

March 18, 2020

Margaret Weichert
Deputy Director of Management
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Sent Electronically to: margaret.m.weichert@omb.eop.gov

RE: M-20-11 Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

Dear Ms. Weichert,

The Council on Governmental Relations, the Association of American Universities, the Association of Public and Land-grant Universities and the Association of American Medical Colleges are four of the leading organizations representing research institutions. Our members collectively conduct a tremendous amount of federally funded research each year.

Our community is very appreciative of OMB's release of M-20-11, which provides flexibility to support the continued research and services necessary to carry out the emergency response related to COVID-19.

In this time of intense uncertainty during the public health emergency related to COVID-19, we strongly urge OMB to quickly expand M-20-11 to apply to all federally funded research awards, as referenced in the Memo. The Memo states: *"The Administration will evaluate if these flexibilities should be extended to recipients whose operations have been adversely impacted in the emergency response related to COVID-19 at a later date."* Taking immediate action to extend flexibilities would provide significant relief for institutions that are grappling with a landscape that changes daily (sometimes hourly) in which they must make decisions and provide guidance to their research teams. We appreciate that some federal agencies have already begun to release guidance. It is imperative that all agencies release guidance that is as uniform and consistent so as not to add to the already significant administrative and compliance burden institutions and researchers are facing in responding to this crisis. Expanding M-20-11 to all federal research awards will serve as a sound basis for future agency-specific guidance.

As universities develop and implement policies and guidance quickly to respond to national emergency actions, institutions consider those policies to have the same force and effect as any other policy. We request that OMB reaffirm that institutional policies include those related to emergency preparedness and operations under such emergencies.

We also urge OMB to clarify the notification requirements under 2 CFR 200.328(d)(1). During this time of public health emergency, the variables are changing quickly, and it's difficult to assess the material impact for federally sponsored awards, particularly on a grant by grant basis. Notification on an award basis would generate tens of thousands of such notifications to federal sponsors and create a significant administrative burden for research institutions and federal sponsors. At this point, as it is not possible to reasonably determine the impact of this public health emergency on each research project, we request that the requirement to notify the federal agency *"as soon as problems, delays or adverse conditions which will materially impact the ability to meet the objectives of the Federal award are known"* be re-stated or interpreted to mean that institutions may defer any notifications until the crisis is over. Given the magnitude and wide-spread nature of this crisis, we recommend a notification period of 90 days to the federal sponsors after the institution has determined whether there has been any material impact on the project.

Our collective associations would welcome the opportunity to partner with the federal agencies to determine how best to manage this process, once we are past the public health emergency. We also propose a regular call, perhaps weekly, with OMB to monitor this situation as it evolves, and to resolve any open issues as they arise.

These are certainly extraordinary times, and we thank OMB for considering our urgent request. Please contact Wendy Streitz, President (COGR) at wstreitz@cogr.edu, if you have any questions on the above requests.

CC: Timothy Soltis, Deputy Controller: Timothy.F.Soltis@omb.eop.gov
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The Association of American Medical Colleges (AAMC) is dedicated to transforming health care through innovative medical education, cutting-edge patient care, and groundbreaking medical research. Its members comprise all 154 accredited U.S. and 17 accredited Canadian medical schools; nearly 400 major teaching hospitals and health systems; and more than 80 academic societies. The Association of American Universities (AAU) is an association of 63 U.S. and two Canadian leading research universities that transform lives through education, research, and innovation. AAU member universities collectively help shape policy for higher education, science, and innovation; promote best practices in undergraduate and graduate education and strengthen the contributions of leading research universities to American society. The Association of Public and Land-grant Universities (APLU) is a research, policy, and advocacy organization with a membership of over 200 public research universities, land-grant institutions, state university systems, and affiliated organizations in the U.S., Canada, and Mexico, that is dedicated to strengthening and advancing the work of public universities. The Council on Governmental Relations (COGR) is an association of over 185 research universities and 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 its member institutions.