COGR

June 2023 COGR UPDATE

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President's Message

Taking Care of (COGR) Business

Dear Colleagues,

June has been a busy and important month for COGR.

Thank you to all who were able to participate in the June COGR Meeting. Convening representatives from member institutions is a critical function of the association that guides and renews our collective efforts. I hope you found valuable and engaging the opportunity to be together, hear from key federal officials, and discuss issues vital to the health of the research partnership between our institutions and the federal government. Select sessions were recorded and are available now for meeting attendees to view in the COGR Portal. Thank you to everyone who submitted a response to the meeting survey. Your feedback is appreciated, particularly as we plan COGR's 75th anniversary celebration during our October 26-27 meeting in Washington D.C. We hope you will join us!

The COGR Board of Directors convened three times in June. The first was to participate in a NSF listening session on the proposed RSI-ISAO in which Board members, representatives from COGR's committees, and staff provided input and feedback on the RSI-ISAO's proposed structure and activities. This session informed COGR's comment letter described in this month's COGR Update. At its second and third meetings this month, the Board discussed several matters and took several actions of note, including:

- reviewing the association's clean FY22 financial audit;
- reviewing the association's FY23 budget performance;
- approving the association's operating budget for FY24; and
- approving the recommendations of the Nominating Committee that Dr. Geeta Swamy of Duke University and Dr. Todd Sherer of Emory University join the COGR Board of Directors effective August 1.

We welcome Geeta and Todd to the Board and appreciate their volunteering to serve. Let me also note our collective gratitude to Lynette Arias of the University of Washington and Twila Reighley of Michigan State University for their Board service that concludes at the end of July. Earlier this spring, Gerald Mauck of the University of Denver stepped down from his positions on the COGR Board and the Costing and Financial Compliance Committee. Thank you, Lynette, Twila, and Jerry for your service.

June was no exception to the steady stream of new and modified federal research regulations. This month's COGR Update highlights five new comment letters since May and six new public comment opportunities. Each affords us an opportunity to make the case that vitality of the research partnership relies in significant part on sound and sensible regulation. We will continue to do just that.

Matt Owens, President

Announcements

Save the Date: COGR's 75th Anniversary in Washington D.C. October 26, 2023

COGR will celebrate its 75th anniversary during the October 26-27, 2023, meeting in Washington, D.C. Originally a standing committee in what is now the National Association of College and University Business Officers (NACUBO), COGR began operating as an independent organization in 1994 and today has a membership of over 200 of the most research-intensive institutions in the U.S. Registration will open soon, and we hope you'll save the date!

COGR's June 8-9, 2023, Meeting Slide Presentations and Recordings Now Available (NEW)

Slide presentations for sessions at the June 8-9, 2023 meeting are publicly available on COGR's website here, along with the meeting agenda and attendee list. A link to select recorded sessions on Thursday are also available to all registered attendees (log in required). Note that session recordings are released to all individuals in the COGR Portal via the COGR Video Library 90 days after each meeting or webinar. If you do not yet have an account in the COGR Portal, you may request one here. All staff at COGR member institutions are eligible and encouraged to sign up!

Thank you to all that attended the June meeting! If you have any questions or need assistance accessing the recordings, please contact memberservices@cogr.edu.

New Resource: June 2023 Update Appendix on Upcoming Comment Due Dates (REMINDER)

As part of this Update, we have included a consolidated table of upcoming comment due dates by agency, relevant links, and quick notes on COGR actions regarding each (Appendix A). We hope this list is a helpful brief supplement to the detail and analysis provided within this Update on each of these topical areas.

Did You Know? COGR Is Now on LinkedIn (REMINDER)

We invite you to follow COGR on LinkedIn and stay up to date on COGR's advocacy efforts, upcoming events, joint initiatives with other higher education associations, and more. You can find colleagues to connect with and interact with COGR's content by "liking" and commenting on COGR's posts.

In addition to providing a new engagement platform for COGR members, we will also use LinkedIn to help elevate COGR's effectiveness in affecting federal research policy and practices. We will amplify our advocacy with key federal agencies by providing an additional avenue to share information and build relationships with federal partners.

We look forward to engaging with you in this new way!

COGR Portal: Sign Up for Access Today! (REMINDER)

Did you know that all staff at COGR member institutions are eligible and encouraged to sign up for access to the COGR Member Portal as part of the institution's COGR Member Benefits? The Portal is where you can sign up for our listserv, browse our video library (that includes recordings of past COGR webinars and meetings), view the COGR Member Directory, check out COGR's Job Board, where member institutions can submit relevant job postings at their institutions, and view COGR members-only materials. In addition, the Portal is where Primary Representatives and financial billing contacts can manage their institutional dues invoices each year[1]. Encourage your team and other research-connected offices to sign up and stay up to date with COGR.

List of Aggregated Regulatory Requirements Impacting Federally Funded Research Since 1991 (UPDATE)

Over the past several years, COGR has kept a list of aggregated regulatory requirements impacting federally funded research since 1991 and updated it each year. The latest edition is now available.

The regulations, laws, policies, and guidance documents referenced in this document affect the conduct and management of federal research grants and contracts. Although regulations affecting research have been in place for decades, 1991 is the baseline year for this list because in that year the federal government, by way of OMB Circular A-21 – now the Uniform Guidance – imposed the 26-percent cap on administrative costs that can be recovered under Facilities and Administrative Cost. This year, we have added a visual representation to illustrate the cumulative total of new or modified regulatory requirements and substantial updates to business practices or interpretations since 1991.

COGR has long advocated for reduced administrative and cost burdens for U.S. institutions conducting federal research and has published several papers over the years detailing the cost of compliance and analyzing F&A cost reimbursement. Recent papers include:

- *Data Management and Sharing and the Cost of Compliance (2023)*
- *Research Security and the Cost of Compliance: Phase I Report (2022)*
- *Excellence in Research: The Funding Model, F&A Reimbursement, and Why the System Works (2019)*
- *Coming Fall 2023: Facilities & Administrative Costs Institutional Survey*

Additional resources and information can be found on COGR's website at http://www.cogr.edu.

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[1] *COGR institutional annual dues invoices are available to generate now in the COGR Member Portal and due on August 1, 2023. To generate, you must be a Primary Representative or financial billing contact. Click on the 'renewal badge' on the Dashboard, update your contact information, and generate the invoice. Contact memberservices@cogr.edu with any questions.*

NIH Data Management and Sharing Policy: Cross Cutting

NIH Updated Policy Guidance for Subaward/Consortium Written Agreements (UPDATE)

As reported previously, on May 19, NIH released NOT-OD-23-123 announcing updates[2] to NIH Grants Policy Statement (GPS) Section 15.2, including expanded requirements for foreign subrecipients. The updated policy will require foreign subrecipients to provide copies of all lab notebooks, all data, and all documentation that supports the research outcomes described in the progress report to the prime recipient at least every six months (updated in the FRN below). The requirement will be incorporated in the FY24 publication of the GPS, effective October 1, 2023.

