

**Terms and Conditions Standing Committee
May 23, 2005**

Meeting Minutes

1. Minutes of the Meeting of January 13, 2005

The minutes of the meeting of January 13, 2005 were accepted without revision.

2. FDP Documents Issued Since the Last Meeting

The following FDP documents have been issued since the Committee's last meeting, January 13, 2005:

Operating Procedures, Appendix B (National Policy Requirements Matrix).
February, 2005.

FDP General Terms and Conditions. April 1, 2005.

Updated Agency Specific Requirements

- EPA (February, 2005)
- NASA (January, 2005)
- USDA/CSREES (February, 2005)

All of these documents have been posted to the NSF FDP website (which serves as the official repository of FDP documents.)

3. Discussion of FDP General Terms and Conditions, Article 54, Reporting Classifiable Information.

This agenda item was a continuation of a discussion of the same topic from the January 13, 2005 meeting of the committee. At that time, several institutional representatives raised questions about the appropriateness of this clause being included in the FDP General Terms and Conditions. The inclusion of the clause was at the request of the Institutional co-chair, Sarah Wasserman, who reminded the committee that this article was contained in the original FDP terms and was eliminated when the committee transitioned the terms to a model implementation of OMB Circular A-110. The current version was drafted largely by the Department of Energy.

Further discussion of Article 54 occurred at the May meeting of the Committee. Given the questions regarding the need to include the article in the Terms and Conditions, and the differing views of already received from a

few of the federal agencies regarding the importance of retaining the article in the Terms and Conditions, each federal agency representative was requested to seek input from the appropriate legal and grants policy officials within their agency and to make recommendations regarding the article. These recommendations will be presented and discussed at the September meeting of the Committee.

4. Agency Specific Requirements.

Prior to the meeting, two agencies presented revisions of their Agency Specific Requirements for review by the Committee:

- DOE (July, 2005). Presented by Jackie Kniskern.
- AFOSR (June, 2005). Presented by Harry Haraldsen.

Members of the committee were asked to provide comments on the proposed revisions. Jackie Kniskern of DOE and Harry Haraldsen of AFOSR were present to summarize the proposed changes and to respond to questions from meeting attendees. There were no substantive changes requested at the meeting so the revised Agency Specific Requirements will be finalized and published on the FDP website.

5. Future Role of the Terms and Conditions Committee

The major topic of discussion at the May meeting was the future role of the FDP Terms and Conditions Standing Committee. The discussion was initiated with an update on what has happened since the issuance of the January 28th Federal Register Notice that contained a proposed policy on use of a standard set of terms and conditions maintained by OMB as the government-wide core set to be used by agencies for grants awarded to institutions of higher education, hospitals, and other non-profit organizations under basic and applied research and related programs. This standard set of terms and conditions is largely based on those currently in use by the Federal Demonstration Partnership agencies in awards to participating FDP institutions.

In order to formally implement this concept, a second Federal Register notice regarding the implementation of the Research General Terms and Conditions is anticipated. Once this happens, the FDP Terms and Conditions will essentially cease to exist. The discussion primarily focused on the question of who would perform the "official custodian" role previously performed by the Terms and Conditions Standing Committee, and where and how would proposed changes to these Research Terms and Conditions be presented and considered. In the current construct, all changes to the FDP Terms and the associated Agency Specific Requirements are vetted with the Committee prior to implementation.

Beyond the discussion of the Research General Terms and Conditions, the committee also questioned what entity would assume responsibility for maintaining the Agency Specific Requirements and the other FDP documents that are presently in the custody of the committee:

- FDP Operating Procedures
- Prior Approval Matrix

Some members of the committee expressed a strong interest in continuing to have a role with regard to the new Research General Terms and Conditions. Jean Feldman agreed to pass these views on to Beth Phillips of OMB. It is anticipated that we will know much more about the future of the terms and conditions and the role of the committee by the time of the September FDP Meeting.