Federal Agency Updates

October 24, 2024

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Federal Agency Updates

October 24, 2024

Speakers:

Michelle Bulls,
Director, Office of Policy for Extramural Research Administration, National Institutes of Health

Jason Day,
Research Policy Director, Department of Defense

Jean Feldman,
Head, Policy Office, National Science Foundation

Jeannette Singsen,
Senior Advisor, Office of Research, Technology, and Economic Security, Department of Energy

Moderator:

Krystal Toups, CGA Director (COGR)

COGR

Speaker

Jean Feldman, Head, Policy Office

Division of Institution and Award Support
Office of Budget, Finance and Award Management

Questions: policy@nsf.gov

Topics

- NSF 2 CFR Implementation

- Simplification of NSF Funding Opportunities

- FY 26 Proposal & Award Policies & Procedures Guide

- Multifactor Authentication in Research.gov

- Outreach Opportunities

- Questions

NSF Implementation of the Revised 2 CFR

- OMB directed agencies to implement the revisions to 2 CFR for awards made on or after October 1, 2024.

- NSF implements 2 CFR in two ways:
  - NSF *Proposal and Award Policies and Procedures Guide* (PAPPG)
  - Award Terms and Conditions

- NSF has revised the Grant General Conditions (GC-1) for awards made on or after October 1st.

- The Research Terms and Conditions (RTC) are no longer being referenced in awards made on or after October 1, 2024.
  - The RTC page remains available for prior awards made subject to the RTCs.

Revising 2 CFR – Suite of NSF Terms and Conditions

- Grant General Conditions (GC-1)

- Cooperative Agreement Financial and Administrative Conditions (CA-FATC)

- Cooperative Agreement Modifications and Supplemental Financial and Administrative Terms and Conditions for Major Multi-User Research Facility Projects and Federally Funded Research and Development Centers

- Cooperative Agreement Modifications and Supplemental Financial and Administrative Terms and Conditions for Mid-Scale Research Infrastructure Projects

- Special Terms and Conditions for Administration of NSF Conference or Travel Grants (FL 26)

- Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) Terms and Conditions

- International Research Terms and Conditions (IRTC)

- Special Terms and Conditions for Administration of NSF Conference or Travel Awards Made to International Organizations (FL 26 for IRTC)

Revising 2 CFR – NSF Implementation Process

- Unless otherwise specified, the Grant General Conditions (GC-1) apply to all recipients of NSF grant awards, including:

  - Institutions of Higher Education (IHEs);

  - Non-profit, non-academic organizations;

  - For-profit organizations (other than Small Business Innovation Research/Small Business Technology Transfer recipients);

  - State and local governments; and

  - Tribal Nations.

- In the case of any inconsistency between the coverage contained in the NSF *Proposal and Award Policies and Procedures Guide* and 2 CFR (including 2 CFR part 200), the coverage specified in 2 CFR applies.

Revising 2 CFR – NSF Implementation Process (Cont'd)

- The following statement appears on NSF program pages:

  NSF Financial Assistance awards (grants and cooperative agreements) made on or after October 1, 2024, will be subject to the applicable set of award conditions, dated October 1, 2024, available on the NSF website. These terms and conditions are consistent with the revised guidance specified in the OMB Guidance for Federal Financial Assistance published in the Federal Register on April 22, 2024.

- The following appears as a header in each PAPPG (NSF 24-1) chapter:

  In the case of any inconsistency between the coverage contained in the NSF Proposal and Award Policies and Procedures Guide and 2 CFR (including 2 CFR part 200), the coverage specified in 2 CFR applies.

Summary of Changes Made to the GC-1

GC-1 Summary of Changes

View the revised terms and conditions for a summary of all the changes made.

Summary of Changes

Overall Document

- Editorial changes have been made to either clarify or enhance the intended meaning of a sentence or section.

- Website references have been updated to reflect current information.

- Updates have been made to ensure consistency with terminology contained in 2 CFR.

- The term "article" has been changed to "term and condition" throughout for consistency with Government-wide terminology.

- Numbering has been updated as a result of the reordering of certain terms and conditions.

Changes to Individual Terms and Conditions

- **Recipient Responsibilities and Federal Requirements, Term and Condition Number (No.) 1.** This term and condition has been clarified to note that unless otherwise specified, GC-1 applies to all recipient types.

  The term and condition also has been updated to cross-reference Term and Condition No. 14 for recipient responsibilities to notify NSF when a significant development that could impact the award occurs between project reporting dates.

  The *National Policy Requirements Matrix* has been revised to solely list those requirements that are applicable to NSF grants and has been renamed *National Policy Requirements for Recipients of NSF Awards.*

- **Prior Approval Requirements, Term and Condition No. 2.** The previous Project Changes term and condition text has been revised to consolidate the prior approval requirements into the same location in the document. Specific information on flow down provisions has been removed, given that the recipient is responsible for addressing the relevant requirements in subaward instruments.

  The *Prior Approval Matrix* has been updated for consistency with the revised 2 CFR part 200. The document also has been revised to solely list those requirements that are applicable to NSF grants and has been renamed the *NSF Prior Approval Matrix.*

- **Participant Support Costs, Term and Condition No. 3.** This term and condition has been moved up to sequentially provide prior approval coverage in order. The term and condition also has been updated to incorporate the revised definition of participant support costs specified in 2 CFR § 200.1.