NIH has since posted a Federal Register Notice (FRN) dated June 5, 2023, seeking comments on the updated policy. Comments are due no later than July 5, 2023, and may be submitted online.

COGR received feedback from several members concerned about the negative impact the policy will have on international research collaborations and the associated additional administrative burden. We gathered this feedback and developed a cross-committee working group (CGA, REC, RSIP, and CFC) to develop a draft response. COGR encourages institutions to submit comments. To assist in this effort, COGR submitted its comment letter on June 30.

Please contact Krystal Toups at ktoups@cogr.edu or Kristin West at kwest@cogr.edu with questions.

Costing Concerns and Advocacy – NIH Data Management & Sharing Policy (NEW)

Costing concerns (among other issues) related to the new NIH Data Management & Sharing (DMS) Policy were addressed during a session at the June COGR Meeting. With Michelle Bulls, Director of the NIH Office of Policy for Extramural Research Administration (OPERA) in attendance (virtually), the panel shared the results of its recently published COGR survey report—*Data Management and Sharing (DMS) and the Cost of Compliance* (see next section). The panel also engaged Ms. Bulls on a number of issues associated with the cost of complying with the new policy. Costing concerns that COGR will continue to address include:

- What amount of DMS-related costs can, realistically, be ***direct charged*** to an award? While the NIH policy allows for direct charging DMS costs, both NIH budget constraints and PI-identified budget constraints will limit the amount that is direct charged.
- What amount of DMS-related costs can, realistically, be recovered through an institution's ***F&A cost rate***? Costs associated with the library are allowable as "uncapped" facilities costs, but the reimbursement method prescribed in 2 CFR 200, Appendix III, B.8 dramatically restricts the recovery of library costs. At the same time, other costs associated with pre-award, post-award, compliance, and IT are "capped" administrative costs and are unrecoverable for any institution

[2] *In response to HHS Office of Inspector General and Government Accountability Office audit, https://oig.hhs.gov/oas/reports/region5/52100025.asp*

that exceeds the 26 percent administrative cap.

- How will institutions recover costs associated with ***post-closeout activities***, such as data storage and maintenance? NIH policy provides provisions for recovering these costs—however, language from 2 CFR 200.403(h) (i.e., "*Cost must be incurred during the approved budget period*.") suggests recovery of these costs will be problematic.
- What will be the ***"Cost of Inaction"*** (see next section)? In other words, as each new compliance requirement is added to the administrative portfolio of research institutions—regardless of the value-added of a given compliance requirement—when will the proverbial "camel's back" be broken? The smallest through the largest institutions are impacted, and in the case of PIs and researchers, the "Cost of Inaction" will reinforce the potential brain-drain from the federal research ecosystem.

COGR's ongoing work on the cost of compliance and cost burden will continue to inform COGR advocacy initiatives. While our efforts have yielded progress, such as the elimination of the single-line item requirement, sustained efforts are needed. We encourage COGR members to pay close attention to—and document when possible—how new compliance requirements are impacting both the institution, as well as PIs.

Contact Krystal Toups at ktoups@cogr.edu or David Kennedy at dkennedy@cogr.edu to share feedback. For more information on the NIH DMS Policy, visit COGR's resource page here.

COGR Survey Report: The NIH DMS Policy and the Cost of Compliance (ONGOING)[3]

On May 11, COGR published its survey report: *Data Management and Sharing (DMS) and the Cost of Compliance*. Thirty-four institutions completed the survey, and we are thankful for your participation! Your thoughtfulness, patience, and effort resulted in high-quality data and enabled us to draw strong conclusions based on the survey results.

Key findings in the report include:

> *For mid-size to large research institutions, the annual projected cost impact is expected to exceed $500,000 at the central administrative level, while also exceeding $500,000 at the academic level—**a total impact that exceeds $1 million per institution.** Cost impact is measured both by new expenditures and reallocation of effort away from an individual's current responsibilities. In the case of Researchers and Investigators, this results in a shift away from conducting science in the lab toward tasks that might be considered more administrative in nature. For smaller and emerging research institutions, the cost impact also is expected to be significant, and for these institutions, the disproportionate negative impact may discourage their participation in the federal research ecosystem.*

[3] *Reprint from May 2023 Update*

The results of the cost impact survey associated with the new NIH DMS policy represent the second "cost of compliance" study that COGR has completed over the past six months. In November 2022, COGR published *Research Security and the Cost of Compliance, Phase I Report*, which focused on the cost impact associated with the new NSPM-33 disclosure requirements. When considered in conjunction with one another, these two new compliance requirements put a spotlight on the unceasing progression of new compliance requirements being piled upon research institutions.

As we reference in the *Data Management and Sharing and Cost of Compliance* report, COGR has maintained a running list of new regulations mandated upon research institutions since 1991.[4] The list has grown significantly, continues to grow, and there is no end in sight. Further, each item on the COGR list represents not just one new compliance requirement, but often translates into dozens—and sometimes hundreds—of new compliance actions that must be initiated by an institution. In the case of DMS, COGR supports the principles around transparency, open access, and data sharing. However, it is worth noting that the new NIH DMS policy represents still another regulation added to the list without a viable mechanism for the NIH to pay for its "fair share" of the cost of compliance. While the new policy includes provisions to allow institutions to "direct charge" DMS costs to an award, the high price tag on these costs suggest that, at best, only a small fraction of these costs will be covered by NIH.

The report concludes with a broad discussion on the "Cost of Inaction"—in other words, the potential consequences of working with an unsustainable cost reimbursement model, which is inadequate to address the ever-growing costs of compliance.

> ***For smaller and emerging research institutions,*** *the cost burden will potentially become prohibitive to their continued participation in the federal research ecosystem.* ***For mid-size research institutions,*** *they will continue to participate, but may choose to retreat from conducting certain types of federally sponsored research.* ***For large research institutions,*** *most likely, they will continue full participation, but even they may choose to restructure the composition of their research portfolios.* ***As for faculty, investigators, and those aspiring to be researchers,*** *the ever-growing administrative burden required to conduct federally sponsored research has and will continue to lead some to seek other careers that are less complicated.* ***And for the United States,*** *our position as the global leader in science and technology will be challenged. Future generations of Americans will bear the cost—a less-creative, less-robust research enterprise that diminishes American ingenuity, imagination, and innovation.*

Without a robust mechanism for the federal government to share in these costs, the risks to the research ecosystem are real.[5] In addition to COGR's work on cost of compliance surveys, COGR recently completed its 2023 F&A Survey and is in the process of analyzing the results (see the Costing &

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[4] *See, COGR List of Regulatory Changes Since 1991*

[5] *The primary obstacle is defined in Appendix 3, C.8.a. to Title 2, Part 200: "the administrative costs charged to Federal awards… must be limited to 26% of modified total direct costs."*

Financial Compliance section of this report). The convergence of new and expensive regulations—with a recognition that the cost burden is not sustainable for many institutions—has created an important moment of reflection on how the nation addresses this challenge. COGR will continue to advance our advocacy around the issues of regulatory burden, the cost of research, and fair and equitable reimbursement for the costs of doing research.

