Emory Research A to Z
ERAZ

September 17th, 2015

School of Nursing Auditorium
NIH Transition to Payment Management System (PMS) Subaccounts

Overview

• Transition to Subaccounts began October 1, 2013
  • NIH draws were from a Pooled account (G)
  • New NIH competing awards issued since then have subaccounts (P) in PMS
• Beginning October 1, 2015 the remaining NIH Letter of Credit (LOC) awards will transition to subaccounts
  • NIH will have visibility of draws by award
  • Ability to draw will be turned off 120 days after award end date
  • All awards transitioned by September 30, 2016
• 206 awards are affected at Emory
  • 154 are direct awards
  • 52 are flow through awards
NIH Transition to Payment Management System (PMS) Subaccounts

What It Means to You

• Awards affected have been identified and you will be notified
• A new award will be issued at the budget year end date
  • First priority – clear deficits on affected awards
  • Request PANs to ease transition
• Subawards will be terminated and reissued under new award
• A Subaccount Transition FFR will be required for each award
  • FFRs for awards with automatic carryover will be prepared in RAS Central
  • Unobligated balances on awards with automatic carryover will be transferred to new award
  • Carryover requests will be required for awards without automatic carryover (no change)
• No change in Progress Report due dates
NIH Transition to Payment Management System (PMS) Subaccounts

More to Come

Full Presentation at November ERAZ

Questions?
Subrecipient Monitoring Program

Background

• Uniform Guidance, issued on December 26, 2014, issued very specific requirements for oversight of subrecipients on federal awards.
• The implementation of the UG, therefore, required changes to Emory’s policies and processes with respect to the issuance, content, and monitoring of subawards and subrecipients.
• These changes will require new actions on the part of both OSP and campus (RAS/department) staff.
Subrecipient Monitoring Program

*New Requirements for Campus*

- **Subrecipient Commitment Form and Institutional Profile**
  - First 2 pages: replace old “Consortium Letter.”
    - Must be submitted from each subawardee on any proposal proposing a subaward/subcontract.
    - Must be attached in EPEX. Does not need to be included as part of the proposal submitted to agency.
  - Last 2 pages: new form to collect more detailed institutional information to assess risk and ensure appropriate contract language is used.
    - Must be submitted annually by each subrecipient. Only one submission per year is needed.
    - RAS/Dept staff will be able to look up whether a current form is on file.
Subrecipient Monitoring Program

New Requirements for Campus

• Checklist to Determine Subrecipient versus Contractor Classification
  – New form specifically required by UG.
  – Must be completed by RAS/Dept in consultation with PI and submitted with each subaward request

*Both forms will be available on the OSP website.*
Subrecipient Monitoring Program

OSP/FGC Review

• Upon receipt of a subaward request, OSP Subaward Team staff will review both the “Checklist to Determine Sub vs Contractor Classification” form and the “Subrecipient Commitment Form and Institutional Profile.”
  – If the Institutional Profile was already on file, OSP Subaward Team staff will handle according to the previously made risk determination.
  – If the Institutional Profile was not already on file, OSP Subaward Team staff will evaluate the information provided in the profile to determine whether FGC review is necessary:
    • Certain answers (e.g., existence of single audit with no findings) will result in a determination of no concern.
    • Other answers (e.g., presence of audit findings, no audit/audited financial statements, etc) will require further FGC Review.
Subrecipient Monitoring Program
OSP/FGC Review

• When FGC review is required, FGC will review the information provided on Institutional Profile and will provide OSP Subaward Team staff with their determination of the level of concern, along with additional requirements, if any, to include in the subaward/subcontract document.

• OSP/FGC staff will also record the receipt of the signed Institutional Profile and “Evaluation Level” in the Subrecipient Comment Table in the Compass system for future reference.
Subrecipient Monitoring Program

*RAS Review/Invoice Receipt*

- It will be important for RAS/Dept staff to understand any additional requirements that are needed for subrecipients which are determined to be of higher risk.
- In many cases, additional requirements will include submission of more detailed expenditure documentation (e.g., copies of labor distribution reports/payroll information, general ledger printouts, etc). Prior to receiving an invoice in Emory Express, RAS/Dept staff will need to ensure that such documentation has been provided.
- To assist with this process, in cases where additional documentation is required, in addition to attaching the fully-executed subaward in Emory Express, OSP Subaward Team staff will also attach a summary of additional requirements so that such requirements are readily accessible.
Subrecipient Monitoring Program

