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President's Message: More Moments to Meet

Dear Colleagues,

Last month I [wrote](#) about an unprecedented number of simultaneous threats to research institutions' ability to perform federally funded research and COGR and the community's work to meet the moment. Since, threats have increased and show no signs of abating. And now many research institutions and their faculty and students face existential penalties by the federal government. These are not just threats, but assaults. These attacks are harming people, institutions, sound research policy, the Partnership, and our nation's security, health, and prosperity. Moreover, it is clearer now that our community will face more such moments that it must meet to preserve our missions of teaching, research, and service.

COGR is striving every day to meet these moments and advance effective research policy on a range of issues affecting research institutions, including, but not limited to: F&A costs reimbursement and the NIH F&A 15% rate cap; the HHS unilateral decision to eliminate the Richardson Waiver and to stop seeking public stakeholder input on policies affecting grants and contracts; stop work orders for research; and continuing delays and new requirements related to the "pause" on payments for grants and contracts.

At the same time, we continue our efforts to reduce red tape encumbering federally sponsored research. Earlier this month, I [spoke](#) with the National Academy of Sciences Strategic Council for Research Excellence, Integrity, and Trust about COGR's efforts and common-sense recommendations for streamlining and harmonizing federal research regulations and requirements. COGR is also now developing a set of specific recommendations in follow up to [our January letters](#) to the Trump Administration. These specific recommendations will be communicated in the weeks ahead to federal agency officials that are [tasked](#) to review regulations and submit proposed changes to the Office of Information and Regulatory Affairs. Additionally, COGR submitted [comments](#) in response to the Administration's [Request for Information](#) on the Development of an Artificial Intelligence Action Plan. COGR's comments emphasize that any AI Action Plan needs to incorporate ". . . a requirement for clear, consistent, and harmonized regulations, policies, and guidance across all federal agencies that intend to regulate research on AI or the use of AI in research activities."

The COGR staff team continues to receive an unprecedented number of media inquiries. We are regularly [engaging](#) with the media to explain and criticize harmful new policies and requirements affecting researchers, research institutions, and research itself. We are also communicating that these new policies and requirements are having detrimental near and long-term impacts on national priorities and our nation's leadership position in science, innovation, security, and economic competitiveness. To aid our efforts, we encourage COGR members to [submit](#) real-world stories about the impacts on research (log in required).

COGR's strategy and efforts are informed and guided by regular joint discussions of the association's [committees](#) and the [Board of Directors](#), and the discussions from the association's [February 25-28 Virtual Membership Meeting](#). Additionally, they will continue to be informed by our new COGR Forum series, including the first one entitled: [COGR Forum: Adapting to Change – Policy Shifts & Research Impact](#) on March 27 from 1:00 – 2:30 p.m. ET. We hope you will participate.

At a time when research institutions and higher education are under assault, COGR is determined to persevere to meet the moment. This is not business as usual, and it means we are undertaking new strategies and actions while working to minimize harm, articulating and demonstrating the value of research institutions, and advocating for policies that will ultimately strengthen American research institutions and the national research enterprise. Thank you for your engagement with COGR and your continuing efforts.

Matt Owens
President

Announcements

New COGR Member Institutions: Welcome!

Now 228 strong, we are thrilled to announce that COGR has welcomed three new institutions to the COGR membership since February, helping to further grow, strengthen, and diversify the association's membership. A list of COGR member institutions can be found on our [website here](#).



Welcome New COGR Members!



Registration Open for COGR's Forum on March 27: Adapting to Change-Policy Shifts & Research Impact

Federal research policy is rapidly evolving under the current administration, bringing significant changes and uncertainty to funding priorities, compliance requirements, regulatory oversight, and much more. As institutions work to navigate through this rapidly shifting landscape, they face complex challenges with broad implications for researchers, students, institutions, communities, and ultimately, the U.S. research enterprise.

In this first session of COGR's "Forum" Series, COGR leadership will provide an overview of the most significant changes in the federal research policy landscape and their impact on institutions, updates on relevant litigation, and highlights of COGR's advocacy efforts in 2025.

[Register Here](#)

COGR Portal Log In Required

Have an idea for a poll question during the webinar?

[Submit it here!](#)

This will be an interactive session that will include polling and allow substantial time for Q&A. **You are highly encouraged to read the March Update ahead of the 3/27 webinar.** In addition, you may submit questions in [advance here](#). You may also suggest poll questions for the webinar via the same link. Zoom links will be sent out by Monday, March 24 and again one day and one hour before the webinar.

If you do not already have access to the COGR Portal and are interested in registering for the upcoming meeting, please [request access here](#).

Contact memberservices@cogr.edu with any questions, and we hope to 'see' you there!

COGR Meeting June 5-6, 2025: Registration Opening Soon

Save the date on June 5-6, 2025 in Washington D.C. for COGR's membership meeting!

Registration will open soon on COGR's website and announced via the listserv. New this meeting, and in recognition of the current challenging financial environment for institutions, particularly on budget and travel, **we are pleased to offer a \$75 discount for all registrations completed by May 9, 2025.**

This 'early bird' pricing will help defray the cost of attendance, and we hope that it will bolster participation. Now, perhaps more than ever, being together in Washington D.C. is important. We will hear from leading experts in areas critical to supporting research, and we will discuss policies and paths forward. Preliminary agenda topics and the agenda will be released in the weeks ahead.

More to come, but for now, we hope you'll "save the date!"

2025 Administration Transition Impacts on Research: Tell Us Your Story

COGR is collecting real-world stories about the impacts on research resulting from the new Administration's Executive Orders, subsequent agency implementation, and the policy to cap NIH F&A cost reimbursement at 15%. These stories may be used in communications and advocacy efforts as appropriate. You may share your story anonymously, and no individual or institution will be identified at any time (if you choose to identify yourself). Any communications or advocacy that incorporates information collected will be done in the aggregate. Log in to the COGR Portal required.

[Tell Us Your Story](#)

Congratulations COGR Members: 2025 R-1 Carnegie Classification

COGR celebrates the dedication and impact of our member institutions and ERI Pilot Participants in advancing research and innovation. Congratulations to the 21 COGR member universities newly achieving the R-1 “Research 1: Very High Research Spending and Doctorate Production” ranking status this year from the Carnegie Foundation for the Advancement of Teaching and the American Council on Education. COGR members include 87% of all R-1 institutions.



Congratulations COGR Members: 2025 R-1 Carnegie Classification



Reminders

COGR Volunteer Survey

Interested in becoming more involved with COGR? Complete the [COGR Volunteer Survey](#) and let us know your areas of interest/expertise, the capacity in which you would like to serve, and other relevant information. COGR uses this survey to help identify individuals to serve on COGR’s [four standing committees](#), workgroups we convene from time to time on various topics, and more.

Follow COGR on LinkedIn



We invite you to follow [COGR on LinkedIn](#) and stay up to date on COGR’s advocacy efforts, upcoming events, and more. We look forward to engaging with you on LinkedIn.

COGR Portal: Sign up for Access Today!

Did you know that all staff at COGR member institutions are eligible and encouraged to [sign up](#) for access to the COGR 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](#), view the [COGR Member Directory](#), check out COGR's Job Bank, and view other members-only materials.

COGR Job Bank – New Opportunities Posted, *Now Publicly Available*

New job opportunities have been added to the COGR Job Bank. Did you know COGR hosts a [Job Bank](#) in the COGR Portal? COGR members and ERI Pilot Institutions can submit a relevant job posting via the Portal from the Portal Dashboard and navigating to “Job Bank – Post and Manage Jobs”. Under “Job Bank” you can also browse jobs posted by others. This service is complimentary.

COGR's Job Board is now [publicly available](#) in an effort to assist those transitioning out of government service.

If you have a relevant position open, post it today on COGR's Job Bank. Contact memberservices@coqr.edu if you have any questions.

2025 Administration Transition Information and Resources

Recent Executive Orders with Potential to Impact Research and/or Grants and Contracts

COGR continues to track the Trump Administration Executive Orders (EOs) and identify those with the greatest potential to impact research and/or grants and contracts funding research activities. (See [COGR Summary of Executive Orders, V.8](#), Released March 19, 2025).

Significant EOs issued since the [February COGR Update](#) include three orders concerning implementation of the Department of Government Efficiency's (DOGE) initiatives concerning workforce, regulations, and cost efficiency. The first of these EOs was issued on February 11, 2025: [Implementing the President's DOGE Workforce Optimization Initiative](#). It directs each agency head to prepare for large-scale reductions in force, with priority given to RIFs impacting “DEI employees,” units that have been closed or suspended by the Trump administration, and “non-essential” positions. These RIFs are disrupting the federal government's ability to award and administer research grants and contracts.

The second EO – [Ensuring Lawful Governance and Implementing the President's DOGE Regulatory Initiative](#) – was issued on February 19, 2025. It instructs agencies to review their regulations within 60 days to identify those that are:

- unconstitutional/raise serious constitutional concerns;
- based on unlawful delegation of legislative power;

- based on anything other than the “best reading of the underlying authority”;
- implicate matters of social, political, or economic significance that are not authorized by clear statutory authority;
- impose significant costs on private parties that outweigh public benefits; and/or
- harm U.S. interests by impeding technological innovation, infrastructure development, energy production, land use, or foreign policy objectives.

