

June 12, 2023

Suzanne Plimpton  
Division of Administrative Services  
National Science Foundation  
Alexandria, VA

Dear Ms. Plimpton,

Please accept these joint comments on the draft version of NSF 24-1, Proposal and Award Policies and Procedures Guide (PAPPG). Our group comprises one Lumbee academic and two tribal administrative professionals who are concerned about proposed changes to the PAPPG that impact American Indian tribes and Indigenous groups.

Academic institutions throughout the United States have long histories of extracting knowledge and material from Indigenous communities. In the process of doing so, researchers have advanced their own careers and brought prestige and financial benefits to themselves and to the institutions they represent. Often, Indigenous communities experienced no direct benefits from these research projects. In some cases, Indigenous communities experienced serious harm resulting from extractive research.

The Lumbee Tribe of North Carolina (LTNC) has experienced many decades of extractive research in our community, including research that has advanced harmful stereotypes, including stereotypes about American Indians in general and stereotypes about Lumbee people in particular. Key examples of extractive research and its harmful effects on Lumbee people are summarized in a peer-reviewed article by Lumbee tribal members Ryan Emanuel and Karen Bird published recently in *Southern Cultures*. After summarizing these examples, Emanuel and Bird observe that extractive research “can fuel a vicious cycle of harm that elevates colonial myths and diminishes the perspectives and voices of Indigenous peoples.”<sup>1</sup>

With this in mind, we take great interest in proposed changes by the National Science Foundation (NSF) to the PAPPG aimed at promoting meaningful and productive engagement with federally recognized American Indian tribes and with other Indigenous peoples of the United States. The LTNC is in a singularly unique position among tribes and Indigenous peoples because the US formally recognized Lumbee people as American Indians in 1956, but Congress simultaneously prohibited a government-to-government relationship between the federal government and the tribe.<sup>2</sup> As a result of the tribe’s unique status, the LTNC could be impacted by NSF’s policies on tribal engagement in the same way that most non-federally

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<sup>1</sup> Emanuel, Ryan E., and Karen Dial Bird. “Stories We Tell: Unpacking Extractive Research and Its Legacy of Harm to Lumbee People.” *Southern Cultures* 28, no. 3 (2022): 48–69. <https://doi.org/10.1353/scu.2022.0025>.

<sup>2</sup> Wilkins, David E. “Breaking Into the Intergovernmental Matrix: The Lumbee Tribe’s Efforts to Secure Federal Acknowledgment.” *Publius: The Journal of Federalism* 23 (1993): 123–42.


recognized tribes could expect to be impacted. With this in mind, we offer the following comments and recommendations on the draft PAPPG:


- (1) As a matter of equity and justice, NSF should expand its policies to be inclusive of non-federally recognized tribes. In particular, **Section E.5** should be expanded to ensure that non-federally recognized tribes are eligible to submit proposals to NSF. One outcome of this expanded policy is that non-federally recognized tribes will be able to advance their own research and education agendas on their own terms and according to priorities that they view as important.
- (2) Similarly, **Section E.10** should specify that PIs need to obtain permission from non-federally recognized tribal governments whenever NSF-funded activities impact Indigenous knowledges, tribally controlled data, or other resources pertaining to specific non-federally recognized tribes. Moreover, the same expectations by NSF that PIs must obtain tribal IRB approvals should apply whenever PIs engage with non-federally recognized tribes that operate IRBs. Notably, language in the draft PAPPG would not require NSF-funded PIs to obtain permission from the LTNC for research that impacts the tribe, and the draft language would also excuse PIs from following the tribe's existing IRB protocols. Regardless of whether a PI's work impacts federally recognized or non-federally recognized tribes, NSF should require the PI to submit documentation of permission, formal collaboration, etc. as supplementary information to a proposal.
- (3) Regarding **Section E.10**, in cases where no singular governing body exists or is authorized to speak on behalf of an Indigenous community that would be affected by proposed research, NSF should require the PI to describe the situation in the Project Description. Specifically, PIs should be expected to describe the nature of their engagement with any Indigenous group(s) named in their proposal, including protocols for obtaining free, prior, and informed consent from the group. PIs should clarify whether the work pertains to individuals who happen to belong to a particular Indigenous group, or whether the work applies to the Indigenous group as a collective.
- (4) Information supplied by PIs that describes proposed engagement with (or impacts to) tribes or Indigenous peoples should be subject to NSF merit review criteria. Information subject to merit review should include supplementary documents demonstrating tribal permission, collaboration, etc., as well as portions of the Project Description that elaborate on tribal engagement or impacts, including material recommended in item (3) above. To accomplish this, NSF will need to rely on a pool of reviewers and panelists who are qualified to evaluate meaningful engagement with Indigenous groups, research impacts to Indigenous peoples, extractive research practices, etc. To this end, NSF could consider engaging Tribal Historic Preservation Officers or other tribal staff as experts who can evaluate these aspects of proposals – either as ad hoc reviewers or as panelists


- (5) Given that proposed changes to the PAPPG could increase the burden on tribal staff to respond to requests from PIs, NSF should support capacity-building and expertise-building within and among tribal governments. By funding proposals (including tribally led proposals) that build such expertise and capacity, NSF can help foster an environment in which tribes and Indigenous peoples can engage with academics in ways that are generative and co-beneficial rather than extractive. NSF should consult with tribes and Indigenous groups to determine whether and how these types of proposals fit within existing directorates and programs, and/or whether new kinds of solicitations are needed to facilitate this important and potentially transformative work.

Our recommendations are aimed at helping NSF to promote Indigenous sovereignty and self-determination through the agency's mission of funding PIs to conduct innovative and impactful science. Another goal of our recommendations is to help NSF move away from situations in which the Intellectual Merits or Broader Impacts of proposals rely on ambiguous or unsubstantiated claims about "working with" Indigenous peoples, their cultures, or their knowledge systems. These situations open the door for continued extractive practices. NSF expects PIs to describe and explain many important aspects of their proposed research – including technical methods, research objectives, and management plans. The agency should expect no less from PIs when it comes to describing and documenting their work with or impacts to Indigenous peoples.

Sincerely,

  
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# Comments to NSF on new PAPPG

Final Audit Report

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