RAS Review/Invoice Receipt

- **Uniform Guidance requires that all subrecipient invoices be paid within 30 days.**
- If invoices do not include required information, or otherwise cannot be paid because expenditures do not appear appropriate, *the Subrecipient must be notified within 30 days regarding the concerns or reasons.*
- If there is a concern regarding lack of performance or inappropriate invoicing which has not been resolved despite efforts by the PI and RAS/Dept staff, the OSP/OTT Director and FGC Director should be notified immediately.
- In all cases, invoices must be approved by the PI before payment is processed.
Subrecipient Monitoring Program

*Current Implementation*

- Effective October 1, 2015
- Multiple Documents will be available on OSP Website:
  - Subrecipient Monitoring Program description
  - Subrecipient Commitment Form and Institutional Profile
  - Checklist to Determine Sub vs Contractor Classification
  - Compass Subrecipient Table – Viewing Profile Information

http://osp.emory.edu/systems/sub-request.html

- OSP also maintains a document outline new internal processes, as well as a new subaward template which is fully-compliant with the requirements of the UG.
Subrecipient Monitoring Program

QUESTIONS
Export Controls, International Activities, and the Research Review Process

David Giannantonio, JD, MS
Assistant Director, Research Compliance Initiatives
Office of Compliance

September 17th, 2015

School of Nursing Auditorium
What Do Mean There are Export Controls?

A group of federal regulations designed to advance national security, foreign policy, and economic interests of the United States

- Regulates
  - Transfer of physical items, and
  - Disclosure of “technology” and software
- to foreign entities and persons

- Politically influenced
- Can run counter to research and academic missions
Types of Exports

“Traditional” Export

“Deemed” Export

Aka, “but I’m not sending anything out of the country”
What Kinds of Things are Controlled?

- Tangibles (shipment ex-U.S. is controlled)
  - Items on the United States Munitions List (USML)
    - Defense articles & services
  - Items on the Commerce Control List (CCL)
    - “Dual Use” items having both commercial and military applications

- Intangibles (disclosure abroad, OR to foreign nationals on U.S. soil is controlled)
  - Software
    - Encryption software, certain network/communication related programs
  - “Technology”
    - Scientific information, technical data, or technical instructions specific to the production, development, or “use” of a controlled item
      - Equipment blueprints, protocols for controlled biologics, etc.
But there are exceptions, right?

• Certain technology and software fall outside the scope of review
  – Publicly available
  – Course Curriculum
  – Certain Patent Applications
  – Fundamental Research (the “University” exception)
    • “basic and applied research in science and engineering when the resulting information is ordinarily published and broadly shared within the scientific community”

• But...
  – Only excepts out technology and software disclosures, not exports of physical items
  – Doesn’t apply if there are publications restrictions on the information
  – Doesn’t broadly apply to encryption software
On top of that...

- Office of Foreign Assets Control (OFAC)
  - Regulates what people, entities and countries we can transact with (whether we are exporting or not)
  - Cannot transact with people on the Specially Designated Nationals (SDN) List
  - Cannot undertake certain activities (or perhaps any activities at all) in sanctioned or embargoed countries
On top of that...

- Travel considerations
  - Insurance coverage
  - Security alerts for certain countries

- Tax implications for having a certain threshold activity level in a particular country

- Monetary transactions with foreign entities

- Employment and/or independent contractor agreements in country

- Local regulations with regard to human subjects research
New Tool to Handle These Issues

- International Assessment Questionnaire
  - Joint effort amongst the Global Services, Office of Compliance, and Office of General Counsel
  - RedCap® questionnaire format
    - Utilizes branching logic format to minimize completion effort and gather only relevant information
  - Two Goals:
    - Diligence tool to identify, track, and resolve potential export control and OFAC issues with better lead time
    - Customer Service tool to allow Global Services (within the Office of Global Strategy and Initiatives) to provide guidance and resources for international research
# How it works...

## International and Export Control Information

1) Does this proposal/award involve any of the following international collaborations: a subaward to a foreign organization; international travel by Emory personnel for the conduct of project activities; the lease of property by Emory in a foreign country; or the employment of personnel by Emory in a foreign country? If yes, please briefly describe the collaboration and select the country(ies) involved from the list below.

<table>
<thead>
<tr>
<th>Select Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

2) Are any of the following statements True?