If you have questions on the survey, please reach out to David Kennedy at dkennedy@cogr.edu or any other COGR staff member.

2 CFR 200 "Uniform Guidance": Cross Cutting Issues

OMB Update at the June COGR Meeting: Revisions to the Uniform Guidance (NEW)

Deidre Harrison, Deputy Controller, and Steven Mackey, Policy Analyst, from the OMB Office of Federal Financial Management (OFFM) provided an update on OMB activities, including the status of the revisions to the Uniform Guidance, at the June COGR Meeting. Ms. Harrison has been a leader on the topic of financial innovation and transformation in federal government operations. Several of her ideas are available in an interview conducted through the Bureau of Fiscal Service, U.S. Department of the Treasury. Mr. Mackey is the designated point person in charge of implementing revisions to the Uniform Guidance.

Most notable was their presentation on the status of revisions to the Uniform Guidance:

- All comment letters submitted to OMB in response to the February 9 Request for Information (RFI)[6] are being considered to inform the revisions. (COGR submitted comments on March 13th.)
- However, the primary focus of the revisions (or "overhaul" in the words of Mr. Mackey) will be to the main body of the Uniform Guidance. This will include revisions to incorporate new statutory requirements, other appropriate policy changes (e.g., those that may reduce administrative burden), and conversion to "plain English" text (i.e., meant to improve reader-friendliness).
- With a focus on the main body of the Uniform Guidance, Appendices III and IV—which define the rules and methodologies for determining F&A reimbursement for colleges, universities, and nonprofit organizations—are *not* expected to be addressed in the revisions.
- From the session and COGR staff discussions with Ms. Harrison and Mr. Mackey, it appears that OMB is committed over time to addressing all parts of the Uniform Guidance. Consequently, COGR expects to strategically address Appendices III and IV both in the short-term and beyond this round of revisions to the Uniform Guidance.
- OMB will publish the revisions to the Uniform Guidance via a proposed rule in the Federal

[6] *Comments from all responders to the OMB RFI are available at https://www.regulations.gov/document/OMB-2023-0007-0001/comment*

Register. This will allow COGR and other stakeholders to provide comments on the revisions. ***OMB hopes to publish the revisions by late August and Mr. Mackey announced that there will be a 60-day public comment period.*** COGR expects to provide detailed comments and will encourage active participation from the COGR membership.

We are cautiously optimistic that the revisions to the Uniform Guidance will present an important opportunity to address several important issues. We are encouraged by the willingness of Ms. Harrison and Mr. Mackey to actively engage with COGR and other stakeholders. We will keep the membership posted on all developments.

COGR's Uniform Guidance Resource Page (ONGOING)

COGR has developed a Uniform Guidance Resource Page to serve as an ongoing resource as the revisions to the Uniform Guidance unfold. This page includes past COGR comment letters and other related resources. COGR's first engagement with this issue was in 2011 when, under the auspices of an NIH RFI, we provided comments to the "A-21 Task Force" to address OMB Circular A-21! Contact Krystal Toups at ktoups@cogr.edu and/or David Kennedy at dkennedy@cogr.edu if you have any questions or comments related to the Uniform Guidance.

Science & Security: Cross Cutting

Publication of DoD Policy on Countering Unwanted Foreign Influence in Fundamental Research at Institutions of Higher Education and Section 1286 Lists (NEW)

On June 30, 2023, DOD released the publication Countering Unwanted Influence in Department-Funded Research at Institutions of Higher Education. This publication includes important policy announcements in the DOD assessment of foreign influence in fundamental research and the long-awaited Section 1286 (c)(8) list of entities.

The publication includes three parts:

Part 1: Introduction to Policy on Risk-Based Security Reviews of Fundamental Research – refers to the Under Secretary of Defense June 8, 2023, policy Memorandum that provides the DOD policy to security reviews.

Part 2: Introduction to Decision Matrix to Inform Fundamental Research Proposals Mitigation Decisions – Presents the matrix DOD program managers use in reviewing fundamental research proposals for signs of potential foreign influence and appropriately mitigate risk.

Part 3: Introduction to FY22 Lists Published in Response to Section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-322) as

amended – Publishes Section 1286(c)(8)(A)[7] list identifying foreign institutions that have been confirmed as engaging in problematic activity as described by this section and confirmed foreign talent programs.

COGR is currently analyzing the publication and will keep the membership informed on any developments. Visit COGR's Science & Security page for more information.

DOE EERE FOA Application Section "Transparency of Foreign Connections" Raises Questions (NEW)

COGR received questions from several members regarding the "Transparency of Foreign Connections" in the Department of Energy (DOE) Office of Energy Efficiency & Renewable Energy (EERE) Funding Opportunity Announcement (FOA), DE-FOA-0002997 and DE-FOA-0002946. Concerns centered on the broad and ill-defined questions in the FOA compared to other FOAs (DE-FOA-0002888) which required institutions of higher education to complete a subset of the questions.

Additionally, COGR has been notified about several instances where COGR member institutions were contacted by DOE requesting an individual be removed from a proposal as they were flagged by DOE's risk assessment. In some cases, the individual is the PI or a subrecipient on a project. In order for the application to proceed in the review process, DOE requested the proposers sign a certification stating the individual has been removed. Proposers were not provided details of the finding nor provided an opportunity to submit any risk mitigation.

COGR is closely monitoring the situation and will engage with DOE. We will follow up with the community on any new developments. Member institutions are encouraged to continue to report to COGR these types of situations.

COGR Submits Comments on Draft NSPM-33 Research Security Program Standards (UPDATE)

The May Update discussed the draft response to the OSTP draft Research Security Program Standards RFI (88 FR 14187). We also developed a Key Messages[8] document for member institutions to consider in developing their own institutional responses.

COGR submitted formal comments on May 30 that articulated three key goals that we believe must be achieved to assure success. The Standards should be risk-based, consistent across agencies, and clear. The comments also addressed specific issues, including:

- the need for justifications of agency-specific requirements,
- calculation of the financial threshold for triggering the requirements,

[7] *See: https://rt.cto.mil/wp-content/uploads/Sec-1286-of-FY2021-NDAA.pdf*

[8] *COGR Portal login required. If you do not yet have a COGR Portal Account, request one here: https://www.cogr.edu/cogr-portal-log-and-account-creation*

- the effective date of implementation and need for a status report,
- certification and description requirements for institution research security programs, and
- the need to better define definitions related to reportable events.

