



June 12, 2023

Suzanne H. Plimpton, Reports Clearance Officer  
National Science Foundation  
2415 Eisenhower Avenue, Suite E7400  
Alexandria, Virginia 22314

**Subject: Comment Request: National Science Foundation Proposal/Award; Information—NSF Proposal and Award Policies and Procedures Guide (PAPPG) (NSF 24-1)**

Sent via email to [splimpto@nsf.gov](mailto:splimpto@nsf.gov).

Dear Ms. Plimpton:

COGR appreciates the opportunity afforded by the National Science Foundation (NSF) to offer comments on the Proposal & Award Policies & Procedures Guide (PAPPG) [\(24-1\)](#) before its finalization. COGR is an association of over 200 public and private U.S. research universities and affiliated academic medical centers and research institutes. We focus on the impact of federal regulations, policies, and practices on the performance of research conducted at our member institutions. We advocate for sound, efficient, and effective regulation that safeguards federally-supported research and minimizes administrative and cost burdens.

We commend NSF's responsiveness to feedback received in previous updates to the PAPPG. Thank you for acknowledging the significance of public input and dedicating time and effort to thoroughly address and incorporate feedback within the decision-making process. Your responsiveness, as well as transparency in the process, cultivates trust and goodwill and helps ensure that the policies implemented are well informed and reflective of the research community's needs.

We offer the comments below on the proposed PAPPG revisions for your consideration.

## ***Introduction***

### **D. Definitions & NSF-Recipient Relationships (pages xv through xvi)**

**g. A Foreign Country of Concern** – The revised version of the PAPPG includes a new definition that identifies a "Foreign Country of Concern" as the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran, or any other country deemed to be a country of concern as determined by the Secretary of State. This definition plays a

crucial role in qualifying several requirements within the PAPPG, including the definition of a Malign Foreign Talent Recruitment Program, which has significant implications for senior personnel certifications and the disclosure of Foreign Gifts and Contracts. While the definition explicitly mentions the four listed countries, it also refers to countries determined by the Secretary of State without providing a specific source or means of verification (such as a hyperlink).

*To help ensure compliance with the requirements, we request an explicit reference be included to guide recipients to the relevant information regarding countries deemed by the Secretary of State. This clarification will assist in meeting the necessary obligations.*

**h. An “Institution of higher education”** – We appreciate that NSF aligned the definition to 2 CFR 200. Instead of copying the definition into PAPPG, we recommend cross-referencing it to 2 CFR 200, perhaps as follows. “An “*Institution of higher education*” as defined in 2 CFR §200, Definitions, consistent with [20 U.S.C. 1001](#).”

**i. A Malign Foreign Talent Recruitment Program (MFTRP)** – The PAPPG includes a new definition for an MFTRP incorporating provisions from the CHIPS and Science Act of 2022, with one significantly notable difference. The CHIPS and Science Act defines an MFTRP as the hallmarks listed in (A) **AND** (B). The PAPPG omits “and,” which alters the meaning of the provision. This appears to be an oversight as it seems that the intent is to align with the CHIPS and Science Act.

*COGR requests that “and” be included in the definition between (A) and (B) as intended by the CHIPS and Science Act because this word is critical to carry out the intent of the law. Without the inclusion of “and,” there is a risk of broadening the scope of definition beyond what was intended by Congress. Specifically, when “and” is omitted, the definition of an MFTRP could be understood as encompassing a program that has **either** the hallmarks stated in (A) or any program conducted in one of the countries of concern listed in (B) that does not fall within specified exclusions. The omission of “and” results in an overly expansive application of the definition by identifying an MFTRP as any program that is sponsored by a foreign country of concern (excluding exceptions) without clearly defining what is considered a “program” and potentially including activities or programs that have none of the hallmarks of a foreign talent recruitment programs. This was not the intended meaning of the CHIPS and Science Act definition.*

*Furthermore, subparts (ii) and (iii) make references to lists developed by the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; Public Law 115–232 ), which are not publicly available or accessible for recipients to verify. Our institutions are committed to promoting effective practices and safeguards to protect the U.S. scientific enterprise and have invested significant time and cost in the effort while fostering international collaborations that are vital to the success of the U.S. and global scientific enterprise. The unavailability of these lists harms institutional efforts to train researchers on entities and programs that pose security risks and on the certification that they are required to make under Chapter I.E.3.b that they do not participate in a MFTRP. Thus, this clarification is essential to ensure an accurate interpretation of this requirement for use in institutional training efforts and to ensure the accuracy and completeness of the required certification.*

## **Chapter I: Pre-Submission Information**

### **Chapter I.C.4. Broad Agency Announcements (BAA's) (page I-3)**

PAPPG 24-1 includes the addition of other transaction agreements (OTA) as a funding instrument NSF can utilize to fund proposals through a BAA. While OTA presents opportunities for flexibility and unique collaborations, it is important to acknowledge that these mechanisms can also pose challenges for principal investigators (PIs), institutions, and funding agencies, which can be counterproductive to its intended purpose. Due to its distinctive requirements, it may be beneficial to consider placing OTA within a funding solicitation rather than solely relying on the BAA. Furthermore, OTA should be used as a funding option only when other instruments are not feasible or suitable. To ensure the most effective implementation of OTA, we recommend that the NSF actively engage with the scientific community and other agencies that employ OTA to exchange best practices and approaches.