The EO also instructs agencies to de-prioritize enforcement action on regulations that are based on “anything but the best reading of the statute.” COGR is working to identify and develop a list of regulations that fall within these categories and plans to provide this list to within DOGE working on this initiative.

The third EO, entitled [Implementing the President’s DOGE Cost Efficiency Initiative](#), was issued on February 26, 2025, and it imposes significant and unnecessary payment justification requirements on institutions that serve to decrease, rather than increase, cost efficiency. Specifically, the EO directs each agency to develop a centralized process to record every contract/grant payment for review and approval by the agency head. The agency employee submitting the payment request must provide a written justification for the payment. Agencies, in turn, are requiring institutions to submit a payment justification for each payment line, as discussed in greater detail in the CFC section of this report. This EO also requires each agency head, in consultation with DOGE, to review all existing contracts and grants over the next 30 days and terminate, modify, or renegotiate them to reduce federal spending, **with prioritization given to contracts and grants to educational institutions and foreign entities**. Additionally, during this 30-day period, DOGE will work with agencies to review contracting policies/procedures/personnel and develop guidance on issuing new contracts. No new contracts are to be issued while the review is being conducted. Finally, this EO poses substantial spending restrictions on federal employees, including a 30-day freeze on federally issued credit cards and the prohibition of travel to conferences and other non-essential federally funded travel.

Status of Litigation Concerning Previously Issued EOs

As reported in [COGR’s February Update](#), there are multiple lawsuits pending regarding the Trump Administration’s EOs and agency actions concerning: (a) the payment freeze on grants and contracts; (b) NIH’s implementation of a 15% F&A payment cap; (c) termination of foreign aid; and (d) prohibitions on diversity, equity, and inclusion (DEI) activities. The current status of these lawsuits are summarized below. [For regular, continuing updates, see COGR’s [lawsuit tracker](#) on the [2025 Administration Transition Information & Resources webpage](#).]

Payment Freeze: The following four cases contest the payment freeze on agency grant, loan, and other financial assistance programs that may be implicated by recent EOs on foreign aid, DEI, the Green New Deal, nongovernmental organizations, and “woke gender ideology.” Initially, this freeze was implemented via OMB’s issuance of memorandum M-25-13. Although this memorandum was subsequently revoked, the government kept the freeze in place based on the underlying EOs, and

thus the courts permitted the cases to continue. Although preliminary injunctions were issued in three of these cases, the Fourth Circuit Court of Appeals recently stayed the injunction in one case. Institutions should also note that although preliminary injunctions remain in place in two cases, these injunctions do not prohibit the government from cancelling specific grants and contracts in accordance with their individual terms and conditions.

- *National Association of Diversity Officers in Higher Education*: This case is of particular interest because it challenged the language of the DEI orders as violating the First Amendment and being unconstitutionally vague for failing to define key terms such as DEI and DEIA. The District Court granted a nationwide preliminary injunction that prevented the government from:
 - freezing or terminating awards, contracts, or obligations based on DEI provisions;
 - requiring institutional certification of non-participation in DEI activities; and
 - bringing enforcement actions under the False Claims Act based on such certifications.

The government appealed the preliminary injunction to the Fourth Circuit. The Fourth Circuit concluded that it was likely that the government would prevail on the merits of the case and stayed the preliminary injunction while the case is considered on appeal.

Accordingly, the nationwide preliminary injunction is no longer in effect.

- *National Council of Nonprofits v. OMB*: The court issued a preliminary injunction enjoining the government from giving effect to the freeze with respect to the disbursement of funds under all “open awards.” However, the court declined to overrule the government’s interpretation that the injunction applies only to open awards “that have been partially disbursed.”
- *State of New York v. Trump*: The court issued a preliminary injunction that prohibits the government from pausing, blocking, canceling, suspending or otherwise impeding disbursement of funds under awarded grants and executed contracts/financial obligations that are in effect in the states that brought the suit (CA, IL, RI, NJ, MA, AZ, CO, CN, DE, DC, HI, KY, ME, MD, MI, MN, NE, NM, NC, OR, VT, WA, and WI). The government appealed the preliminary injunction.
- *Shapiro v. Dept. of Interior*: The State of Pennsylvania brought this suit alleging that the funding freeze violates the Administrative Procedures Act (APA) and is unconstitutional. To date, the court has not ruled in this case.

NIH 15% F&A Payment Cap: Three cases were brought in the federal District Court of Massachusetts alleging that cap violates the APA and/or exceeds NIH statutory authority and is unconstitutional: *Commonwealth of Massachusetts v. NIH*, *Association of American Universities v. DHHS*, and *Association of American Medical Colleges v. NIH*. The cases were combined for argument, and on March 5, 2025, the court granted a preliminary injunction that prohibits the government from “taking any steps to implement, apply, or enforce the Supplemental Guidance to

the 2024 NIH Grants Policy Statement: Indirect costs Rates (NOT-OD-25-068) in any form with respect to institutions nationwide.” The government has 60 days to appeal the injunction.

Foreign Aid: In *Global Health Council v. OMB* and its companion case *AIDS Vaccine Advocacy Coalition v. U.S. Dept. of State*, the court partially granted the plaintiffs’ motion for a preliminary injunction. The court enjoined the defendants from “unlawfully impounding congressionally appropriated foreign aid funds” and making available “for obligation the full amount of funds that Congress appropriated for foreign assistance programs in the Further Consolidated Appropriations Act of 2024.” The court, however, **did not** enjoin the government from reviewing contracts and terminating them in accordance with their terms and conditions.

This case is also notable because the plaintiffs asked the court to hold the government in contempt for not adhering to the terms of the temporary restraining order (TRO) that was in place prior to the preliminary injunction. Although it did not hold the government in contempt, the court granted a motion to enforce the TRO. It also established a baseline expectation that the government should process foreign assistance funding payments in connection with grants, cooperative agreements, loans, and other awards in existence of January 19, 2025, at the rate of 300 payments per day. On March 17, 2025, the court ordered the government to submit a status report on the total number of payments for work completed prior to February 13, 2025, that were processed for payment since March 10 for plaintiffs and non-plaintiffs, along with the number that remain to be processed.

Institutions should note that at the TRO stage, the government asked the U.S. Supreme Court to vacate the TRO and impose an administrative stay. The Supreme Court initially granted the stay and overruled the District Court’s order that the Trump administration release the foreign aid funding. Later, the Supreme Court vacated this stay and instructed the district court to clarify the government’s obligations. Four Supreme Court justices dissented from this second order and arguments raised in that dissent may pose problems for the plaintiffs when the case is considered on its merits.

Current and former USAID employees and contractors brought a separate suit – *J. Does v. Elon Musk and DOGE* – seeking to enjoin Elon Musk and DOGE from performing “significant and wide-ranging” duties because Musk was not properly appointed to his position under the U.S. Constitution’s appointments clause requiring Senate confirmation for certain appointments. On March 18, the District Court for the District of Maryland granted a preliminary injunction prohibiting Musk, DOGE, and individuals designated as DOGE Team Leads or Team Members who are performing activities related to USAID from engaging in any action relating to the shutdown of USAID. Such actions include placing employees on leave, implementing RIFs, and terminating contracts or grants.

Prohibition on Provision of Gender-Affirming Care to Minors: The District Court in *State of Washington v. Trump* partially granted the plaintiffs’ motion for a preliminary injunction and prohibited the government from conditioning or withhold federal funding based on the fact that a health care entity/professional provides gender-affirming care. The preliminary injunction applies

within the states that brought the case (i.e., WA, MN, OR, and CO). The plaintiffs later filed a Motion for Contempt, alleging that the government was not following the preliminary injunction. The court has not entered a decision on this motion and declined to hear it on an expedited basis.

Termination of Grant/Contracts: In addition to the foregoing cases, institutions that have had grants or contracts terminated for convenience by the government may want to review the [memorandum opinion](#) issued by the D.C. District Court in the case of *Climate United Fund v. Citibank, NA* and its companion cases *Coalition for Green Capital v. Citibank* and *Power Forward Communities, Inc. v. Citibank*. In this case, plaintiffs received grant funds under the Greenhouse Gas Reduction Fund (GGRF). Plaintiffs found they could no longer draw on grant funds because EPA had instructed Citibank not to process further payment. However, EPA did not inform plaintiffs why they could no longer withdraw funds.

The plaintiffs filed suit and a day before the scheduled hearing on the TRO, EPA sent plaintiffs grant termination letters stating that it was terminating the grants “based on substantial concerns regarding program integrity, the award process, programmatic fraud, waste, and abuse, and misalignment with the Agency’s priorities, which collectively undermine the fundamental goals and statutory objectives of the award.” The court acknowledged that the government could unilaterally terminate the grants under 2 CFR §200.340, but held that the government failed to take the necessary procedural steps under 2 CFR §200.341 (e.g., provide an opportunity to object and provide information challenging the action) prior to termination. The court also noted that although EPA made vague references to programmatic fraud, waste, and abuse, and conflicts of interest in the termination letter, it provided no factual support for this characterization. Accordingly, the court granted a TRO enjoining EPA from giving effect to the termination letters and prohibiting Citibank from moving or transferring plaintiffs’ grant funds to any parties other than the account holders.