- The proposal involves research to be conducted outside of the U.S., or collaboration with a non-U.S. collaborator.
- The proposal involves payments to be made to or from persons, entities, or governments outside the U.S.
- This proposal will involve carrying or shipment of research equipment or other technology that will remain outside of the U.S. for more than one year.
- This proposal will involve shipment of research materials, provision of technical assistance, or transmission of technical data or scientific information outside of the U.S.

## Please Note:
If you answered “Yes” to any of the questions in this section, please briefly describe the collaboration in the text box above. Additionally, please note that you will need to:

1. Complete an International Assessment Questionnaire at [https://redcap.emory.edu/surveys/?s=CHEKWDRP4A](https://redcap.emory.edu/surveys/?s=CHEKWDRP4A). Completion of this questionnaire is not needed at the time of proposal. However, completion and institutional analysis of the answers will be required prior to issuance of an award if this proposal is selected for funding, and prior to execution of any industry-sponsored research agreement.

2. Consider and budget for business and/or legal expenses that the proposed international work may involve, understanding that such expenses may not be allowable per agency rules for grants. Chris Rapalee in Global Services can help assess if such expenses will be necessary. Please be aware that certain activities may simply be prohibited by law.

Please contact Chris Rapalee in the Office of Global Strategy and Initiatives at christine.rapalee@emory.edu with any questions about the above or if you need assistance with other aspects of your proposed international activity.
How it works...

International Assessment Questionnaire

We understand that you are pursuing internationally related work and would like to assist with your efforts. Please take a few minutes to answer the questions below, which will help us assess the types of logistical and legal considerations your work might entail. If you have any questions about this form, please contact Chris Rapalje (404-727-9127, christine.rapalje@emory.edu) in the Office of Global Strategy and Initiatives.

SECTION 1: USER INFORMATION

Name: * must provide value

Title: * must provide value

School/Unit: * must provide value

○ Emory College of Arts and Sciences
○ School of Business
○ School of Law
○ School of Medicine
○ School of Nursing
○ School of Public Health
○ School of Theology
○ Yerkes Primate Research Center

Email: * must provide value

https://redcap.emory.edu/surveys/?s=CHEKWDRP4A\
How it works...

### SECTION 3: PARTNERS, COLLABORATORS, AND VISITORS

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you expect to partner, collaborate, or do business with any</td>
<td></td>
<td></td>
</tr>
<tr>
<td>non-Emory persons or organizations on this project?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* must provide value</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### SECTION 4: EXPORT CONTROLS

PLEASE READ THESE QUESTIONS CAREFULLY. Due to complicated regulations in this area, the questions in this section are more detailed.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will you be providing, sending or taking with you any equipment (computers, mobile devices, lab equipment, etc.) outside the U.S.?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* must provide value</td>
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</tr>
<tr>
<td>Will you be providing, sending or taking with you any items related to your Emory activities (research or work materials and substances, such as biologics or chemicals, other commodities, etc.) outside the U.S.?</td>
<td></td>
<td></td>
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<tr>
<td>* must provide value</td>
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<tr>
<td>Will you be giving access to any scientific information, technical data, or technical instructions (whether by email, documents, presentations, conversations, or otherwise) to someone who is not a U.S. citizen or permanent resident?</td>
<td></td>
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<tr>
<td>* must provide value</td>
<td></td>
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<tr>
<td>Will you be providing access to software (through email, download, shipment, etc.) to someone who is not a U.S. citizen or permanent resident?</td>
<td></td>
<td></td>
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<tr>
<td>* must provide value</td>
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</tbody>
</table>

### SECTION 5: ADDITIONAL INFORMATION AND SIGNATURE

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will any of your activities involve North Korea, Iran, Syria, Cuba, or Sudan?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* must provide value</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
How it works...

• Global Services Review
  – Run collaborator names and countries in Visual Compliance
  – Verify that “red flag” export control questions are answered “no”
  – Elevate to Office of Compliance/Office of General Counsel if an issue is identified
  – If there is no issue, provide clearance to relevant OSP/OTT analyst to sign industry agreement/release award as relevant

  – Provide guidance and resources to the researcher with regard to international activities
Developments in Progress

• Possible automation of review and notifications to appropriate parties

• Updated, simplified deemed export certification process for incoming J-1 and H1-B scholar visa holders utilizing RedCap®

• Tracking and deemed export review system for F student visa holders when coming on to a research project
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