### **Chapter I.D. Types of Submissions (page I-3)**

While we appreciate the additional language clarifying the use of Concept Outlines and the ProSPCT tool, we are concerned about the proliferation of submission portals for collecting pre-proposal and proposal information. Introducing new systems such as NSF's BAAM System and ProSPCT tool appears to duplicate functions already available on Research.gov and Grants.gov. This multiplicity of federal grants management systems burdens principal investigators and research administrators, who must navigate and maintain proficiency in numerous distinct systems that perform similar functions. This situation not only creates substantial overhead for recipient institutions in terms of learning, training, usage, and maintenance, it also increases the likelihood of errors.

*COGR requests that NSF allocate resources to enhance new functionality in Research.gov as a comprehensive system solution that accommodates all submission types, including concept proposals and BAAs. If the submissions cannot be handled through Research.gov, then we urge NSF to design any new system with seamless integration with Research.gov by: incorporating familiar navigation and look-and-feel; developing an integration that will significantly reduce the learning curve for the scientific community; and streamlining the overall user experience.*

### **Chapter I.E.3.b. Parties to Malign Foreign Talent Recruitment Programs (page I-8)**

Under the new requirement, individuals who are a party to an MFTRP are not eligible to serve as senior personnel. We understand that this applies to all proposals or any new NSF awards made after a specified date in January 2024 and will not apply retroactively (as consistent with Section 10632 (e.) Limitation of the CHIPS and Science Act of 2022).

*COGR requests the text be clarified as follows. “Individuals who are a “current” party to a Malign Foreign Talent Recruitment Program are not eligible to serve as senior personnel on an NSF proposal or on any NSF award “issued” ~~made~~ after January X, 2024. See PAPPG Chapter II.D.1.e for additional information on required certifications associated with Malign Foreign Talent*

*Recruitment Programs.” Further, as noted above, a clear definition of MFTRP is essential to ensure that individuals know exactly what they must certify.*

### **Chapter I.F.3. Submission Windows (page I-8)**

We appreciate the clarification in section 3, Submission Windows, which specifies that proposals must be received by 5 p.m. based on the organization's local time rather than the Principal Investigator's (PI) local time. This clarification is immensely valuable in establishing clear expectations regarding proposal deadlines. We also suggest that the NSF consider further clarification for cases in which institutions have multiple campuses or locations. Providing explicit guidance for when an institution has various sites will help alleviate any potential confusion or ambiguity. This clarification will ensure that all parties involved, including PIs and institutions with multiple campuses or locations, understand the deadline requirements.

## ***Chapter II: Proposal Preparation Instructions***

### **Chapter II.B.1. Preaward Disclosures (page II-2)**

As highlighted in PAPPG 24-1 (though it is not new), senior personnel are required to provide Current and Pending (Other) Support (CPS) at the time of the proposal and on potential awards (as per Chapter II.D.2.h(ii)(g), CPS).

*We reiterate<sup>1</sup> our request that NSF eliminate the need to collect CPS at the time of proposal submission. Instead, the submission of CPS information should be postponed until the project is selected for funding. Currently, recipients are required to submit CPS information at the time of proposal, award, and annually thereafter for updates. Removing the requirement for CPS at the proposal stage would alleviate a significant administrative burden on principal investigators (PIs), particularly considering that only approximately 28% of proposals are ultimately selected for funding. This revised approach would align with the existing process followed by the National Institutes of Health (NIH) and maintain consistency across agencies.*

### **Chapter II.B.2. Postaward Disclosures (pages II-2 through II-3)**

We understand the need to address *Foreign Gifts and Contracts Disclosures* in the PAPPG, including a dedicated section, Chapter VII.D.3. We believe, however, that the dispersed references to this requirement across multiple sections would lead to confusion for readers, as they would need to consult various parts of the PAPPG to fully grasp the requirement. Additionally, this scattered approach increases the risk of inconsistencies in cross-references, thereby risking further confusion. We suggest consolidating the requirement into a single, well-defined section of the PAPPG. By centralizing the information related to this requirement, readers will locate and understand it more easily, minimizing confusion and the need for extensive cross-referencing. This consolidation will

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<sup>1</sup> June 13, 2022 COGR letter - <https://www.cogr.edu/sites/default/files/NSF%20PAPPG%202023-1%20comments%20FINAL%20LTH.pdf>

also enhance the overall clarity and coherence of the PAPPG, facilitating better comprehension and adherence to the requirements outlined and ensuring a more streamlined and user-friendly experience when navigating it.

