

Federal Demonstration Partnership

Terms and Conditions Standing Committee

Meeting of January 13, 2005

1. National Policy Requirements Matrix

The Committee reviewed the January 2005 edition of FDP Operating Procedures, Appendix B, National Policy Requirements Matrix. This edition of Appendix B contains three previously agreed upon additions: (1) Human Embryonic Stem Cells, (2) Select Agents and Toxins, and (3) Health Insurance Portability and Accountability Act (HIPAA). Human Stem Cells and HIPAA will remain in the subsection entitled "Live Organisms." Select Agents will be moved to its own subsection.

Updated information on Drug Free Workplace and Misconduct in Science will be finalized so that the Revised Appendix B can be issued by February 1, 2005.

2. FDP General Terms and Conditions, Article 54, Reporting Classifiable Information

A considerable portion of the meeting was devoted to a discussion of Article 54, Reporting Potentially Classifiable Information. Several university representatives expressed their concern that the inclusion of this language in the FDP Terms and Conditions creates a requirement that they find difficult to implement, i.e., actions that a grantee must take if it originates information during the course of the FDP grant "that it believes requires classification under this Executive Order..."

Other members of the Committee took the position that the clause should not create any special difficulties for FDP institutions since the requirements of the Executive Orders apply whether or not they are specifically referenced in the FDP Terms and Conditions. Further, the opening sentences of the clause make it clear that the award is intended for "unclassified, publicly releasable research," that the grantee "will not be granted access to classified information," and the awarding agency "does not expect that the results of the research project will involve classified information."

Nevertheless, the Committee agreed to refer this matter back to the Department of Energy, the agency that originally proposed the inclusion of this clause. It is hoped that with an appropriate response from DOE, it will be possible to resolve this issue at the next meeting of the Committee.

3. FDP Terms and Conditions, References to OMB Circulars A-21 and A-122

Recent changes in the numbering of sections of OMB Circulars A-21 and A-122 require editorial modifications to some references to these circulars that are contained in the FDP Terms and Conditions. A draft of the revised Terms and Conditions was prepared by the Office of Naval Research and circulated to the members of the Committee for their review. Comments should be provided to Jean Feldman or Dick Seligman.

4. Agency Specific Requirements Update

NASA

The October 22, 2004 version of the NASA Agency Specific Requirements was issued using the expedited procedure. This was done to accommodate a change in the timing of the Annual Inventory Report.

NASA has requested additional changes to the Agency Specific Requirements that it would like to issue with a January 2005 effective date. A summary of the changes was distributed to the Committee.

EPA

A draft of the January 2005 EPA Agency Specific Requirements was distributed for review and comment. Changes were made in the sections dealing with Research Misconduct, Debarment and Suspension, and Lobbying and Litigation Certification.

USDA/CSREES

The USDA/CSREES has requested approval of revised Agency Specific Requirements that it would like to issue with a February 2005 effective date. A draft of the revised Agency Specific Requirements was distributed for review and comment.