



February 10, 2021

Suzanne H. Plimpton
Reports Clearance Officer
National Science Foundation
2415 Eisenhower Avenue, Ste. W18200
Alexandria, VA 22314

Dear Ms. Plimpton:

The Council on Governmental Relations (COGR) is an association of 190 research universities and affiliated academic medical centers and independent research institutes. COGR concerns itself with the impact of federal regulations, policies, and practices on the performance of research conducted at its member institutions. COGR thanks the National Science Foundation (NSF) for the opportunity to provide comments in response to the [Federal Register Notice](#), published on December 14, 2020 concerning NSF's [Proposal & Award Policies & Procedures Guide \(PAPPG\) \("NSF 22-1"\)](#).

Chapter I. Pre-Submission Information, Section E.6. Foreign Organizations

In this section of NSF 22-1, NSF refers to "other direct funding". COGR seeks additional clarity on the meaning of this term and whether NSF anticipates updating the NSF Cover Sheet to reflect the new terminology. COGR also notes the use of "organization," "individual," and "counterpart" in the provision as written invite confusion rather than clarity if those are intended to reference three different entities. COGR recommends that NSF make it clear in this section that counterpart refers to the "*foreign*" counterparts' individual (which we interpret to be the same as the foreign organization's individual).

Chapter II – Proposal Preparation Instructions, Section C2- Sections of Proposals, (h) - Current and Pending Support

(a) Harmonization with National Defense Authorization Act for Fiscal Year 2021:

The notice for comments on NSF 22-1 was published prior to the enactment of the National Defense Authorization Act for Fiscal Year 2021 (NDAA 2021) in January 2021. [Section 223 of NDAA 2021](#) instructs research agencies to develop provisions in applications for research and development awards that require "covered individuals" to "disclose the amount, type, and source of all current and pending research support received by, the individual as of the time of the disclosure." NDAA 2021 also contains a definition of the term "current and pending research support" and charges OSTP with ensuring consistency. Although aspects of NDAA 2021 are similar to those of NSF policy in this area, the NDAA

definitions are much clearer and therefore easier to implement. As this is now a statutory requirement, we hope that NSF will more closely align the terms and requirements of the NSF 22-1 regarding the disclosure of current and pending support with those specified in the NDAA 2021. Not only would this alignment ensure consistency with this legislation, the improved clarity and eventual consistency among agencies would also promote compliance efforts.

(b) **Suggestions if Harmonization with NDAA 2021 is Not Immediately Possible:**

We appreciate the clarifications that NSF has made to make this section clearer by incorporating text from NSF's [FAQs](#) into the Current and Pending Support provision. The “associated time commitment” concept from the FAQs was extremely important in helping researchers better understand what *should* be reported and should be reflected in the PAPPG.

However, if harmonization between NDAA 2021 and the PAPPG cannot immediately be accomplished, we offer the following suggestions to the current language of NSF 22-1 regarding current and pending support:

- There has been a tremendous amount of confusion about what is appropriately “related to” a faculty member’s research. NSF is instructing (per question 15 on the FAQ) not to include consulting unless the faculty member is doing research as part of that consulting agreement. Without the clarifying language suggested below, a faculty member's consulting activities in which they are *not* doing any research could easily be “related to” their research. The additional wording makes it clearer that there is a difference between a source of support that is *merely related* to a faculty member's research expertise and a source of support that is *directly related* to the conduct of their research.
- We ask NSF to clarify that “in-kind support” does not include “in-kind support under a fundamental research collaboration for the sole purpose of co-authorship to be made publicly available,” along the lines of the approach used by the [Department of Energy in Order 486.1A, Attachment 2, Sec. 9b.\(5\)\(a\)](#).

