



May 21, 2025

Submitted Electronically: <https://www.regulations.gov>

Office of Personnel Management (OPM)

Attention: Noah Peters, Senior Advisor to the Director

RE: Proposed Rule – Improving Performance, Accountability and Responsiveness in the Civil Service (RIN 3206—AO80; Docket ID. OPM-2025-0004)

Dear Mr. Peters:

We write to offer comments in response to the *Proposed Rule – Improving Performance, Accountability, and Responsiveness in the Civil Service* published in the Federal Register on April 23, 2025 (“Proposed Rule”). [[90 F.R. 17182](#)].

COGR is the national authority on federal policies and regulations affecting U.S. research institutions. We provide a unified voice for over 225 research universities and affiliated academic medical centers and research institutes. Our work strengthens the research partnership between the federal government and research institutions and furthers the frontiers of science, technology, and knowledge. We advocate for effective and efficient research policies and regulations that maximize and safeguard research investments and minimize administrative and cost burdens.

Our comments focus on the Proposed Rule’s impact on those positions responsible for carrying out grantmaking responsibilities and the following sections of the Proposed Rule:

- Supplementary Information, Section I.B.2, Executive Order 14171 at 90 F.R. p. 17188
- Proposed New Centered Heading – “Schedule Policy/Career – to be inserted after §213.3501 in Title 5 of the Code of Federal Regulations
- Proposed New Section §213.3501, *Career positions of a confidential, policy-determining, policy-making, or policy-advocating character*.

Section I.B.2 of the Supplementary Information summarizes OPM guidance issued under Executive Order 14171 regarding positions that federal agencies should consider as falling under “Schedule Policy/Career,” including positions with:

Substantive participation and discretionary authority in agency grantmaking, such as the substantive exercise of the drafting of funding opportunities announcements, evaluation of grant applications, or recommending or selecting grant recipients. Grantmaking is an important form of policy making, so employees with a substantive discretionary Role in how federal funding get allocated may occupy policymaking positions. [90 F.R. at p. 17188, citation omitted].

The footnote at the end of the foregoing paragraph makes clear the extensive scope of federal employees that OPM considers subject to this guidance:

See 5 U.S.C. 3132(a)(2)), which defines the Senior Executive Service as positions classified above GS-15 that perform various important policy-making or policy-determining functions. ***Positions classified at or below grade 15 of the General Schedule that perform those same functions are consequently policy-determining or policy-making and appropriate for consideration for inclusion in Schedule Policy/Career. [Emphasis added].***

The Proposed Rule effectuates the foregoing guidance by adding new Section 213.3501, *Career positions of a confidential, policy-determining, policy-making, or policy-advocating character*. This provision permits the President to authorize agencies to fill such positions with persons excepted from competitive service under the Civil Service Rules.

Comments and Recommendation: Overarching federal research funding priorities may involve administrative policy preferences, but the biomedical, technological, and scientific problems that necessitate such research, and the most promising research approaches to address those problems, are politically agnostic. Accordingly, the main criteria for selecting personnel who develop, evaluate, and award research funding opportunities should be their ability to apply considerable scientific and technological expertise and experience in a rigorous, objective, and unbiased fashion. In short, such employees' primary duties are not "policy-making or policy-advocating," but application of subject-matter expertise in a scientifically defensible manner. The United States has successfully employed this approach for many years, and the country's scientific and technological enterprise has extensively benefitted. Accordingly, we strongly urge OPM to specifically exclude personnel performing federal research grant development, evaluation, and award functions from the proposed new Schedule Policy/Career.

Thank you for the opportunity to comment. Should you have any questions regarding these comments, please contact me or Kristin West, COGR's Director of Research, Ethics, & Compliance at kwest@cogr.edu

Sincerely,



Matt Owens
President