Agency Specific Actions

Federal agencies have issued various directives and memoranda to implement the recent Executive Orders (EOs). Below is a summary of key agency actions.

- **Agency Notices:** [COGR's 2025 Administration Transition Information & Resources](#) includes a consolidated list of agency directives and memoranda issued in response to the EOs. Agencies that have released notices include the Department of Energy (DOE), Department of Health and Human Services (DHHS), National Aeronautics and Space Administration (NASA), Department of Labor (DOL), Department of Education (ED), United States Agency for International Development (USAID), National Science Foundation (NSF), General Services Administration (GSA), Department of Justice (DOJ), Centers for Disease Control and Prevention (CDC), and others. In some cases, members report receiving specific action notices for specific awards related to foreign aid or DEI. As agencies continue to issue guidance, we encourage members to share relevant communications with COGR at memberservices@coqr.edu.

- Communication with Agency Officials: Federal agencies continue to undergo changes, but communication has shown signs of improvement. While study sections have been rescheduled and reports indicate their meetings have resumed, the timing of advisory council meetings remains uncertain, although we are hearing they will be scheduled soon. Broader engagement on policy matters has yet to return to previous levels. Members have observed greater responsiveness from federal officials, with most interactions taking place through helpdesks, program officers, and grants management staff for project-specific inquiries.
- DEI Certifications and Terms: In the [February 2025 Update](#), COGR reported that several agencies, particularly the Department of State, requested institutions to certify compliance with DEI requirements. Some of these certifications are notably broad, seemingly extending beyond the scope of individual projects, which raises concern. Adding to the uncertainty, there remains no clear definition of DEI from the administration or the agencies.

Some members have reported receiving keyword lists from program officers when evaluating proposals in accordance with executive orders (EOs). However, there is no official list or defined terms from the administration or agencies related to the EOs. Notably, the National Science Foundation (NSF) addressed this in a new FAQ, stating:

Question: Is there a list of keywords I should avoid in my proposal to make it compliant with the executive orders?

Answer: NSF does not recommend using a keyword-based approach. Instead, focus on the substance of your proposal."

Additionally, members report receiving a new NASA term related to DEI.

On January 23, 2025, NASA's Office of Procurement (OP) released a memorandum for the NASA contractor and grant community regarding Executive Order "Initial Recission of Harmful Executive Orders and Actions" and the Office of Personnel Management's (OPM) memorandum "Initial Guidance Regarding DEIA Executive Orders."

On January 30, 2025, NASA's Office of Procurement (OP) released a memorandum for the NASA contractor and grant community regarding the Executive Order "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government" and the Office of Personnel Management's (OPM) memorandum "Initial Guidance Regarding President Trump's Executive Order Defending Women."

Per OP's memos, NASA grant and cooperative agreement recipients shall immediately cease and desist all DEIA activities in connection to their NASA grants and cooperative agreements. This work may include but is not limited to: DEIA plan

requirements, training, workshops, outreach, reporting, considerations for staffing, or any other direct or indirect grant activity related to DEIA. Recipients shall immediately cease and desist activities required for their award that promote or reflect gender ideology as defined in Section 2(f) of Defending Women required for their award. Recipients shall notify their cognizant Grant Officer if they identify requirements within their awards that are in violation of this guidance.

Institutions are carefully evaluating how to proceed, particularly as the nationwide preliminary injunction from *National Association of Diversity Officers in Higher Ed. v. Trump* is no longer in effect and DEI remains undefined.

COGR will continue to monitor these developments closely and is in the process of preparing a guidance document to help institutions navigate the complexities surrounding executive orders and agency actions.

- Stop Work Orders/Terminations: COGR has received multiple reports of agency actions affecting research and education projects involving DEI activities and foreign aid. Agencies, including the Department of State, USAID, United States Department of Agriculture (USDA), NIH, ED, NASA, and the Air Force Research Laboratory (AFRL), have issued stop-work orders and terminations. Institutions report a few instances of stop-work orders being lifted (whether by the agency or through an appeal request).

While these actions appear to be widespread across many federal agencies, NSF projects do not appear to be significantly impacted at this time.

Additionally, some members have received termination notices citing language that appears to reference 200.340(a)(2), in that the award “no longer effectuates agency priorities. This has been specifically noted in termination notices from agencies like NIH.

In response, members are actively evaluating their options, with some pursuing appeals. Members have also reported that DOD MINERVA program award terminations have provided only 30 days for close-out, despite terms and conditions in those awards allowing for 120 days. In at least one case the notice provided only 30 days from the date a stop work order was sent, even though the official termination notice was not sent until several days later. The institution was eventually given 30 days from the official termination notice to complete all close-out activities.

COGR will continue to closely monitor these developments and is in the process of developing a guidance document to support institutions in navigating institutional considerations due to implications of executive orders and agency actions.

- NSF Implementation of Recent Executive Orders: NSF maintains a [webpage](#) devoted to addressing several topics, including frequently asked questions.

COGR continues to monitor agency responses to the EOs and broader administration directives. However, federal agency RIFs and restrictions on communications and actions have delayed the flow of information and impacted our ability to provide timely updates.

Member input remains critical to COGR's advocacy efforts. We encourage institutions to report agency communications regarding policy changes, stop-work orders, terminations, and other relevant actions by contacting memberservices@cogr.edu.

Information on Emergency Request Received by Institutions - Outreach to Implementing Partners

On February 24, 2025, the Department of State's Office of Foreign Assistance [submitted](#) an emergency information collection request under the National Emergencies Act to the Office of Management and Budget (OMB). This request was issued in response to Executive Order (EO) 14169: Reevaluating and Realigning United States Foreign Aid and EO 14157, which declared a national emergency at the southern border related to cartel activity. The Office of Information and Regulatory Affairs (OIRA) approved the [request](#) on February 25, 2025, for immediate implementation by the Department of State.

COGR members have reported receiving [multiple survey requests](#) from the Department of State, USDA, USAID, and CDC—often with extremely short turnaround times, in some cases as little as 1-2 days. In several instances involving the CDC, surveys were requested for projects with no foreign aid involvement. However, the CDC provided clarification a response is required from CDC partners that perform work outside of the United States and its territories, not from partners who only perform work domestically.

While a few member institutions have received deadline extensions, others have had their requests denied. In some instances, surveys were sent directly to faculty members.

Institutions are working with the appropriate university officials (General Counsel, Risk Management, and others) to complete the form. Due to character limits on survey responses, institutions are submitting concise replies aligned with their policies. Some institutions have reported receiving agency instructions stating that the survey is optional or voluntary, as in the case of the USDA and USAID. In such instances, universities are consulting with their officials to determine whether to respond, with some choosing not to participate.

COGR informed members about the survey on March 7, 2025, highlighting the following key concerns:

- Unprecedented Fast-Tracking: The survey was implemented outside of the usual information collection approval process, facilitated under emergency declarations tied to border security and cartel-related emergencies.

- **Scope of the Survey:** The form establishes a point system based on responses and includes questions about:
 - Institutional overhead costs for specific projects,
 - Whether the organization has received funding from the People’s Republic of China (PRC), and
 - Institutional policies on risk management, immigration, DEI, and financial oversight.
- **Lack of Clarity on Compliance Requirements:** The survey's connection to ongoing litigation and policy shifts remains unclear, raising concerns about its alignment with legal and regulatory frameworks.

COGR contacted the Department of State and the CDC to convey member concerns and seek clarification. The response indicated that the survey request is tied to Executive Order 14169, issued under guidelines from the Secretary of State in consultation with the Director of OMB, to advance the next phase of the Administration’s Foreign Assistance Review. Agencies have been directed to collect relevant information and make program determinations across the government's foreign assistance programs. Regarding the deadlines for the information collection request, the Department of State noted the deadlines are fixed by OMB.

It remains unclear whether additional agencies beyond State, USDA, USAID, and CDC will be involved in the survey process. COGR continues to monitor the situation closely and provide updates as they become available.

Results from COGR’s Administration Transition Impact Survey

Between February 10 and March 11, 2025, COGR conducted a member survey to assess the impacts of the Trump Administration’s payment freeze and termination/suspension of grants and contracts carried out pursuant to the Administration’s EOs. Responders were asked to submit a single response per institution, and 81 complete responses were received. Sixty-five percent of responders were public institutions and 26% were private. Nearly 50% of responders had between \$51M-\$499M in annual federal research expenditures on the FY23 HERD Survey, while approximately one-fourth had less than \$50M and another quarter had over \$500M in expenditures. In terms of location, almost 40% of responders were located in the Northeast region of the United States, while approximately 20% each were located in the Southeast, Midwest, and Western regions. The region with the fewest responders was the Southwest at four percent.

The survey questions were grouped into the following categories: (a) financial and personnel impacts of the payment pause; (b) financial and personnel impacts of the termination of grants and contracts; and (c) financial and personnel impacts of stop work and/or suspension orders. Key results for each of these categories are detailed below. (Note: Responders answered only those questions that applied to them based on survey logic, and results are rounded to whole numbers.)

Payment Pause: Sixty-five percent of responders (N=51/79) reported that a federal agency paused, canceled, rejected, ignored, or otherwise failed to pay amounts due under a federally sponsored award, with NSF, USAID, and HHS being the top three agencies involved. Twenty-six percent of responders (N=12) reported unpaid amounts of \$1-5M during the pause, while 20% (N=9) reported unpaid amounts of \$50-250K and another 20% (N=9) reported unpaid amounts of more than \$5M.