(Excerpt from NSF 22-1 marked to show suggested changes) **h. Current and Pending Support**

This section of the proposal is used to assess the capacity of the individual to carry out the research as proposed as well as to help assess any potential overlap/duplication with the project being proposed. (ii) Current and pending support information must be separately provided through use of an NSF-approved format, for each individual designated as senior personnel on the proposal. Current and pending support includes all resources **with an associated time commitment that are** made available to an individual in support of and/or **directly** related to **the conduct** of his/her research. Current and pending support also includes in-kind contributions **with an associated time commitment** that are not intended for use on the project/proposal being proposed. **In kind contributions with no associated time commitment and not for use on the project are not required to be reported.** **Further, in-kind support does not include in-kind support under a**

fundamental research collaboration for the sole purpose of co-authorship to be made publicly available. (iii) Current and pending support information must be provided for this project, for ongoing projects, and for any proposals currently under consideration from whatever source irrespective of whether such support is provided through the proposing organization or is provided directly to the individual. This support includes, for example, Federal, State, local, foreign, public, or private foundations, non-profit organizations, industrial or other commercial organizations or internal funds allocated toward specific projects. (iv) A brief statement of the overall objectives of the proposal/project or in-kind contribution must be provided. The submission also should summarize potential overlap with any active or pending proposal or in-kind contribution and this proposal in terms of scope, budget, or person-months planned or committed to the project for the individual. (v) The total award amount for the entire award period covered (including indirect costs) must be provided, as well as the **estimated** number of person-months (or partial person-months) per year to be devoted to the project by the individual. (vi). Concurrent submission of a proposal to other organizations will not prejudice its review by NSF, if disclosed. If the project (or any part of the project) now being submitted has been funded previously by a source other than NSF, information must be provided regarding the last period of funding.

Chapter II – Proposal Preparation Instructions, Section E – Other Types of Proposals – 11. Travel Proposal

COGR understands that this section is intended for the situation where the meeting organizer is someone *other* than the prime recipient institution. Assuming this is correct, COGR requests the following additions to the paragraph for clarity. Alternatively, the language below could be included as a term and condition of the award, which would help to avoid last-minute issues if the meeting organizer did not have a policy at time of application. We believe that so long as a policy is provided to the institution's AOR prior to travel, this would be sufficient to comply with NSF's intent of the provision.

(Excerpt from NSF 22-1 PAPPG) Travel Proposal – Chapter II, Section E (11)

By signing the Cover Sheet, the AOR is certifying that **prior to the proposer's participation in the meeting,** the **proposer will assure** that the meeting organizer **has** a written policy or code-of-conduct that addresses sexual harassment, other forms of harassment, and sexual assault, and that includes clear and accessible means of reporting violations of the policy or code-of-conduct. The policy or code-of-conduct must address the method for making a complaint as well as how any complaints received during the meeting will be resolved. The proposer is not required to submit the meeting organizer's policy or code-of-conduct for review by NSF.

D. Definitions & NSF-Grantee Relationships: A Fixed Amount Award

COGR appreciates that NSF has issued clarity that a fixed amount award applies to a grant or cooperative agreement. NSF states that a fixed amount award refers to a type of grant or cooperative agreement in which NSF provides a specific level of support without regard to actual costs incurred under the award. This type of NSF

award reduces some of the administrative burden and recordkeeping requirements for both the grantee and NSF. Accountability is based primarily on performance and results. We hope that the inclusion of this definition means that NSF intends to use fixed amount awards more often going forward.

Chapter II – Proposal Preparation Instructions – C. Proposal Contents - (b) Appointments (page II-14):

COGR suggests the following underlined additions to this section to be more consistent with NIH terminology. The proposed language also clarifies that the requirement to identify appointments is driven by the need to identify conflicting obligations.

(Excerpt from NSF 22-1) (b) Appointments: A list, in reverse chronological order by start date of all the individual's academic, professional, or institutional appointments, beginning with the current appointment. Appointments include any titled academic, professional, or institutional position whether or not remuneration is received, and whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary). With regard to professional appointments, senior personnel must identify all current domestic or foreign professional appointments **relevant to the application** outside of the individual's academic, professional, or institutional appointments at the proposing organization **that incur conflicting obligations between or among the proposing organization and other employers or third-party entities.**


Chapter II – Proposal Preparation Instructions – E. Other Types of Proposals

8. Career-Life Balance (CLB) Supplemental Funding Requests.

COGR appreciates this new opportunity allowing institutes of higher education to request additional funding for the variety of reasons NSF has specified.

We thank NSF for the opportunity to provide comments to the draft NSF PAPPG (22-1). Please contact Jackie Bendall at jbendall@cogr.edu should you have additional questions.

Sincerely,



Wendy D. Streit
President