A particular concern identified was approval requirements in connection with foreign travel. Other concerns discussed in the COGR comments were training requirements, the need for better alignment with the CHIPS and Science Act, and specific definitional issues. The comments concluded with the need for OSTP to positively encourage international scientific collaborations.

The COGR comments were closely coordinated with those of other higher ed. associations, including AAU, APLU, ACE, AAMC, AUECO and EDUCAUSE. Each association response[9] included comments on provisions in which the association had specific knowledge or expertise. The COGR comments did not address cybersecurity or export controls despite problematic provisions in those portions of the draft Standards. We supported instead the comments of the other associations in those areas.

OSTP Holds "Listening Sessions" on NSPM-33 Research Security Program Standards (NEW)

OSTP, in cooperation with the Science and Technology Policy Institute (STPI) held two "listening sessions" on June 5 and 12 for feedback on the NSPM-33 Research Security Program Standards RFI. As mentioned in the May Update, COGR had joined other higher ed. associations in an April 13 letter requesting OSTP to consider holding listening sessions with stakeholders.

Though the June 5 session was announced only a few days prior, it was well-attended by COGR member institution representatives. The need for a more risk-based approach, lack of consistency in definitions, and greater emphasis on the importance of fundamental research and international collaborations were main themes mentioned by participants in both sessions. Problems with the "checklist" approach to cybersecurity in the standards and other cyber issues were particularly emphasized in the second session.

At the beginning of the second session the OSTP representative stated that there was no intent to diminish the importance of international scientific collaborations, perhaps in response to the comments from COGR and others. However, otherwise the OSTP and STPI representatives did not respond to any comments. They indicated that because the formal comment process either still was open (June 5) or had just closed (June 12), they were not able to respond. Many of the participants' comments participants echoed those in the COGR comment letter.

[9] *See: AAU: https://www.aau.edu/sites/default/files/AAU%20Files/Key%20Issues/Science%20%26%20Security/NSPM-33%20RSPS%20AAU%20Comments.pdf, APLU: https://www.aplu.org/wp-content/uploads/OSTP-Comments-Research-Security-Plan-6-1-23.pdf, ACE: https://www.acenet.edu/Documents/Comments_OSTP_NSPM_33_060523.pdf, AAMC: https://www.aamc.org/media/68116/download, AUECO: (Not Posted), EDUCAUSE: https://library.educause.edu/-/media/files/library/2023/6/commentonresearchsecurityprogramseducausejune52023.pdf*

Associations Submit Comments on Section 117 ICR (UPDATE)

The May Update discussed the Department of Education (ED) Information Collection Request (ICR) on Section 117 Foreign Gifts and Contracts reporting requirements.

On June 5 COGR joined a large number of other higher ed. associations in a comment letter to ED submitted by ACE. The letter cited continued problems with the reporting portal and the inaccurate estimate of the reporting burden. It again raised issues with the extension of the reporting requirement to "intermediaries" and concerns with the requirement to disclose donors. It expressed the need for ED and NSF to work together to assure consistency in approach and definitions in Section 117 and the similar reporting requirement for NSF under the CHIPS and Science Act.

As noted in the May Update, ED has made almost no changes in response to higher education associations' comments on previous versions of the ICR. Changes that align with our latest comments appear unlikely.

Cybersecurity (UPDATES)

The May Update discussed two recent issuances by NIST related to cybersecurity that COGR is analyzing and discussing with other higher education associations including EDUCAUSE.

Revised NIST SP 800-171 Security Requirements for CUI (NEW)

The revision is intended to align the 800-171 requirements with updates to the security controls governing federal systems. Many changes reflect updates to controls corresponding to the security requirements and families included in NIST SP 800-53 for federal information systems. NIST claims it retains approximately the same overall number of controls, with some requirements added and others withdrawn. Most of the withdrawn requirements are addressed within other controls. Revision 3 introduces updated tailoring criteria, increased specificity for security requirements, and organization-defined parameters for selected controls. The revision seeks to clarify and provide more specificity about the controls to facilitate assessments.

The revision is expected to be finalized early next year. At that point it presumably will be incorporated into DOD contracts pursuant to the DFARS 7012 clause. Implementation of the required third party assessments under the CMMC (see February Update) now is expected later next year.

Our preliminary analysis indicates that while the total number of requirements (110) remains the same in the revised version, there are three new "families" of requirements with a significant number of additions/subtractions among the existing families. COGR will continue to work EDUCAUSE and others that are best positioned to analyze the nuances of these changes. At this time, COGR is not considering submitting separate comments. Comments are due July 14.

NIST RFI on Cybersecurity for R&D (NEW)

This RFI seeks input from institutions of higher education and other interested parties to support implementation of the research cybersecurity effort detailed in Section 10229 of the CHIPS and Science Act. It specifically seeks information on the role NIST might play in research cybersecurity.

On June 27 EDUCAUSE submitted comments suggesting NIST hold discussion sessions with EDUCAUSE members for more feedback. It also submitted a comment template pointing out that research cybersecurity has not been specifically recognized in government funding agreements, leading to "one size fits all" mandates that do not align with the research environment or risk-based approaches. The template also pointed to the need for development of more research cybersecurity professionals, and more cybersecurity awareness across academic research generally. COGR's support for the EDUCAUSE comments were noted in the letter.

CHIPS & Science Act Responsible and Ethical Conduct of Research (RECR) Training Provisions (NEW)

Section 10337 of the CHIPS & Science Act of 2022 made two important changes to the requirements for RECR training for NSF grant awardees. First, it increased the trainee population to include not only undergraduate and graduate students and postdoctoral researchers, but also "faculty and other senior personnel participating in the proposed research project" who will be supported by NSF to conduct research. Second, it added the following topics to RECR content:

- Mentor training and mentorship;
- Training to raise awareness of potential research security threats; and
- Federal export control, disclosure, and reporting requirements. [42 U.S.C. §1862o-1]

The requirement to include faculty/other senior personnel and to cover mentor training/mentorship goes into effect July 31, 2023 [PAPPG 23-1, Chapter IX.B.1]; however, neither the NSF Proposal & Award Policies & Procedures Guide ("PAPPG 23-1") nor the draft PAPPG that NSF published for public comment ("Draft PAPPG 24-1") specifically reference either research security or export controls as part of RECR content. In discussions, NSF has indicated that these topics will be required in the next version of the PAPPG after the NSF-sponsored research security training modules are published at the end of 2023.