The length of the pause ranged between 1-10 days for over 60% (N=24) of responders, and at the time of their response nearly 50% (N=21) stated that less than \$50K remained unpaid. The reason most often cited by agencies for the pause was the EOs, followed by foreign aid and Diversity Equity and Inclusion/Diversity, Equity, Inclusion, and Accessibility (DEIA)/Gender Ideology (DEI/DEIA/GI). Forty percent (N=15) of responders reported that between 1-5 principal investigators (PIs) and co-PIs were associated with the unpaid awards, and nearly 50% reported 1-5 associated students/post-docs. In terms of other staff paid directly from these awards, 33% (N=10) reported 1-5 associated employees and another third reported over 50 associated employees. Nearly 75% (N=29) of responders reported using institutional funds to support the research activities during the pause and over 81% (N=35) did not file a formal objection with the agency.

Termination of Grants/Contracts: Nearly 70% of responders (N=54/78) reported that they **DID NOT** have any research contracts or awards terminated for convenience as of the date of their response. Accordingly, only a small number of institutions supplied data regarding contract/award terminations. USAID and HHS terminated the most contract, while the Department of Education and USAID terminated the most grants. Eighty-three percent (N=10) of responders reported that between 1-5 contracts were terminated, and 50% (N=5) reported that there was a balance of less than \$50K remaining on the terminated contracts. The majority of agencies terminating contracts either did not specify a reason for the termination or cited the EOs generally. Almost 90% of responders (N=8) did not use institutional funds to continue the research supported by the terminated contracts, and only one institution filed a formal objection to the termination. In terms of personnel impacts, over 90% (N=10) of responders reported that there were one to five PIs/co-PIs associated with the terminated contracts. Three institutions reported impacts on students/post-docs, with two reporting 1-5 associated students/post-docs and one reporting over 50.

On the grants front, 93% (N=13) of responders reported that between one and five grants were terminated for convenience with nearly 50% (N=6) reporting a remaining total balance of \$1M to \$5M owed on these grants. Equal numbers of responders reported that the reason for cited for cancellation were EOs generally, DEI/DEIA/GI, and foreign aid. Sixty percent (N=6) of responders did not use institutional funds to continue the research supported by the terminated grants and only two institutions filed formal objections to the terminations. Nearly half of responding institutions (N=6) stating that the remaining balance on the grants were between \$1M and \$5M and over 90% (N=10) reported that 1-5 PIs/co-PIs were associated with the terminated grants. Similarly, the majority of institutions (N=5) reported 1-5 associated students/post-docs and the same number of associated other employees.

Suspension or Stop Work Orders: Fifty-five percent (N=43/78) of responders received a stop work or suspension order on a grant, contract, or both with USAID being the agency responsible for the

most terminations of both contracts and grants. Nine institutions reported stop work orders for between 1-5 contracts and 14 reported suspensions of grants. Generally, the remaining balance was lower on terminated contracts than grants, with 40% (N=4) reporting a remaining contract balance of \$50K-250K, and 44% (N=11) reporting a remaining grant balance of more than \$5M. For both contracts and grants, the majority of responders did not use institutional funds to support the research activities under the impacted grants/contracts, nor did they file formal objections to the stop work/suspension orders.

For grants, approximately 50% of responders stated there were 1-5 PI/Co-PIs associated with the suspended grants (N=14) and 1-5 associated students and post-docs (N=9). However, an almost equal number of institutions reported 1-5 (N=7) and over 50 (N=6) associated staff employees paid directly from impacted grants. For contracts, the majority of responders reported between 1-5 associated PIs/Co-PIs (N=10), students/post-docs (N=5), and direct paid staff employees (N=5).

Slides with tables further detailing survey results can be found on [COGR's website here](#). COGR thanks all the institutions who participated in this survey and will continue to explore methods for obtaining data on the on-going impacts of the Trump Administration's terminations of grants and contracts.

Science & Security: Cross-Cutting Issues

DETERRENT Act (UPDATE)

The Defending Education Transparency and Ending Rogue Regimes Engaging in Nefarious Transactions Act (DETERRENT Act [H.R. 1048](#)) was reintroduced in the 119th Congress and subsequently passed the House Education and Workforce Committee with bipartisan support on February 12, 2025. Due to concerns about the legislation ([H.R. 5933](#)) in the last Congress, COGR provided the membership with a bill summary in the [December 2023 COGR Update](#).

Applying to institutions of higher education (IHEs) receiving \$50M or more in federal funding, the bill amends the Higher Education Act by lowering the Section 117 reporting threshold for foreign gifts and contracts to \$50,000, with a zero threshold for countries or entities of concern. With few exceptions, the legislation prohibits IHEs from entering into contracts with foreign countries or entities of concern unless a waiver is first obtained from the Department of Education.

The Act would also require IHEs to develop policies requiring faculty and staff to report any foreign gifts valued over the minimal value as defined in 5 USC 7342 (currently \$480) and contracts valued over \$5,000 and to disclose such information on a public database maintained by the employee's university. The proposed legislation also prescribes fines for non-compliance.

ACE, AAU, APLU, and other higher education associations expressed concerns about the legislation in [a letter](#) to the Chair and Ranking Member of the Committee on Education and Workforce.

COGR will continue to monitor the progression of this legislation and provide the membership with any updates.

FAR Controlled Unclassified Information Amendment (UPDATE)

In January, the DOD, GSA, and NASA issued a [Notice of Proposed Rulemaking](#) (NPRM) to amend the Federal Acquisition Regulation (FAR) to implement the National Archives and Records Administration's (NARA) requirements for the collection, handling, and storage of controlled unclassified information (CUI) by federal contractors during contract performance. COGR submitted [comments](#) jointly with EDUCAUSE, AAU, and APLU.

The NPRM seeks to establish consistency and interoperability of CUI practices across federal agencies by clarifying and updating guidelines and procedures. The proposed rule had several encouraging aspects:

- The joint response underscores the associations' support of the NPRM's use of NIST SP 800-171 Revision 2 (800-171 Rev 2) as the cybersecurity standard for CUI. The use of 800-171 Rev 2 aligns with the DFARS requirements for the [Cybersecurity Maturity Model Certification](#) (CMMC) program, which, in turn, provides a streamlined, structured framework to ease the compliance burden for institutions that contract with defense and non-defense agencies.
- The introduction of a special form (SF-XXX) is also a positive development for the CUI program. We expressed appreciation for the proposed standardized mechanism that clearly defines the relevant CUI categories within contracts, specifies the necessary security measures to protect CUI based on the nature of the work, and establishes clear procedures for reporting CUI-related incidents. We also applauded the requirement contained in 4.403-04 that "(t)he requiring activity will identify any CUI in..." SF-XXX "...which must be incorporated in the contract" in our response.
- The NPRM excludes fundamental research, as defined by the National Security Decision Directive 189, from the CUI safeguarding requirements.
- The acknowledgment in the NPRM that unmarked or mismarked CUI does not constitute a CUI incident and does not require reporting unless it was mishandled or inappropriately disseminated.

However, the jointly submitted comments did raise several areas of concern:

- The NPRM mandates that contractors safeguard information they believe may be CUI, even if SF-XXX indicates that no CUI will be handled under the contractor or if the information is improperly marked. This creates an undue burden and unfairly transfers the liability of "leaked" sensitive information to the contractor.
- The proposed eight (8) hour timeline for reporting discovered or suspected unmarked or mismarked CUI to the governmental contracting officer places an undue burden on the contractor and may lead to over-reporting out of an abundance of caution.
- Under the proposed rule, patent applications and "other patent-related" CUI would be subject to the same security requirements and review process for patent applications containing classified subject matter. Delays imposed by the review process could result in

the loss of statutory rights in the U.S. and other jurisdictions with a “first-to-file” patent system.

- Although SF-XXX establishes a baseline of training for contractor employees "accessing or generating CUI," the associations suggested further guidance is necessary. SF-XXX permits agencies to mandate additional training on a contract-specific basis. Given the variety of researcher and staff activities and the requirements for handling unmarked or mismarked CUI, there is a risk that the scope of employees needing training could unintentionally broaden beyond what is intended or necessary.

As noted in the [COGR February Updated](#), the proposed rule amends and introduces several new FAR clauses:

- [FAR 52.204-21](#): Updated to establish a baseline for safeguarding CUI and aligns with the broader scope of the proposed rule.
- [FAR 52.204-WW](#): Informs contractors about their CUI obligations and reporting responsibilities at the time of solicitation, including the requirement to notify the governmental contracting officer (GCO) within 8 hours of discovering any unmarked, improperly marked, or unidentified CUI and the safeguarding of such until further guidance can be provided.
- [FAR 52.204-XX](#): Establishes the comprehensive requirements for identifying and safeguarding CUI, reporting incidents, and preserving data. It also specifies that contractors are only responsible for protecting CUI identified in the CUI Standard Form (see below), except unmarked or mismarked CUI, which must be safeguarded until the GCO clarifies.
- [FAR 52.204-YY](#): Assigns to the contractor the responsibility for identifying and reporting potential CUI and safeguarding it until the GCO. Contractors must report any suspected CUI incident to the GCO within 8 hours of a suspected incident and safeguard such information until the GCO determines whether such information is CUI. Additionally, contractors must appropriately label their own proprietary information when submitting it to the government. The government will decide if such information qualifies as CUI or warrants other protection mechanisms.
- [FAR 53.204-2](#): Introduces Standard Form (SF) XXX, Controlled Unclassified Information Requirements (the CUI Standard Form). The form identifies the categories of CUI a contractor (or subcontractor) may handle during performance, requirements for handling, safeguarding, disseminating, decontrolling, and marking of CUI, and the compliance obligations for reporting CUI incidents. The CUI Standard Form will be included in solicitations and contracts to establish clear requirements from the outset.

