

COUNCIL ON GOVERNMENTAL RELATIONS

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July 29, 2019

Suzanne Plimpton, Reports Clearance Officer
National Science Foundation
4201 Wilson Blvd., Rm. 1265
Arlington, VA 22230
Email: splimpto@nsf.gov

Subject: Comment Request: National Science Foundation Proposal/Award; Information—
NSF Proposal and Award Policies and Procedures Guide

Dear Ms. Plimpton:

The Council on Governmental Relations (COGR) is an association of 187 research universities and their affiliated academic medical centers and research institutes. The partnership between the National Science Foundation (NSF) and the research community has been very successful due to the strong collaborative spirit NSF brings to it. We appreciate the opportunity to offer comments on the draft version of the Proposal and Award Policies and Procedures Guide (PAPPG) through the formal rulemaking process. We provide the following comments below in rough order of importance:

Reference II.C.2.h. Current and Pending Support (Page II-23):

Existing Current and Pending support reporting requirements mandate that investigators report all current and pending support for ongoing projects and proposals from all sources, including internal funds allocated toward specific projects, provided that such activities require a portion of time of an investigator serving in a PI/PD role or as other senior/key personnel. NSF states that this requirement exists regardless of whether salary support is requested. The data elements that must be furnished are project-related data commonly included in institutional systems (start/end dates, award amounts, person-months).

The common understanding in the research community has been that such reporting requirements relate to the investigator's involvement in projects within the scope of the investigator's *institutional appointment* and any concomitant obligations. Expanding this to include activities outside their institutional appointment, such as approved outside consulting or work during the summer for 9-month faculty represents a significant departure from current accepted practice as well as from the way the data have been collected and used by NSF in the past. In addition, these are data that are considered both sensitive and proprietary to investigators and private companies creating potential liability for all parties involved. While NSF may not view the new language provided in this section as a change in policy, it differs dramatically from common interpretation of previous guidance and from practices that NSF has not historically questioned during the period Current and Pending Support has been required.

Further, it has been the community's understanding that this information is used to assess whether a researcher is over-committed with respect to their institutional responsibilities, in which case summer month and outside professional activities are not relevant. In accordance with 2 CFR 200.430 (c), it is the institution's responsibility to ensure that the outside activities of its employees do not interfere with their institutional commitments, and institutions have policies and practices in place for this purpose. For those grantees that do not have such policies, this same section of the Uniform Guidance already specifies the appropriate role of the Federal Government.

Requiring institutions to include outside activities that require a time commitment, *including in kind support*, is also a significant departure from current practice. By definition, in-kind support does not lend itself to the data elements currently required in Current and Pending forms (i.e., start/end dates, person months, project titles) and may be difficult to value following U.G. standards §200.306(e-h). Most in-kind support that will benefit the project is currently reported in the Facilities, Equipment and Other Resources section of the proposal and is not quantified.

It is important to note that, in order to provide the above information to NSF, most institutions will have to make significant changes to their IT systems, which will take time. And while the process will add to institutional and investigator burden, the fact that NSF and NIH requirements are not aligned will only serve to increase that burden. One step NSF could take to ease the burden would be to consider changing its practices to ask for the Current and Pending Support / Outside Professional Activities information only for those awards that may be selected for funding rather than at the time of proposal. This will 1) reduce the administrative burden for the vast majority of applicants (>75%) not selected for funding, 2) reduce the risk of revealing the sensitive information, and 3) ensure that the NSF has the most up to date information prior to issuing a new award.

Reference II.C.1.d. Certification for Authorized Organizational Representative (AOR) or Individual Proposer (Page II-4):

As discussed above, NSF is proposing to significantly expand the data that needs to be provided to include projects and activities outside of the sphere of an investigator's institutional appointment. This would be problematic for the AOR, who would now be asked to certify data that are not likely to be contained in institutional systems nor necessarily collected for reasons other than the submission of the proposal in question. In these circumstances, the institution is not in a position to independently verify the accuracy or completeness of the data in question.

We recommend that NSF explicitly acknowledge these new circumstances by recognizing that an AOR's certification of a proposal may include reliance solely upon data that they have obtained from their investigators as part of its internal proposal preparation processes. Responsibility for the completeness and accuracy of these types of data should rest with the individual investigator rather than be considered an institutional responsibility. The institution should remain responsible for ensuring that its investigators properly understand the requirements and what needs to be included in the reporting, and for holding investigators accountable for the accuracy and completeness of the content.

Reference II.C.2.g.(vi)(b). Publication / Documentation / Dissemination (Line G2 on the Proposed Budget) (Page II-19):

We very much appreciate NSF's inclusion of data deposit and data curation costs in the allowable expenses that may be requested on Line G.2. of the proposal budget. One challenge we face is that like traditional publication costs, data-related publication costs may need to be incurred after the project's period of performance. Since NSF has listed data costs with publication costs, it is our understanding that these costs may now be treated the same as publication costs and therefore these costs may be charged to the award before closeout if they are not incurred during the period of performance.

Chapter II: Proposal Preparation Instructions:

Reference II.C.1.d. Proposal Certifications (Page II-4):

Thank you for simplifying the proposal certifications at the institutional level rather than on a grant by grant basis. We appreciate the spirit of this change to move away from duplicative certifications.

Reference II.C.2.d.(i) Content (Page II-11)

We appreciate that the NSF has eliminated the need to add a specific section titled Intellectual Merit, as this information is already included in the proposal in other areas.

Chapter XI: Other Post Award Requirements and Considerations

Reference XI.B.1.a Human Subjects Background (Page XI-5)

We appreciate that NSF added the following the statement to the PAPPG: "NSF can accept a determination from an IRB that stipulates that no work with human subjects, including recruitment, may be conducted until full IRB approval is obtained".

In closing, with respect to Current and Pending Support, we urge NSF to consider the consequential impact to institutions this change in practice will create and work with the community to minimize the additional burden. We think it would be very helpful if NSF would consider hosting a stakeholder meeting to help provide more clarity to the community on what does and does not need to be reported and why, and perhaps explore alternative approaches. It would also be tremendously helpful, and would likely make it easier to comply, if NSF and NIH would work together to better harmonize their requirements. The increase of burden to report outside professional activities, the sensitivity of the information to be reported, and the enormous and likely unfunded cost to build and/or re-engineer information technology systems, and train faculty and staff will take far more time to implement than January 2020.

As always, we appreciate the close dialogue our membership has with NSF. COGR has identified a couple of minor issues which we would like to suggest for a future PAPPG revision and will follow up with NSF separately about those. If you have any questions related to our comments, please feel free to contact Jackie Bendall at jbendall@cogr.edu

Sincerely,

A handwritten signature in blue ink that reads "Wendy D. Streit". The signature is written in a cursive style with a large, looping initial "W".

Wendy D. Streit
President