However, institutions, should keep in mind that §10632 of the CHIPS & Science Act requires institutions to certify that senior personnel associated with an NSF funded proposal have been made aware of and have certified that they are not a party to a "malign foreign talent program" (MFTP). This certification requirement is expected to go into effect in January 2024 [Draft PAPPG 24-1, Chapter I.E.,3], and institutions will need to consider how to train NSF funded senior research personnel on MFTPs and their certification obligations.

Institutions also should be aware that the definition of an MFTP in §10637 of the CHIPS & Science Act is substantively different than the definition for that term which appears in the Draft PAPPG 24-1 [pages xv-xvi]. Specifically, the CHIPS & Science Act definition defines an MFTP as a program that (a) includes certain specified activities (e.g., program requires participant to engage in unauthorized transfer of intellectual property or establishment of a lab in a foreign country) **and** (b) is sponsored by a foreign country of concern or an entity based there, or an academic institution or foreign talent recruitment program on lists developed under §§1286(c)(8)-(9) of the FY2019 National Defense Authorization Act. Alternatively, the Draft PAPPG 24-1 defines a MFTP as a program that meets either, as opposed to both, prongs of the CHIPS and Science Act definition.

COGR included comments regarding this issue in the comments it provided to NSF on the Draft PAPPG 24-1 and hopes that the matter will be clarified in the final PAPPG.

NSF Listening Session with COGR Representatives on Planned Research Security and Integrity Information Sharing Analysis Organization ("RSI-ISAO") (NEW)

On June 7, 2023, COGR staff, board members, committee representatives met with Dr. Rebecca Keiser (NSF Chief of Research Security Strategy & Policy) and Dr. Kelvin Droegemeier (project consultant to NSF) to discuss the RSI-ISAO that NSF is required to develop per §10338 of the CHIPS & Science Act. The meeting was held at NSF's request to gather input in response to NSF's May 4, 2023, Dear Colleague Letter, which discussed the duties and parameters of the RSI-ISAO, and posed several questions on which institutions could provide input. COGR conducted a survey of institutional representatives participating in the listening session to gather input on questions that NSF provided in advance. The results of this survey are available in the COGR Portal (log in required). Notably, survey participants ranked usefulness of tools and information provided as the primary determinant of their participation in the RSI-ISAO followed by confidentiality protocols for information that is shared. Additional themes that emerged from the survey are as follows:

- **Transparency:** *The RSI-ISAO should be completely transparent about its role and activities and how information will be collected/shared/communicated.*
- **Distinct Roles Necessary to Establish Trust:** *To engender community trust, the RSI-ISAO should be distinct from enforcement agencies and not play any enforcement role.*
- **Clear, Specific, Actionable Tools & Guidance**: *The RSI-ISAO should provide institutions with clear, up-to-date, tools and guidance that they can rely on in making decisions in institutional scenarios, including access to lists of problematic entities/programs.*
- **Risk-Based:** *The RSI-ISAO should provide institutions with the tools that permit a flexible, risk-based approach to evaluating and addressing research security concerns.*

NSF and COGR representatives engaged in a very frank and robust discussion during the listening session. NSF emphasized that the RSI-ISAO would be a non-governmental entity that would interface with institutions (as opposed to investigators), although there will be a governmental steering committee. Institutions will not be required to participate in the organization and will not be penalized if they decline to join.

NSF stated that the RSI-ISO would provide tools and information to institutions that they can use in their analysis of research security issues but cautioned that the RSI-ISAO would not handle classified information. Importantly, NSF advised that the RSI-ISAO will not provide specific guidance on discrete concerns and will not be involved in investigations, but rather will advise institutions to contact specific funding agencies in such instances. Finally, NSF noted that it is carefully considering the type of third-party entity that would be most successful in leading the organization and the funding mechanism that will be used. NSF also is it attuned to community concerns that making the RSI-ISAO a member-supported organization may harm participation, particularly by emerging research institutions.

In follow-up to the listening session, COGR submitted written comments in response to the Dear Colleague Letter. These comments recognized the potential for the RSI-ISAO to be a valuable partner to institutions but emphasized the need for the RSI-ISAO to employ risk-based assessment and mitigation strategies when analyzing research security issues. The comments also drove home the need for the RSI-ISAO to develop and provide clear, easy-to-use tools and specific threat information that institutions can utilize in their own analyses.

NSF Published "Rules of the Road" for Use of Its NSF-77 Data Analytics Tool (NEW)

The NSF developed the NSF-77 data analytics tool that compares publicly available data from the Elsevier SCOPUS, Web of Science, and U.S. Patent and Trademark Office databases against researcher biographical and research support disclosures. The NSF published a system of records notice (SORN) under the Privacy Act regarding its planned use of NSF-77, and COGR submitted comments, including a suggestion that NSF provide institutions with access to the tool. NSF advised that it would not begin widespread use of NSF-77 until it published detailed "rules of the road" for how the tool would be used. NSF published its rules for using NSF-77 on its research security webpage and included infographics detailing roles and responsibilities in the review process and guardrails in place to verify and inconsistences and prevent bias. Now that these rules are published institutions should be prepared for more widespread use of NSF-77's analytical capabilities. Additionally, during the June 7, 2023, COGR/NSF listening session on the RSI-ISAO, NSF mentioned that it was considering how to train institutions on performing similar analyses.

Department of Defense Risk Assessment Matrices (UPDATE)

COGR has raised concerns about DOD-related entities' use of inconsistent risk assessment matrices for analyzing proposals to determine if they present inappropriate foreign influence concerns. In particular, the Defense Advanced Research Projects Agency (DARPA) risk assessment matrix for the evaluation of researcher disclosures does not align with the recently issued U.S. Army Combat Capabilities Development Command (DEVCOM), Army Research Laboratory risk assessment matrix for use in evaluating activities of senior/key personnel. At COGR's June Meeting, Dr. Bindu Nair, Director of Basic Research at the U.S. Department of Defense presented on DOD efforts to promote consistency in risk assessment approaches across DOD units. DOD expects to issue a new assessment matrix as a part of this effort.

Research Security & Intellectual Property (RSIP)

Many Committee activities related to Science & Security are reported above under the Cross Cutting Issues sections of the COGR Update. Other items being followed by RSIP are covered below.

March-In Developments Continue (UPDATE)

The March Update discussed the government review of Bayh-Dole Act march-in authority. The Interagency Working Group for Bayh-Dole was asked to develop a framework for implementation of the march-in provision that clearly articulates guiding criteria and processes for making determinations where different factors, *including price* (emphasis added), may be a consideration in agencies' assessments.

We understand that the Working Group has developed a report that is now in the interagency clearance process. We do not know the content of the report, but sources suggest that interagency clearance may be forthcoming shortly. On June 9, Senator Elizabeth Warren (D-MA) and others sent a letter to HHS calling for more "transparency" about the Working Group. The letter expressed concern that "there have been no public updates about the Working Group's membership, process, timeline, or scope of work in the more than two months since it was first announced."