SECURE Analytics Report Announcement (NEW)

[NSF SECURE Analytics](#) recently announced that it will publish a quarterly advisory report and two semi-annual reports. The quarterly reports will be 5 to 10 pages long and focus on security topics of interest to the research community. The first advisory, which will examine the new Chinese Science and Technology Infrastructure, will be released in April.

The first of the more in-depth semi-annual reports, scheduled for publication in early summer, will address how to think about risk in the academic environment.

As part of the NSF-funded Safeguarding the Entire Community of the U.S. Research Ecosystem (SECURE) Program, SECURE Analytics provides tools that support the analytic needs of the SECURE Center and the research security community as a whole.

Research Security & Intellectual Property (RSIP)

Select Committee activities related to the 2025 Administration Transition and Science & Security are reported above under the Cross-Cutting Issues section of the COGR Update. Other items followed by RSIP are covered below.

Assistant Secretary for Nuclear Energy Issues Policy Guidance on Commercialization (NEW)

On December 6, 2024, the U.S. Department of Energy (DOE) Office of Nuclear Energy (NE) issued a policy guidance to DOE National Laboratories regarding the commercialization of NE-funded technologies ([Policy Guidance](#)).

Specifically, NE requests that contractors who manage National Laboratories for DOE (National Lab Contractors) either:

- (i) Dedicate NE-funded technologies to the public as “open technology” through publication or other similar mechanisms to the extent allowed by applicable statutes, regulations, and policies; or
- (ii) Grant non-exclusive licenses to third-party licensees.

The Policy Guidance does not state whether a non-exclusive license granted to a third-party licensee must be royalty-free or without other financial considerations.

According to the Policy Guidance, if the National Lab Contractor determines that an exclusive license is the best method for the wide dissemination of the NE-funded technology, NE requests that the National Lab Contractor consult with them “on the policy implications” of such a licensing arrangement.

NE’s stated goal for the policy guidance is to ensure the “rapid deployment and broad dissemination of its funded technologies, including fuel technology developments to encourage expansion of domestic capacity in the front end of the nuclear fuel cycle.” Despite the evidence to the contrary that led to the implementation of the [Bayh-Dole Act](#) forty-five years ago, NE argues that exclusive licenses are generally counterproductive in achieving “rapid deployment and broad dissemination.” Instead, NE relies on the Office of Science and Technology (OSTP) Memorandum “Ensuring Free, Immediate and Equitable Access to Federally Funded Research” ([Public Access Memo](#)) to justify the implementation of this Policy Guidance.

Published on August 22, 2023, the Public Access Memo guided federal agencies to update their public access policies by December 31, 2025. Building upon a 2013 memo, OSTP recommended: (i) publications and their supporting data describing federally funded research outcomes should be publicly accessible without an embargo (the OSTP 2013 memorandum allowed for a 12-month delay in public access); (ii) that procedures should provide for transparency to ensure scientific and research integrity is maintained in public access policies; and (iii) that agencies coordinate with OSTP to ensure equitable access of federally funded research results and data.

Neither the Public Access Memo nor its predecessor specifically include patents or patent applications resulting from federally funded research. The memo is about publications and related data rather than other types of intellectual property. Existing IP laws and regulations, such as the Bayh-Dole Act, govern patent-related matters. It is perplexing that NE used the Public Access Memo as justification to override these considerations.

The RSIP committee will continue to monitor the implementation of these guidelines and provide the membership with any updates.

NSF Intellectual Property Options (UPDATE)

As reported in the [February COGR Update](#), the National Science Foundation (NSF) issued a [Request for Comments on Proposed Intellectual Property Options](#) (RFC). The request sought public comments on a set of proposed options for the disposition of intellectual property resulting from NSF-funded research in cases where NSF collaborated with industry to co-fund the research. Specifically, NSF sought public input on three proposed IP options that would be applied to NSF awards where NSF and the industry co-sponsor(s) had an explicit agreement to co-fund the award before the grant was issued. The university awardee would be bound by the elected option with the industry co-sponsor upon award acceptance.

This framework's stated purpose was to facilitate the negotiations of IP access between universities and industry in the limited set of NSF programs in which industry co-sponsors the research project. According to the RFC, the proposed IP options were developed after receiving feedback at the [2023 NSF-Industry Partnership Summit](#) and subsequent listening sessions to address the need to facilitate the negotiation of intellectual property access terms between industry and academia. In the panelist discussion section of the workshop report, however, the summary states "that IP management has not been a significant barrier..." but rather "...the research areas pursued."

COGR submitted [comments](#) on February 21, 2025 encouraging NSF to include all stakeholders in discussions as it continues to explore opportunities to facilitate university-industry collaborations through its funding programs. Academic technology transfer professionals can help create solution-oriented approaches that facilitate the licensing of IP while also addressing the concerns raised in COGR's response.

The response also noted that while the proposed IP framework would provide a level of certainty for industry co-sponsors interested in having access to intellectual property, it would also reduce a

university's flexibility in making sound licensing decisions and being good stewards of intellectual property resulting from federally funded research, as mandated by the Bayh-Dole Act.

Throughout the response, COGR suggested that NSF consider publishing a core set of licensing principles, such as the [Nine Points to Consider in Licensing University Technology](#) or the [UIDP Contract Accords](#), instead of the proposed prescribed set of IP options to facilitate negotiations for IP rights between the industry co-sponsor and a university. As noted in the response, core principles would inform the parties and better shape the licensing arrangements without impeding their ability to develop flexible terms that could encourage, not hamper, participation in NSF partnership programs.

The COGR response raised several additional areas of concern:

- NSF did not consider current sponsored contracting practices, particularly those between industry and academia, in developing the IP option framework. The RFC remained silent regarding the allocation of patent expenses that a university would likely incur during the 12-month right of first negotiation (RFON) and subsequent 6-month negotiation periods. These potentially unrecouped costs represent a significant financial risk for a TTO. Our response also recommended that NSF consider using field of use and jurisdiction restrictions. Although exclusive licenses are sometimes necessary and appropriate, the proposed framework must incorporate a balanced approach that considers the potential impact of broad exclusive rights on future research and commercialization efforts.
- NSF anticipated the participation of multiple industry co-sponsors in the RFC; however, the agency did not address the likelihood that (i) more than one industry co-sponsor may exercise its RFON or (ii) an industry co-sponsor may be a joint owner in the IP. COGR requested that NSF provide clarification on these matters.
- COGR requested clarification from NSF on the funding required by an industry co-sponsor to be granted an RFON and, if such funding is in the form of an in-kind contribution, who determines the fair market value of such contribution.
- The RFC defines the IP subject to the framework as all IP that "directly results from activities funded by NSF," including software and other copyrightable works. Depending on which IP option is granted, the industry co-sponsor will have an RFON to negotiate for an exclusive commercial license. Yet, the RFC also states that "...NSF terms and conditions require the subsequent prompt publication of all research outputs – including results, data, and software..." The right to negotiate an exclusive license for software contradicts the publication of all research output requirements.

The three IP proposed options contained in the RFC were:

Research License with Commercial Option. This option would provide a non-exclusive, royalty-free license for research purposes only to all industry co-sponsors (R&D License) for a period of 18 months. During the term of the R&D License, any industry co-sponsor had 12 months to exercise the right of first negotiation (RFON) for the exclusive commercial license. The university and co-

sponsor would have up to six months to negotiate the exclusive commercial license. If no exclusive license were agreed upon, all industry co-sponsors would be granted a perpetual, non-exclusive, royalty-free research license.

Convertible Commercial License. This second option would entitle all industry co-sponsors to a non-exclusive, royalty-free license for research and commercial purposes for up to 18 months from the disclosure date. The RFON for the co-sponsor and the timeframes for the parties to negotiate are the same as those described in the option above. And, again, if an exclusive license is secured during the negotiation period, the rights of the other “partners” convert to a perpetual, non-exclusive, royalty-free research license.

Research-Only License. This third option would grant all industry co-sponsors a non-exclusive royalty-free license to Project IP for research purposes only.

NIH Technology Transfer Developments (ONGOING)

HHS OIG Exclusive License Compliance and Royalty Review. In February 2025, the HHS Office of Inspector General announced an [audit of NIH’s compliance](#) with exclusive licensing agreements and royalty payments. The work plan will determine if NIH has: (i) monitored compliance with the terms and conditions of its exclusive licenses, and (ii) collected and administered royalty payments in accordance with federal requirements.

The Office of Audit Services expects to issue its findings sometime in the fiscal year 2026. COGR will share the audit report becomes available.