**Chapter II.D.2.h(i)(a). Senior Personnel (page II-23)**

We appreciate the revision to the biographical sketch. Two notable modifications include removing the 3-page limit and separating synergistic activities into a separate senior personnel document type. Both are welcomed changes and demonstrate NSF’s responsiveness to community feedback and the commitment to refining policies based on constructive input offered by the community.

**Chapter II.D.2.h(ii)(a). Current and Pending (Other) Support (page II-27)**

In accordance with the NSPM-33 Implementation Guidance, a “Conflict of Commitment [is a] situation in which an individual accepts or incurs conflicting obligations between or among multiple employers or other entities. Many organizational policies define conflicts of commitment as conflicting commitments of time and effort, including obligations to dedicate time in excess of organizational or research agency policies or commitments. Other types of conflicting obligations, including obligations to improperly share information with, or to withhold information from, an employer or research agency, can also threaten research security and integrity and are an element of a broader concept of conflicts of commitment used in [the NSPM-33 Implementation Guidance]” [p. 22].

*We recognize that this footnote quotes text from the NSPM-33 Implementation Guidance and we recommend that the adverb “improperly” be inserted before the verb “withhold” to make clear that it is improper withholding of information that may pose a threat to research security and integrity, as opposed to withholding information pursuant to lawful security or non-disclosure requirements.*

**Chapter II.F. Other Types of Proposals (pages II-49 through II-53)**

We appreciate the inclusion of two new proposal types, Research in Undergraduate Institutions (RUI) and Research Opportunity Awards for Predominantly Undergraduate Institutions (ROA/PUI), in PAPPG 24-1. Although these funding opportunities are not new, we appreciate the NSF's initiative to highlight and draw attention to these avenues specifically designed for predominantly undergraduate institutions.

***Chapter IV: Non-Award Decisions and Transactions***

**Chapter IV.B. Proposal Not Accepted or Returned Without Review (page IV-2)**

The PAPPG includes a new category for proposals returned without review. The PAPPG references that NSF will develop an NSF Risk Rubric to inform the basis of the decision-making process for proposals that have the potential to negatively impact research security due to credible information of a national security concern.

We are eager to learn more about the parameters and risk-based approach utilized referenced for the Risk Rubric. To help ensure transparency and inclusivity, we recommend that NSF make the Risk Rubric available for comment and engage with stakeholders before its implementation. This will allow for valuable input from the research community and other relevant stakeholders to help refine and improve the Risk Rubric to effectively address concerns and promote opportunities for cross-agency harmonization. Furthermore, when a proposal is returned without review, the proposing institution (Authorized Organizational Representative) should be informed of the decision along with supporting information that formed the basis for the determination. Clear communication and the provision of supporting information will aid in promoting understanding and transparency regarding the decision-making process.

## ***Chapter VII: Award Administration***

### **Chapter VII.D.1.b(iv). Certification Requirements for Annual and Final Annual Reports (page VII-9)**

PAPPG 24-1 expands requirements for mentoring plans requirement extending them to include graduate students in addition to postdoctoral researchers, as specified in chapter II.D.2.i.(i), Mentoring Plan (page II-32). There is also a new requirement to develop an individual development plan for graduate students or postdoctoral scholars that receive “substantial support.” The plan must be updated annually, and “substantial support” is defined as one person month.

*Many institutions have established policies restricting graduate students from dedicating more than 50% effort to sponsored projects during the academic year to maintain their graduate student status. Under the policy, graduate students may devote 100% during summer. Recognizing that graduate students may be involved in multiple projects, there is a concern that defining “substantial support” as one person month may encompass insubstantial support. Considering this is a new requirement, we encourage NSF to engage with the community to collaboratively determine the best approach for addressing and defining “substantial support,” which we believe should be greater than one person month and rather the equivalent to a full-time graduate student position.*

### **Chapter VII.D.3. Foreign Gifts and Contracts Disclosures (page VII-10)**

PAPPG 24-1 includes revisions incorporating the implementation of Section 10339B of the CHIPS and Science Act of 2022, which pertains to foreign gifts and contracts disclosure requirements. According to these requirements, each “recipient institution of higher education” must annually report all “current financial support, the value of which is \$50,000 or more, including gifts and contracts, received directly or indirectly from a foreign source” associated with a “foreign country of concern.” COGR and its partner higher education and academic research associations have consistently provided extensive input on proposed requirements in the research security arena and foreign gifts

reports related to Section 117 of the Higher Education Act (HEA)<sup>2</sup>. COGR supports the American Council on Education (ACE) response regarding this new requirement in the PAPPG<sup>3</sup>.