In a related matter, Senate HELP Committee Chairman Bernie Sanders (I-VT) announced that he will not move forward with the nomination of a new NIH Director or other health nominee until he receives the Administration's "comprehensive" plan on lowering drug prices. On June 12, Sanders released a report that reviews two decades' worth of drugs that NIH scientists helped develop. The report concludes that Americans consistently pay higher prices for NIH-backed drugs than people in other countries and argues that federal officials are missing opportunities to rein-in those costs for taxpayers who helped fund those innovations. The report recommended that the federal government reinstate a "reasonable pricing clause' in all future collaboration, funding, and licensing agreements for biomedical research. In the early 1990's NIH instituted such a clause in CRADA agreements but rescinded the requirement in 1995, finding that companies were refusing to engage in collaborations with NIH.

COGR has long been concerned that any government exercise of march-in rights on pricing grounds potentially would have a substantial chilling effect on our member institutions' ability to transfer technology to the private sector for commercialization. Similarly, the NIH CRADA history demonstrates that efforts to require reasonable pricing also are likely to discourage companies from investing in government-funded technologies. There also are serious questions about what may constitute "reasonable" pricing and who would determine it (e.g., NIH is not a drug manufacturing or marketing organization with expertise in drug pricing). COGR is working with groups such as AUTM and the Bayh-Dole Coalition to bring these concerns to the attention of policymakers. The Bayh-Dole Coalition will be submitting a letter to President Biden pointing out the history and concerns with Sen. Sanders reasonable pricing clause proposal.

COGR Joins Joint Association Comments on iEdison ICR (UPDATE)

The May Update discussed the NIST iEdison ICR and COGR's efforts with the other higher education associations to develop comments.

COGR, along with other higher education associations, will be submitting comments to NIST shortly. In the comments we point to our long advocacy for a requirement for all agencies to use iEdison. We strongly support the increased uniformity of invention reporting requirements as set forth in the ICR and the expansion of questions on commercialization as an important step in this direction. We also support the proposed collection of gender information. For these reasons we recommend approval of the ICR. The final letter will be posted to COGR's website once its filed.

Research Ethics & Compliance (REC)

Select Committee activities related to Science & Security are reported above under the Cross Cutting Issues section of the COGR Update. Other items being followed by REC are covered below.

Human Subjects Research

Good Clinical Practice Draft Guidance (NEW)

FDA published its latest version of "E6(R3) Guideline for Good Clinical Practice" as draft guidance. The FDA was part of an International Council for Harmonization of Technical Requirements for Pharmaceuticals for Human Use (ICH) working group tasked with revising this guidance, which serves as the backbone for conducting clinical trials that generate data used to support drug marketing applications. The last version of E6 was issued in 2019, and this new draft was written to take account of the diversity of clinical trial settings and data sources. In particular, the new draft provides more guidance than the prior iteration on data elements and computerized systems used in trials. The document is currently in the format used by the ICH, but FDA will change the format to that typically used by FDA once the guidance is finalized.

Psychedelic Drugs: Considerations for Clinical Investigations Draft Guidance (NEW)

Psychedelics are a growing area of drug development, particularly as potential treatments for depression, PTSD, and other psychiatric disorders. Several states have, or are in the process of, legalizing

psychedelics for certain uses and/or decriminalizing them, and many investigators/sponsor-investigators are interested in conducting clinical trials that use these drugs. The new guidance discusses chemistry and manufacturing requirements, and it states that toxicological testing in animals may not always be necessary depending on information from preceding trials. The guidance also outlines considerations regarding abuse potential.

Office for Human Research Protections (OHRP) Frequently Asked Questions: Limited Institutional Review Board Review and Related Exemptions Draft Guidance (NEW)

The 2018 modifications to the Common Rule created a new category of IRB review called "limited IRB review," to be used in addition to full committee and expedited review. The draft guidance discusses the four categories in which limited review may be used, including secondary research of identifiable biospecimens/private information and discusses the aspects of the Common Rule that do and do not apply when limited IRB review is conducted. REC will review the draft guidance and determine whether to comment. Comments are due on August 15, 2023.

Animal Research

Request for Information (RFI) on Clarification of Animal Activities Exempt from PHS Policy Requirements for IACUC Review (NOT-OD-23-119) (UPDATE)

The RFI summarizes activities exempt from IACUC review, and requests comments on these exemptions. REC has formed a working group to develop comments to the RFI. Comments are due July 31, 2023.

Evaluation of USDA and OLAW Efforts to Reduce Administrative Burden (NEW)

Under the 21st Cures Act, OLAW, FDA and USDA were mandated to work together to examine ways in which to reduce administrative burden on investigators conducting research using laboratory animals. Although each agency has taken actions toward this goal, many of the actions taken had already been in effect and did not constitute new initiatives to reduce burden (see, OLAW webpage – 21st Century Cures Act – Animal Care and Use in Research – for a summary of OLAW's activities). In 2017, COGR, FASEB, AAMC, and NABR worked together to conduct a workshop to develop recommendations to achieve the 21st Century Cures Act objective and issued a report. Over the summer, REC will convene a working group to compare the report's recommendations with actions by taken by OLAW and USDA to assess the impact of actions taken on reducing burden and draft a report with the findings.

Costing and Financial Compliance (CFC)

Select CFC activities related to NIH Data Management & Sharing and the Uniform Guidance are reported above under the Cross Cutting Issues section of the COGR Update. Other issues followed by CFC are covered below.

2023 F&A Cost Rate Survey: Update at the June COGR Meeting (NEW)

Members from COGR's Costing & Financial Compliance Committee led a panel discussion covering the preliminary results from the 2023 F&A Cost Rate Survey. The panel included *Sarah Axelrod* - AVP Office of Sponsored Programs at Harvard University; *Jeremy Forsberg* - AVP for Research at the University of Texas Arlington; *Michael Legrand* - Director of Costing Policy & Analysis at the University of California Davis; *Maria Soliman* - Director of Grant Accounting at the University of Iowa; and *David Kennedy* from the COGR staff. The slide presentation is available on the COGR website, and the session recording is available for attendees in the COGR Portal (log in required). *A special thank you to Gerald Mauck who was key in conducting preliminary analysis and other support. Jerry retired from the University of Denver in the spring.*

The results of the survey provide a resource for the membership to benchmark key metrics and inform COGR advocacy efforts. ***Note, all survey results will be kept in the COGR Portal (log in required),*** and any publicly released aggregate results will de-identify institutions. A Capstone Report will be published later this year.