NIH Pauses Licensing Negotiations and Patenting. [STAT+ reported](#) that, on January 29, 2025, NIH’s acting director sent an internal communication to senior agency officials instructing them to pause the negotiations for any licensing rights and not to seek statutory protection on IP during the pause. COGR has been told that the pause is no longer in effect. RSIP will continue monitoring and report on any additional status changes.

NOT-OD-25-062 IRP Access Planning Policy. As noted in the [February COGR Update](#), potential licensees must provide NIH with an access plan that addresses strategies to “promote patient access across criteria of affordability, availability, acceptability, and sustainability apply to any license applications submitted to NIH on or after June 1, 2025.

SBIR and STTR Reauthorization (NEW)

The Investing in [National Next-Generation Opportunities for Venture Acceleration and Technological Excellence \(INNOVATE\) Act](#) was recently introduced in the 119th Congress to reauthorize the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs through 2028. In 2022, the SBIR and STTR Extension Act reauthorized these programs through September 2025, introducing reforms such as foreign ties vetting requirements and performance standards for awardees.

The RSIP Committee is reviewing the legislation and will provide comments to our partner associations in support of their joint letter to Congress. COGR members are welcome to contact us with any comments regarding the INNOVATE Act.

Costing and Financial Compliance (CFC)

Select Committee activities related to the 2025 Administration Transition are reported above under the Cross Cutting Issues section of the COGR Update. Other items followed by CFC are covered below.

U.S. Department of Health and Human Services (HHS) Payment Management System (PMS) Draw Requirement (NEW)

On February 14, 2025, HHS grant recipients received an email from PMS with the subject line, "UPDATE: HHS Payment Management System New Mandatory Field". The email states:

In order to implement [Executive Order 14222 — Implementing the President's "Department of Government Efficiency" Cost Efficiency](#) — PMS is introducing a new mandatory field in the payment request screen at the subaccount level on March 17, 2025. This field, limited to 1,000 characters, will capture a justification from the Grant Recipient explaining the purpose of the payment.

It goes on to say, "Justifications can be brief or more detailed" and to provide two examples:

- "Purchase of anti-retroviral drugs for HIV/AIDS clinics in Uganda."
- "Reimbursement of payroll and supply expenses for a Head Start preschool program."

This PMS change implementing [EO 14222](#), issued February 26, 2025, addresses the following requirement of the EO:

Sec. 3. Cutting Costs to Save Taxpayers Money. (a) Contract and Grant Justification. Each Agency Head shall, with assistance as requested from the agency's DOGE Team Lead, build a centralized technological system within the agency to seamlessly record every payment issued by the agency pursuant to each of the agency's covered contracts and grants, along with a brief, written justification for each payment submitted by the agency employee who approved the payment. This system shall include a mechanism for the Agency Head to pause and rapidly review any payment for which the approving employee has not submitted a brief, written justification within the technological system.

- (i) *Once the system described in subsection (a) of this section is in place, the Agency Head shall issue guidance, in consultation with the agency's DOGE Team Lead, to require that the relevant agency employee promptly submit a brief, written justification prior to that employee's approval of a payment under covered contracts and grants, subject to any exceptions the Agency Head deems appropriate.*

(ii) To the maximum extent permitted by law, and to the maximum extent deemed practicable by the Agency Head, the payment justifications described in subsection (a)(i) of this section shall be posted publicly.

NASA followed-up with an email on March 17, 2025, stating:

For your awareness, NASA Grants Policy and Compliance (GPC) has been made aware of this new requirement and is working with PMS and the Office of the Chief Financial Officer (OCFO) to understand the new process and develop new guidance. The NSSC finance team continues to serve as liaison between recipients and HHS regarding payments. ...

Further guidance will be provided once finalized. Thank you.

NASA funding is, however, drawn through PMS so the new required field must be completed to submit a draw request.

USAID has distributed a “process updates” document that recommends including in each justification the period of performance covered by the draw. CFC notes some risks with this approach as expenses incurred prior to that period may have hit accounts since the last draw. Language such as, “incurred through this date” and/or “posted since the last draw” may be suitable alternative language.

NSF added to the FAQs posted on its [Implementation of Recent Executive Orders](#) webpage:

Should we start including a written justification for each payment request per the recent executive order on improving cost efficiencies?

Please do not change your payment submission process unless we provide guidance to all ACM\$ users through our normal channels.

NSF and other sponsors that do not use PMS are expected to require the justification at a later date.

The CFC Committee is discussing various approaches to fulfilling the new requirement as efficiently as possible and has heard of successful draws using a standard justification for each grant/subaccount line. For sponsors requiring the justification, if members choose to use standard language, they should consider something that will always be accurate, for example, "Reimbursement of allowable payroll, supplies, and/or other project costs budgeted and approved by the funding agency" or "Reimbursement of allowable and allocable expenses of conducting work funded by the agency." If practical, it is advisable to include the specific grant number (e.g. ...expense of conducting work funded by grant xxxx).

The Status History screen for the successful draws does not indicate a place has been added for “the relevant agency employee” to “promptly submit a brief, written justification prior to that employee’s approval of a payment.”

Adding to the unnecessary burden of this requirement, the PMS upload feature does not yet include the new, required field. Various PMS help desk responses to questions about addition of the field range from “soon” or “by the end of the month” to “we have not been provided a timeline.”

The EO requires the justifications to be “posted publicly”, so providing the same justification for each grant may come with some risk. But, as the sponsor has the grant budget, the standard certifications, the progress report, the Single audit report, the SF 425, the draw certification, and possibly more, this new, inefficient, requirement obviously adds no value and providing anything other than a standard response is likely impractical.

The Paperwork Reduction Act (PRA) generally requires that OMB’s Office of Information and Regulatory Affairs (OIRA) approve the mandatory or voluntary collection of information from 10 or more persons by means of identical questions, reporting, recordkeeping, or disclosure requirements. There is a solid argument that the new payment justification field should have undergone OIRA approval, which requires notice and comment in the Federal Register. The government would likely contend that the collection at question falls outside the PRA’s scope because the information is for a “voluntary commercial transaction, like payment and delivery details” or because the statement requested does not meet PRA’s definition of “information,” which excludes “facts or opinions obtained or solicited through nonstandardized follow-up questions designed to clarify responses to approved collections of information.” [5 CFR 1320.3(h)]. Although any such characterization by the government may ultimately prove legally problematic, the general approach taken by the Trump Administration thus far has been to take an action and then wait to see if any impacted party files a lawsuit.

Threats to F&A Cost Reimbursement. NIH Grants Policy Notice (UPDATE)

The Continuing Resolution to fund the federal government through FY25, passed March 14, 2025 and subsequently signed into law, preserved language in Section 224 of the FY24 Labor-Health and Human Services-Education bill:

Section 224 of [Public Law \(PL\) 118-47](#) as carried forward by [PL 118-158](#):

In making Federal financial assistance, the provisions relating to indirect costs in part 75 of title 45, Code of Federal Regulations, including with respect to the approval of deviations from negotiated rates, shall continue to apply to the National Institutes of Health to the same extent and in the same manner as such provisions were applied in the third quarter of fiscal year 2017. None of the funds appropriated in this or prior Acts or otherwise made available to the Department of Health and Human Services or to any department or agency may be used to develop or implement a modified approach to such provisions, or to intentionally or substantially expand the fiscal effect of the approval of such deviations from negotiated rates beyond the proportional effect of such approvals in such quarter.

The existence of this language, protecting NIH indirect cost rates from new caps, was included in the

legal arguments that resulted in a preliminary injunction prohibiting the government from implementing [NOT-OD-25-068, "Supplemental Guidance to the 2024 NIH Grants Policy Statement: Indirect Cost Rates](#) ("Notice"). This Notice, issued without any forewarning to or consultation with the recipient community, stated that as of February 10, 2025, the government would no longer honor negotiated indirect cost rates and instead:

For any new grant issued, and for all existing grants to IHEs retroactive to the date of issuance of this Supplemental Guidance, award recipients are subject to a 15 percent indirect cost rate."

As a reminder, the Notice conflates indirect/facilities and administrative (F&A) cost rates with the percentage of the award budgeted and charged as F&A cost:

Yet the average indirect cost rate reported by NIH has averaged between 27% and 28% over time.^[2] And many organizations are much higher—charging indirect rates of over 50% and in some cases over 60%."

"27% and 28%" represent the percentage of total funds directed toward F&A cost reimbursement while "over 50% and in some cases over 60%" are examples of F&A cost rates, which are applied to Modified Total Direct Costs (MTDC). F&A cost rates, on average across institutions, applied to MTDC result in 27-28% of the total funds used for reimbursement of F&A costs. COGR developed a new infographic, [F&A Cost Rates are NOT a Percent of the Total Award \(Graphic, February 2025\)](#), to assist in explaining how these percentages represent different portions of award funding and expenditures.

Further, the Notice calls out foundation rates of 10-15%, with no acknowledgment that they typically allow F&A cost reimbursement rates to be applied to a larger, Total Direct Cost (TDC) base. A link to additional information about typical foundation indirect cost rates and how they compare to federal rates in their application can be found on COGR's [F&A Cost Reimbursement Materials webpage](#).

