing restrictions inconsistent with the Research Terms and Conditions, without an approved OMB exception, and not in accordance with Federal statutes or regulations. We may make appeals in such situations through appropriate agency channels, but these appeals may yield unsatisfactory results. In the event that we encounter such situations, what recourse	• The group agreed that OMB remains the place where such disputes should be reported.

					does an institution have for resolving disputes or discrepancies with an agency? Who could address such disputes, and can this process/role be described in the RTCs?	
28	N/A	Technical Corrections	Univ of Wisconsin-Madison, COGR, Washington State, Univ of Minnesota, Texas A&M, Univ. of Maryland, FDP	13, 37, 47, 61, 76, 90, 113	The Research Terms and Conditions draft is dated June 4, 2015. Since then, technical corrections to the Uniform Guidance have been issued. The sections in this draft document that have had technical corrections include: 200.110, 200.210, 200.211, 200.300, 200.305, 200.308, 200.318, and 200.320. ***Most of the technical corrections are minor; regardless, they should be incorporated.*** Of the sections noted, the most substantive correction appears to be to 200.110 to incorporate that the grace period for procurement is for two additional fiscal years after 12/26/14.	• The technical corrections have been included.