Over the next several months, survey results will be made available for use by the COGR membership. We expect to provide the following resources:

- **Raw Data by Institution.** The data will be available in an XLS, user-friendly format. Members can use the XLS to sort and analyze the data on the various metrics and characteristics captured in the survey.
- **Data Report.** The survey was conducted using the *Alchemer* survey tool, which allows for many auto-generated reports to be created. The Data Report will provide interesting insights on a variety of the questions and institutional responses covered in the survey.
- **Analysis and Advocacy: 2023 Capstone Report.** Similar to the 2017 Capstone Report,[10] COGR will complete a 2023 Capstone Report that addresses findings, concerns, and points of advocacy. We expect this will be the final work product associated with the survey and the timing for release will be later in the year.

If you have questions on the survey, contact Toni Russo at trusso@cogr.edu, David Kennedy at dkennedy@cogr.edu, or any member from COGR's Costing & Financial Compliance Committee.

[10] *COGR's 2017 F&A Survey reports are available in the COGR Portal (log in required).*

2023 Compliance Supplement is Available (ONGOING)

As previously reported, the 2023 Compliance Supplement (see *Resources and Other Information* per the OMB, Office of Federal Financial Management web page) is now available. As noted in previous updates, Mitzi Mayer from OMB (replacing the retired Gil Tran) is the new point person for the Compliance Supplement. COGR has worked closely with Ms. Mayer and OMB to address our longstanding concern with an audit position related to the appropriate timing for requesting cash reimbursements from federal agencies. COGR most recently wrote to this topic in a June 30, 2022 Comment Letter to OMB.

The 2023 Compliance Supplement has addressed this issue and changes have been made to the Cash Management section (see page 3-C-3)—specifically Audit Objective 4—to be consistent with what COGR has requested.

> "OLD" 2022: *For grants and cooperative agreements to non-federal entities that are paid on a reimbursement basis, supporting documentation shows that the costs for which reimbursement was requested were paid prior to the date of the reimbursement request.*
>
> "REVISED" 2023: *For grants and cooperative agreements to non-federal entities that are funded on a reimbursement basis, determine that expenditures, as defined by 2 CFR 200.1, were incurred prior to the date of the reimbursement request.*

This is a positive development, and we are thankful to Ms. Mayer and OMB for addressing this issue. COGR will continue to monitor developments around the Compliance Supplement and the single audit, and we encourage members to contact COGR if there are concerns.

NASA–NSSC: Routine Monitoring–Financial Transaction Testing Review Program (ONGOING)

In April, COGR raised concerns to NASA's National Shared Services Center (NSSC) about its Routine Monitoring–Financial Transaction Testing Review program. The program requires institutions to provide a quarterly expenditure list for selected NASA awards. In an email to NASA-NSCC (shared with the membership via the COGR Listserv on April 27), COGR raised concerns about:

- how the intent of the program has been communicated,
- the level of detail that is expected,
- duplication with single audit objectives,
- creation of administrative burden, and
- the 14-day deadline.

These concerns were discussed in a May 2 meeting between NASA–NSCC leaders and members from the CFC Committee. On May 18, NASA-NSCC provided the responses to six statements/questions raised by COGR via email. Those statements/questions and responses were included as APPENDIX B in the May Update. COGR will continue to follow developments around the NASA–NSCC Routine

Monitoring–Financial Transaction Testing Review Program. Please contact David Kennedy at dkennedy@cogr.edu with questions and if your institution is experiencing problems with the program.

Costing & Financial Compliance: Audit and Other Topics (ONGOING & UPDATES)

The items below are issues that the CFC Committee has recently reported and/or issues that we continue to follow:

Federal Audit Clearinghouse to be moved to GSA in October 2023. We encourage members to regularly check the FAC Transition website (it has been updated since the May 2023 COGR Update). Included on the website is a note that OMB has extended submission deadlines for 2023. COGR submitted a letter to GSA on February 21 and emphasized the importance for GSA to actively communicate with all stakeholders during the transition.

HHS-OIG Audit of the NIH Grant Closeout Process. This new audit initiative was announced by the HHS Office of the Inspector General (HHS-OIG) in November 2022 ***and is now listed as an "Active" workplan item.*** It is aimed at the NIH's management of the grant closeout process. In that announcement, the HHS-OIG indicated: "*We will determine whether NIH closed its grants in accordance with Federal requirements and departmental guidance. We will also determine which actions NIH took to address noncompliance with closeout requirements*." Key federal requirements include compliance with both the 2016 GONE Act and 2 CFR 200.344(b) Closeout. While the HHS-OIG audit is focused on NIH management practices, findings from the audit could have repercussions for the grantee community.

Federal Office of Inspectors General (OIG) Developments. COGR members are encouraged to follow ***NIH-related audit activity*** posted in the HHS OIG Workplan, as well as completed reports posted by the Office of Audit Services and the Office of Evaluation of Inspections. ***For activity from the NSF OIG***, the NSF OIG Reports & Publications page lists recently completed reports, Further, the NSF Management Responses to an External Audits is a helpful resource for reviewing NSF OIG audit resolutions. COGR members are welcome to contact COGR when audit issues arise. When appropriate, COGR can connect institutions and/or provide feedback on the issues in question.

Single Audit Developments. As described earlier, the 2023 Compliance Supplement is now available. *Active engagement by COGR members* to raise concerns about auditor actions on the timing for requesting cash reimbursements from federal agencies was crucial for affecting the changes made to the Cash Management section (see page 3-C-3). COGR members are welcome to contact COGR when audit issues arise. When appropriate, COGR can reach out to its contacts at the audit firms and/or engage in other actions that may be helpful to address issues at-hand.

Timeliness of F&A Cost Rate Negotiations and COGR Advocacy. In December 2022, COGR sent a letter to Mak Karim, the National Director for Cost Allocation Services at the Department of Health and Human Services. The letter raised concerns that some institutions have not been able to negotiate F&A cost rates (and fringe benefit rates) in a timely manner

with Cost Allocation Services (CAS). In addition to CAS, COGR has raised this issue with OMB and with the HHS Grants Policy Office. .

ARPA-H and Indirect Costs. COGR will continue to pay close attention to how indirect cost reimbursement is addressed by ARPA-H (authorized under the FY23 Omnibus Appropriations Bill, passed in December 2022). The final provision applicable to indirect costs reads as follows: "*awards grants and cooperative agreements, which shall include requirements to publicly report indirect facilities and administrative costs, broken out by fixed capital costs, administrative overhead, and labor costs*." This is not ideal and raises questions. COGR will engage with NIH and ARPA-H as appropriate to ensure that this new statutory requirement does not create unintended and unnecessary administrative burden.