While litigation is currently thwarting the NIH policy to cap F&A cost reimbursements at 15%, it is clear that threats to equitable F&A cost reimbursement remain. While some in Congress criticized the NIH policy, most members were silent and some expressed support for the policy. It is clear that many policymakers have concerns and misunderstandings about what F&A costs are and how and why they are reimbursed. Addressing and informing these is a key focus of the CFC Committee and COGR.

Many institutions continue to prepare analyses for advocacy and financial impact planning. This is difficult as many assumptions are involved, including the appropriate application base, as the Notice does not state whether the 15% rate should apply to MTDC, TDC, or perhaps even total cost. There is also fear that any limit on F&A cost reimbursement would be applied more broadly than just to NIH funding. So much uncertainty, of course, impedes progress and creates additional burden.

COGR will continue to work with our partner associations to dispel myths and combat

misinformation. Our efforts are aimed at informing policymakers and others of the activities and costs necessary to support research and the required process research institutions must follow to receive reimbursement of these F&A costs. We are also working together to assess the need for and timing of other potential actions to prepare for further attacks on F&A cost reimbursement.

COGR recommends using the [Guide to Updating Websites \(Log in Required\)](#) to assist in reviewing your institution's websites and other communications that include information about F&A costs to ensure they are up-to-date and accurately refer to F&A cost payments as reimbursements, not a source of revenue. It is also important to note that our Institutions are not fully reimbursed and are already subsidizing federally funded research.

COGR will continue to keep the membership posted on new developments.

Changes to OMB Guidance Impacting F&A Cost Rates: COGR Continues to Advocate for Practical Solutions (REMINDER)

As described in COGR's [Fifth Look: Implementation and Readiness Guide for the OMB Guidance for Federal Financial Assistance](#), threshold changes that impact F&A cost reimbursement and compliance with federal award requirements are complicated by timing issues and system constraints. Institutions face challenges with multiple dates to consider (new or amended F&A cost rate date, new sponsored project proposal date, new award date, new subaward date, etc.) and many will struggle to navigate these dates while complying with financial accounting requirements to align equipment thresholds across all entities within a system and/or state.

On January 15, 2025 the [COFFA](#) issued [Additional Implementation Information](#), "2 CFR Implementation and Flexibilities For Emergencies or Major Disasters," including section II. Flexibilities for Existing Awards Made Under the Prior Version of the Uniform Grants Guidance. This Memorandum grants two OMB class exceptions "applicable to awards applying the prior version of the Uniform Grants Guidance." One exception allows, with written agency notice or approval,

"recipients of both active and expired Federal awards, and subrecipients of both active and expired subawards, which applied the prior version of the Uniform Grants Guidance," to "instead use the revised equipment thresholds of \$10,000 provided in the 2024 Revisions."

COGR asked OMB whether the above guidance applies only to an institution's equipment threshold for financial statement purposes, or also for compliance with [2 CFR 200 Property Standards](#), or perhaps also to the MTDC base to which the institution's F&A cost reimbursement rate is applied. OMB stated that it will respond after taking time to fully assess our question and the guidance. COGR will continue to pursue clarifications that will provide adequate flexibility for institutions to compliantly increase thresholds as allowed by revisions to 2 CFR 200 that went into effect October 1, 2024. Without flexibility, implementing compliantly is impractical given the various dates to be considered and local system constraints.

As a reminder, the cognizant agencies for cost, HHS Cost Allocation Services (CAS) and DOD Office of Naval Research (ONR) Indirect Cost Branch, have stated that they do not intend to reopen executed predetermined rate agreements and only CAS has expressed openness to finalizing provisional rates or extending rates using the new thresholds.

Additional background details are provided in the [February 2025 COGR Update](#).

Accrued Leave Payouts (REMINDER)

On January 15, 2025, [COFFA](#) issued [2 CFR 200: Frequently Asked Questions](#), replacing the previous version, applicable to the previous version of 2 CFR 200. Included in these FAQs is: § 200.431 Compensation – fringe benefits.

83. Is it allowable for a recipient, using cash basis accounting with unfunded or unrecorded leave liabilities, to charge unused leave for employees that retire or are terminated?

No, this would not align with § 200.431(b)(3)(i). Charging all unused leave costs for separating employees in the same manner as it had charged the employees' salary costs (i.e., directly to the activities on which the employees were working at the time of their separation) would result in inequitable distribution of the unused leave costs, because the leave costs were accumulated over the entire period of employment while working on various programs. In addition, having the last program bear the burden of these unbudgeted costs creates an unfair distribution of costs to this program. Therefore, **any state, Local or Tribal government** using the cash basis of accounting should allocate payments for unused leave, when an employee retires or terminates employment, in the year of payment as a general administrative expense to all activities of the governmental unit or component or, with the approval of the cognizant agency for indirect costs, the costs can be included in fringe benefit rates. (emphasis added)

COGR asked OMB whether this clarification is specific to “any state, Local or Tribal government or should be considered more broadly. OMB stated that it will respond after taking time to fully assess our question and the guidance. COGR will continue to advocate for policies that allow for equitable reimbursement of costs and will update the membership with any new developments.

Additional background details are provided in the [February 2025 COGR Update](#).

Federal Offices of Inspectors General (OIG) Audit Plans and Reports (REMINDER)

COGR members are encouraged to follow the audit activity of relevant Offices of Inspectors General (OIGs) including the [HHS OIG Workplan](#), as well as completed reports posted under [All Reports and Publications](#) (select by HHS Agency). Of note is the August 2024 item added to the workplan, [Audit of NIH Other Transactions Award Recipients' Costs](#).

The NSF OIG also makes available its [Annual Audit Workplans](#) and the [NSF OIG Reports & Publications page](#) lists recently completed reports. Further, the [NSF Management Responses to External Audits](#) is a helpful resource for reviewing NSF OIG audit resolutions.

COGR is aware of the dismissal by the new administration of several inspectors general and the voluntary separation of other but anticipates OIG oversight will continue, with the possibility of an increase in outsourcing.

COGR members are welcome to contact us when audit issues arise. When appropriate, we can connect institutions and/or provide feedback on the issues in question.

Annual NSF Higher Education Research & Development (HERD) Survey (REMINDER)

The fiscal year [2023 HERD survey results](#) were released on schedule in November 2024. COGR frequently uses information from the annual HERD results in its advocacy for equitable cost reimbursement regulation, policy, and practice and included analysis of some results in the December 2024 [F&A Survey Capstone: Cost Reimbursement Rates, Actual Reimbursement, and Growing Regulatory Burden](#).

COGR will continue to use HERD survey data, its survey data, and other resources to demonstrate the continually increasing institutional share of critical financial investment in the nation's R&D.

2024 OMB Compliance Supplement is Available (REMINDER)

OMB published the [2024 Compliance Supplement](#) dated May 2024. Auditor guidelines for auditing research programs can be found in [Part 5, Clusters of Programs](#) (see Research & Development programs, pp. 5-2-1 thru 5-2-5). We welcome COGR members to contact us on audit issues that arise, including issues related to Compliance Supplement guidance.

Please contact Cindy Hope at chope@cogr.edu to discuss any of the issues above, or other Costing and Financial Compliance topics.

Contracts & Grants Administration (CGA)

Select Committee activities related to the 2025 Administration Transition and Science & Security are reported above under the Cross Cutting Issues section of the COGR Update. Other items followed by CGA are covered below.

NIH Centralizes Peer Review to Improve Efficiency and Strengthen Integrity (NEW)

On March 6, 2025, NIH [announced](#) plans to centralize the peer review process for all grant applications, cooperative agreements, and research and development contracts within its Center for Scientific Review (CSR). This initiative aims to eliminate duplicative efforts across the agency, enhance efficiency, improve the quality and consistency of reviews, and strengthen the integrity of the process.

Currently, NIH employs a dual-level review system. The first level assesses scientific merit through study sections, followed by a second evaluation for mission relevance by advisory councils for NIH Institutes and Centers (ICs). Under the new proposal, CSR will conduct all first-level reviews, effectively eliminating IC-based study sections.

The proposal is currently under external review by HHS and OMB. The announcement states the review includes providing Congress with a 15-day notification period and issuance of a Federal Register notice. It is unclear if this policy will seek public input, considering HHS recently rescinded the longstanding [Richardson Waiver](#), a policy that required public input in the rulemaking process.

COGR is preparing a response to NIH regarding this proposal. While we understand the intent to streamline the process, we remain concerned about the potential loss of IC-specific expertise that ensures appropriate reviews and alignment with IC priorities. COGR will encourage NIH to retain IC-specific reviews for complex funding mechanisms, such as program projects, cooperative agreements, training grants, and career development awards. We will continue to monitor developments and engage with NIH on this matter.

Changes to OMB Guidance Impacting Fixed-Amount Awards: COGR Continues to Advocate for Practical Solutions (ONGOING)

As previously [reported](#), COGR remains actively engaged in addressing critical issues stemming from the 2024 revisions to fixed-amount awards, as outlined in COGR's [technical corrections letter](#). The revisions significantly depart from performance-based accountability and instead create an over-emphasis on financial oversight, reporting, and administrative requirements, ultimately disincentivizing the use of fixed-amount instruments. The certification requirement in 200.201(b)(4), which previously addressed only project completion, was revised to add "and that all expenditures were incurred in accordance with 200.403." In particular, specifying that costs were "incurred" significantly handicaps reliance on performance-based standards. Additionally, in 200.201 (b)(1), the replacement of "adequate" with "accurate" cost implies a (unintended) change to

a higher standard of precision in costing is required, as described in COGR's [Fifth Look: Implementation and Readiness Guide for the OMB Guidance for Federal Financial Assistance](#).