The implementation of this new requirement is of particular concern, as the PAPPG does not explicitly specify the reporting requirements. For instance, it is unclear whether the \$50,000 threshold is for a single transaction or an aggregate. While it is implied as the PAPPG defers to the U.S. Department of Education's requirements under Section 117, which uses an aggregate threshold, it is important to clarify as the CHIPS & Science Act does not specify the \$50,000 threshold as an aggregate number. Furthermore, the \$50,000 reporting requirement in the CHIPS & Science Act is significantly lower than the threshold of Section 117. As such, the PAPPG needs to clearly state how these transactions will be handled. Additionally, there is ambiguity regarding whether tuition should be included in the reporting requirement. The lower threshold of \$50,000 may encompass tuition payments made by individual students and families to some institutions. This does not appear to be the legislative intent, and it also raises student privacy concerns.

We also note unique reporting elements<sup>4</sup> for the NSF foreign gifts and contracts disclosure reporting in comparison to Section 117, such as foreign source address (2.d, 3.d., 4.d, & 5.d), gift items (pages 2-3 section e.iii and e.iv), and recipient of the gift (page 3 section f.i and f.ii).

*COGR recommends that the PAPPG clarify the reporting requirements and explicitly state whether it is a single transaction or an aggregate. Additionally, we request that tuition payments be excluded from the reporting requirement. Tuition payments are for educational services for students, as opposed to a gift or contract for research or related purposes, and do not present an opportunity for undue foreign influence. Furthermore, it would be beneficial to evaluate the need for reporting elements unique to the NSF in comparison to Section 117. This would help ensure that the information requested serves a necessary purpose.*

## **Chapter IX: Recipient Standards**

### **Chapter IX.A, Conflict of Interest Policies (pages IX-1 through IX-3)**

While not new in 24-1, COGR would like to address the term “significant financial interest” which “means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interest (e.g., stocks, stock options, private equity, or other ownership interests); venture or other capital financing, and intellectual property rights (e.g., patents, copyrights, and royalties from such rights).” The conflict of interest process concerns the significant financial interests of an “investigator,” which is defined as the “PI, co-PIs, and any **other person** identified on the proposed project who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by NSF.”

*COGR’s urges NSF to make clear that significant financial interests, including “venture or other capital financing” are **limited to those held/received by an “investigator,” as that term is defined in***

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<sup>2</sup> Section 117 Policy Issues - <https://www.cogr.edu/policy-issues/111>

<sup>3</sup> June 12, 2023 ACE letter - <https://www.acenet.edu/Documents/Comments-NSF-PAPPG-Foreign-Gifts-061223.pdf>

<sup>4</sup> [https://www.nsf.gov/bfa/dias/policy/papp/pappg24\\_1/FedReg/10339Bdataelements\\_fedreg.pdf](https://www.nsf.gov/bfa/dias/policy/papp/pappg24_1/FedReg/10339Bdataelements_fedreg.pdf)

**the PAPPG.** While equity interests held by an investigator in a business entity is a “significant financial interest,” venture capital or other funding **directed to the corporate or other business entity** in which such equity is held is not a “significant financial interest” of the investigator.

## **Chapter XI: Other Post Award Requirements and Considerations**

### **Chapter XI.M. Scientific Integrity (page XI-26)**

The PAPPG includes a new definition of scientific integrity derived from "A Framework for Federal Scientific Integrity Policy and Practice" issued by the National Science and Technology Council. Defining Scientific integrity as “the adherence to professional practices, ethical behavior, and the principles of honesty and objectivity when conducting, managing, using the results of, and communicating about science and scientific activities.” It should be recognized that “professional practices” may differ among licensed professions (and indeed among jurisdictions in which licenses are held). Similarly, “ethical” behavior may also differ based on profession/jurisdiction-specific codes of ethics, as well as cultural, religious, and philosophical tenets. The [March 2023 JASON Research Program on Research Security](#) recognized similar issues [p. 4] and developed simpler and distinct definitions of “research integrity” and “research security” [p. 14].

*Rather than using these fluid concepts in a definition that is supposed to guide behavior, COGR urges NSF to follow the JASON approach by modifying the definition of Scientific Integrity to focus on the principles to which NSF expects awardees to adhere and by distinguishing between the concepts of research “integrity” and “security”. We recommend the following wording that aligns with the JASON approach: “Scientific integrity is the adherence to the principles of honesty, objectivity, impartiality, transparency, accountability, fairness, and stewardship when conducting, managing, using the results of, and communicating about science and scientific activities.”*

We thank NSF for the opportunity to comment on the draft NSF PAPPG (24-1). Please contact Krystal Toups at [ktoups@cogr.edu](mailto:ktoups@cogr.edu) should you have questions about our comments.

Sincerely,



Matt Owens  
President