2021 NSF Higher Education Research & Development (HERD) Survey. The 2021 HERD was released on December 15, 2022, and includes the InfoBrief summary and the complete suite of 2021 data tables (which includes the popular *Table 22 – Higher education R&D expenditures, ranked by all R&D expenditures, by source of funds: FY 2021*). Also of interest is *Table 17 – Higher education R&D expenditures, by type of cost, highest degree granted, and institutional control: FYs 2010-21.* Table 17 includes data on recovered and unrecovered indirect costs, in aggregate, for all institutions. For FY2021, the total recovered indirect costs were $14.7 billion (rounded) and the total unrecovered indirect costs were $5.9 billion (rounded).

Please contact David Kennedy at dkennedy@cogr.edu to discuss any of these issues above, or other items that you would like to address.

Contracts & Grants Administration (CGA)

Selected CGA Committee activities related to Science & Security & Data Management and Sharing are reported above under the Cross-Cutting Issues section of the COGR Update.

Prohibition on a ByteDance Covered Application, TikTok (NEW)

During the Committee Reports & Hot Topics at the June COGR Meeting, CGA Chair Jeff Friedland of University of Delaware mentioned the new interim rule FAR 52.204-27. Effective on June 2, 2023, the Prohibition on a ByteDance Covered Application was published in the Federal Acquisition Regulation (88 FR 36430; FAR Case 2023-010. This interim rule implements section 102 of Division R of the Consolidated Appropriations Act, 2023 (Pub. L. 117–328)[11], the No TikTok on Government Devices Act, and its implementing guidance under OMB Memorandum M–23–13, dated February 27, 2023, "No TikTok on Government Devices" Implementation Guidance. This prohibition applies to the presence or use of any covered application on any information technology owned or managed by the Government, or on any information technology used or provided by the contractor under a contract, including

[11] *See, Division R—No TikTok on Government Devices, https://www.congress.gov/bill/117th-congress/house-bill/2617*

equipment provided by the contractor's employees, unless an exception is granted in accordance with Office of Management and Budget (OMB) Memorandum M–23–13.

COGR Response to Request for Comment on National Science Foundation (NSF) Proposal and Award Policies and Procedures Guide (PAPPG) 24-1 (UPDATE)

On April 13, NSF announced proposed changes to its Proposal & Award Policy & Procedure Guide (PAPPG) (24-1), expected to become effective in January 2024.

In its response, COGR noted additional clarifications and alignment need for specific definitions. A significant misalignment is the definition of the Malign Foreign Talent Recruitment Program (MFTRP) in PAPPG 24-1 in comparison to MFTP in §10637 of the CHIPS & Science Act. The PAPPG exclusion of "and" broadens the requirement to define a MFTRP as either provisions "(a)" or "(b)," as opposed to both. We also addressed areas of the pre-submission information pertaining to OTAs and proliferation of submission portals. We suggested revisions to the MFTRP certification language that addresses eligibility to serve as senior personnel as "current to a MFTRP." Regarding the new Foreign Gifts and Contracts Disclosures, COGR requested explicit clarification on if reporting will be based on single transactions or aggregate and reporting expectations for tuition.

Some positives noted in the letter are clarifications to the submission window, elimination of the page limit for the biosketch, and synergistic activities placed in a separate personnel document, in the incorporation of proposal types for Research in Undergraduate Institutions (RUI) and Research Opportunity Awards for Predominantly Undergraduate Institutions (ROA/PUI).

To see all issues addressed, please see the COGR response.

Grant & Contract Administration: Other Issues (NEW & ONGOING)

The items below are issues that the CGA Committee has recently reported and issues that we continue to follow:

> ***Request for Information: NASA Public Access Plan for Increasing Access to the Results of NASA-Supported Research, Notice: 23-051 (NEW).*** COGR continues to follow the agency response to the OSTP memorandum Ensuring Free, Immediate, and Equitable Access to Federally Funded Research. NASA released a RFI seeking public input on the "NASA's Public Access Plan, Increasing Access to the Results of Scientific Research" (NASA Public Access Plan). Comments are due on August 17, 2023. CGA is evaluating this RFI for possible comment.
>
> ***Other Transactions Authority (UPDATE).*** CGA continues to monitor the use of Other Transactional Authorities (OTAs) as an award mechanism utilized by several federal research organizations. OTAs are designed to provide flexibility and leverage resources to meet time-sensitive needs. CGA had the pleasure to host Benjamin Bryant ARPA-H's Acting Head of Contracting Activity. He provided an overview of the ARPA-H program model and award types. ARPA-H has a similar model to DARPA, with a focus on high-risk/high-impact research.

Awards are focused on cooperative agreements and OTAs, no grant-based awards. As CGA continues to engage with ARPA-H, will keep the membership informed.

If you have questions, comments, or concerns on the above topics, please contact Krystal Toups at ktoups@cogr.edu.

COGR would like to thank COGR Board Chair Jeffrey Silber (Cornell University) and the COGR Committee members for their time, dedication, and expertise, without which the efforts and activities conveyed in these updates would not be possible.

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Appendix A – Upcoming Comment Due Dates

Agency	Description	Due Date	Notes
National Institutes of Standards & Technology (NIST)	RFI on Cybersecurity for R&D	June 30	COGR supported Educause's comment letter.
National Science Foundation (NSF)	Dear Colleague Letter on RSI-ISAO	June 30	COGR submitted comments June 28.
NIST	Continued Authorization of i-Edison Information Collections	July 3	COGR working with other higher ed. associations on joint comments and plans to post June 30.
National Institutes of Health (NIH)	Notice To Announce NIH Updated Policy Guidance for Subaward/Consortium Written Agreements	July 5	COGR is submitting comments and plans to post by June 30. Expected effective date (per F/R) is October 1.
NIST	Revised Security Requirements for Protecting CUI (NIST SP 800-171 Rev. 3)	July 14	COGR has analyzed the changes and determined it is more appropriate for EDUCAUSE to respond.
National Institutes of Health – Office of Laboratory Animal Welfare (NIH-OLAW)	RFI on Clarification of Animal Activities Exempt from PHS Requirements for IACUC Review (NOT-OD-23-119)	July 31	COGR has formed a working group to develop a response.
Office for Human Research Protections (OHRP)	Frequently Asked Questions: Limited Institutional Review Board Review and Related Exemptions Draft Guidance	August 15	COGR is reviewing the draft guidance.
National Aeronautics and Space Administration (NASA)	NASA Public Access Plan for Increasing Access to the Results of NASA-Supported Research, Notice: 23-051	August 15	COGR is reviewing the RFI for possible comment.
Office of Management and Budget (OMB) ***(Upcoming)***	Expected Revisions to the Uniform Guidance Via Proposed Rule in Federal Register	Expected Late August	Per OMB at the June COGR Meeting, expected late August with a 60 day comment period.
NSF	Dear Colleague Letter: Workshop to Inform Development of the NSF Research on Research Security Program (RRSP)	September 25, 2023	COGR is reviewing.