As reported in the [February 2025 Update](#), OMB released a 2025 version of Frequently Asked Questions (FAQs) addressing 2 CFR 200. The [January 15, 2025 FAQs](#), retain three of the seven FAQs from the previous [May 3, 2021](#) version, FAQ #6, 8, and 49, reaffirming the existing understanding of fixed-amount awards concerning adequate cost determination, certification requirements, and the applicability of Cost Principles in subpart E. OMB introduced a new question (FAQ #7) to clarify that salary costs exceeding a Federal agency's salary cap are not considered mandatory cost-sharing, providing a clearer understanding when determining eligibility for fixed-amount awards or subawards.

While no formal discussions have occurred with OMB under the current administration, COGR remains committed to advocating for solutions that address the concerns raised by the research community. OMB has previously indicated willingness to collaborate with stakeholders and COGR will persist in engaging on this issue.

Transition of FSRS Subaward Reporting to SAM.gov (UPDATE)

As reported in the [February 2025 Update](#), the General Services Administration (GSA) announced plans to retire the Federal Funding Accountability and Transparency Act (FFATA) Subaward Reporting System (FSRS.gov) and transition subaward reporting to the System for Award Management (SAM.gov).

On March 8, 2025, GSA [announced](#) an accelerated timeline, officially retiring FSRS on March 6, 2025, and launching subaward reporting capabilities in SAM.gov on March 8. In its announcement, GSA advised the following actions:

- *FSRS.gov users who already have a SAM.gov account should [take action now](#) to connect their two accounts.*
- *FSRS.gov users who do not currently have a SAM.gov account should [take action now](#) to create a new account at SAM.gov.*
- *All users will need to be [granted the correct role](#) and permission in SAM.gov by their SAM.gov entity administrator before being able to access the new subaward reporting capabilities after March 8.*

COGR contacted GSA for further clarification on the accelerated timeline. GSA emphasized that IT modernization is a “priority of this Administration and GSA.” The Integrated Award Environment team successfully launched the FSRS capabilities in SAM.gov on March 8th and they have since received “thousands of reports.” GSA assured that they will continue to monitor any issues related to the transition.

For the latest information on subaward reporting in SAM.gov, including relevant updates and resources, visit the [GSA information page](#).

Additionally, if COGR members encounter challenges or have concerns they would like to report regarding the transition to SAM.gov, they are encouraged to contact Krystal Toups at ktoups@cogr.edu.

COGR Submits Multi-Association Comment Letter on NIH Plan to Increase Findability and Transparency of Research Results Through the Use of Metadata and Persistent Identifiers (PID) (NEW)

NIH issued [NOT-OD-25-050](#) seeking public input on the [NIH Plan to Increase Findability and Transparency of Research Results Through the Use of Metadata and Persistent Identifiers](#) (NIH Metadata and Persistent Identifiers Plan). This initiative aims to improve research tracking and accessibility and addressing expectations from the 2022 OSTP [Memorandum on Ensuring Free, Immediate, and Equitable Access to Federally Funded Research](#).

COGR joined a multi-association [letter](#) with APLU, AAU, and the Association of Research Libraries (ARL) offering recommendations to strengthen the reliability and connectivity of the PID infrastructure. The letter advocates for automating the transfer of publication and data output metadata from PubMed Central and other NIH-supported repositories directly to researchers' ORCID profiles. Additionally, it calls for a reevaluation of monitoring and oversight responsibilities to align with institutional practices, aiming to reduce administrative burdens on institutions and researchers while enhancing research security.

COGR Submits Comments in Response to DOE Interim Final Rule (IFR), "Update and Relocation of the Department of Energy Technology Investment Agreement Regulations"(NEW)

The Department of Energy (DOE) proposed [updates](#) to its regulations governing Other Transaction Agreements (OTAs), which provide flexible funding mechanisms for research and technology investments. The rule seeks to modernize and relocate these regulations within the Code of Federal Regulations.

On March 4, COGR submitted a response [letter](#) to DOE outlining key recommendations. We acknowledged DOE's efforts to broaden the application of Other Transaction (OT) agreements beyond Technology Investment Agreements (TIAs), recognizing their potential to advance critical federal initiatives. However, we raised concerns about the removal of specific provisions from the regulations, including flow-down requirements, cost-sharing expectations, financial and programmatic reporting requirements, and essential details in award documents, as these omissions may lead to increased administrative challenges, compliance uncertainties, and inconsistencies across agreements. Additionally, we urged DOE to reconsider the mandatory 50% cost-sharing requirement, as it poses significant barriers for research institutions, small businesses,

and nonprofit organizations, potentially limiting DOE's ability to engage a diverse range of research partners. We called for maintaining transparent, publicly accessible guidance and encouraged DOE to engage with stakeholders to balance flexibility with clear and consistent policy directives.

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

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

SAM.gov (ONGOING) As reported previously ([September 2023](#), [February 2024](#), [March 2024](#), and the presentation [Overview of System for Award Management \(SAM\) Registration Process – Challenges & Tips](#)), COGR continues to monitor community concerns and engage with GSA on the challenges members report with SAM.gov renewals/registration. We encourage COGR members to contact Krystal Toups at ktoups@cogr.edu if they are experiencing challenges or have comments or concerns to report related to SAM.gov registration.

DOE Transparency of Foreign Connections (ONGOING) As reported previously ([September 2023](#) and [June 2023](#)), COGR continues to stay engaged with DOE's Office of Research, Technology & Economic Security (RTES) regarding the Transparency of Foreign Connections requirements. DOE RTES has been working to ensure consistency across DOE components in collecting information related to these requirements, specifying that institutions of higher education should complete only the subset of questions applicable to them. Recently, COGR has sought clarification from DOE on defined terms, such as "foreign equipment," and the availability of comprehensive FAQs to assist institutions in compliance. COGR will update its members upon receiving further information from DOE.

Research Ethics & Compliance (REC)

Select Committee activities related to the 2025 Administration Transition and Science & Security are reported above under the Cross-Cutting Issues section of the COGR Update. Other items followed by REC are covered below.

Response to Request for Information (RFI) on the Development of an Artificial Intelligence Action Plan Issued by NSF on Behalf of OSTP (NEW)

COGR [responded](#) to this broad-scope [RFI](#), which sought stakeholder input on the "highest priority policy actions that should be [included] in the new Artificial Intelligence (AI) Action Plan" that is to be developed pursuant to [EO 14179 – Removing Barriers to American Leadership in Artificial Intelligence](#). The response emphasized the need for the AI Action Plan to incorporate a requirement for cross-agency consistency and harmonization of regulations and policies in this area, as well as a mandate that any regulatory requirements be tailored to address specific, identified risks.

Letter to ORI Regarding Results from COGR ARIO Survey Regarding Final PHS Research Misconduct Regulations (UPDATE)

COGR and the Association of Research Integrity Officers ([ARIO](#)) are working to finalize the letter transmitting to ORI the results from the recent COGR/ARIO Survey of research integrity officers regarding the Final Research Misconduct Rule. COGR has learned the ORI is still working on a sample research misconduct policy that it plans to post on its website soon.

NIH's Implementation of OSTP DURC/PEPP Policy (UPDATE)

On January 10, 2025, NIH issued guide notice [NOT-OD-25-061, NIH Implementation of the U.S. Government Policy for Oversight of Dual Use Research of Concern \(DURC\) and Pathogens with Enhanced Pandemic Potential \(PEPP\)](#) ("Notice"). COGR contacted NIH to determine the current status of this policy in light of the "[Regulatory Freeze Pending Review](#)" EO. NIH has not responded, yet. COGR is also joining the American Society for Microbiology (ASM), the Association for Biosafety and Biosecurity International (ABSA) in a letter to the Acting Director of NIH Matthew Memoli seeking a meeting with NIH to discuss implementation of the DURC/PEPP Policy and additional clarification necessary to facilitate institutional implementation.

NIH's Genomic Data Sharing (GDS) Policy (UPDATE)

COGR once again reached out to NIH to request confirmation that the changes to the NIH Genomic Data Sharing Policy specified in NIH Guide Notices [NOT-OD-24-157](#) and [NOT-OD-25-021](#) are in effect. These notices require institutions that are accessing NIH controlled access data repositories to implement the cybersecurity standards at [NIST SP 800-171](#). The changes were slated to go into effect on January 25, 2025, but several institutions reported that recent repository access renewal requests do not contain links to the new standards. NIH has not yet responded to COGR inquiries, but some controlled access repository users reported receiving an email from NIH that states:

NIH will be implementing changes that will require new and renewing Approved Users to attest to compliance with the updated security standards in the [NIH Security Best Practices for Users of Controlled-Access Data](#) beginning April 2, 2025.

Users approved prior to April 2, 2025 should continue to secure data according to the [NIH Security Best Practices for Controlled-Access Data Subject to the NIH Genomic Data \(GDS\) Policy](#) until project closeout or renewal.

COGR would like to thank COGR Board Chair (Naomi Schrag, Columbia 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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