- **Rearrangement and Reconversion Costs, Term and Condition No. 4.** This term and condition has been moved up to sequentially provide prior approval coverage in order. The reference to Appendix II of 2 CFR part 200 has been relocated to Term and Condition No. 2.

Summary of Changes Made to the GC-1 (Cont'd)

National Policy Requirements for Recipients of NSF Awards

- Revised to solely list those requirements that are applicable to NSF grants and has been renamed *National Policy Requirements for Recipients of NSF Awards*.

Prior Approval Matrix

- Updated for consistency with the revised 2 CFR part 200.

- Revised to solely list those requirements that are applicable to NSF grants and has been renamed the *NSF Prior Approval Matrix.*

Simplification of NSF Funding Opportunities

- OMB published guidance directing agencies to simplify funding opportunities (M-24-11, *Reducing Burden in the Administration of Federal Financial Assistance*).

- In accordance with revised 2 CFR part 200, agencies are directed to make funding opportunities as clear and concise as possible, limit length, complexity and increase accessibility to proposers, especially organizations with limited resources and underserved communities.

- An updated funding opportunity template also is included as Appendix I to 2 CFR part 200.

- NSF will be conducting listening sessions with the Federal Demonstration Partnership to obtain feedback on Foundation funding opportunities

Simplification of NSF Funding Opportunities (Cont'd)

- NSF has convened two Foundation-wide working groups to consider the most impactful changes to achieve the desired simplification and streamlining results:

    - Working group No. 1 is considering the streamlining of the NSF solicitation; and
    - Working group No. 2 is considering the content of an NSF research proposal.

- NSF is taking steps to simplify program solicitations by:

    - Removing sections that are not required as part of the revised 2 CFR 200 template;
    - Deleting redundant sections that appear multiple times in a funding opportunity;
    - Removing or reducing the length of standard boilerplate text;
    - Including direct links to guidance in the PAPPG rather than repeating text;
    - Implementing plain language guidance and/or word count restrictions for certain sections; and
    - Establishing internal guidance and best practices for NSF program staff on the development of the program description section of solicitations.

Proposal & Award Polices & Procedures Guide, FY 2026

- The content of the 2026 draft PAPPG is currently being finalized.

  - Next step will be clearance through NSF senior leadership.

- High level Changes

- NSF will continue to provide the 60-day public comment period.

- Anticipated effective date, early October 2025 (FY 2026).

Multifactor Authentication for Research.gov Sign-in

- Effective on Oct. 27, 2024, NSF is implementing mandatory multifactor authentication (MFA) for Research.gov sign-in

- MFA is a layered security measure that requires two or more authentication methods to verify a user's identity

- MFA protects both research community users and NSF

- Users with administrative or financial roles signing into Research.gov with NSF credentials must use a phishing-resistant MFA

- All users must use MFA each time they sign into Research.gov on or after Oct. 27

- See Dear Colleague Letter (NSF 25-011) for details

Multifactor Authentication

Password + Verification = Access

Multifactor Authentication for Research.gov Sign-in

Research.gov Sign-in Option	MFA Enrollment	Prerequisite
NSF Credentials • NSF ID + Password • Primary Email + Password	Through Research.gov: • Users must enroll in MFA method in Research.gov • MFA enrollment will be available starting on Oct. 27 • Step-by-step enrollment instructions will be posted on Oct. 27	• Users with administrative or financial roles must use a phishing-resistant MFA method • Other users such as PIs and reviewers can use any of the MFA options* *However, NSF encourages all users to use a phishing-resistant MFA method*
Organization-Issued Credentials** **InCommon Federation participating organizations only*	Through InCommon Federation participating organization	InCommon organization must enforce MFA for system access on the organization's side
Login.gov Credentials	Through Login.gov	Users must use a phishing-resistant MFA in Login.gov

NSF

U.S. National Science Foundation
Office of the Chief Information Officer

Multifactor Authentication Options Set Up in Research.gov

	User Role		MFA Options Set Up in Research.gov
Phishing-resistant MFA	**Users with Administrative or Financial Roles:**		• Passkey • PIN • Fingerprint (biometric) • Facial Recognition (biometric) • Security Key
	Awardee Preparer Awardee Certifier Awardee Financial Representative Proposed Postdoctoral Fellow Authorized Organizational Representative (AOR)	• Sponsored Projects Officer (SPO) • Foreign Financial Disclosure Report (FFDR) Preparer • View Only (View Reports)	
MFA	**Other Users:**		• Google Authenticator • Okta Verify *Google Authenticator or Okta Verify app must be downloaded and installed to mobile device.*
	Principal Investigator (PI) or co-Principal Investigator (co-PI) Other Authorized User (OAU) Reviewers (includes *ad hoc* reviewers, panelists, and other meeting participants) Graduate Research Fellowship Program (GRFP) Applicant GRFP Fellow	• GRFP Coordinating Official (CO) • GRFP Alternate Coordinating Official (Alt. CO) • GRFP Financial Official (FO) • Users without roles including newly registered users, reference letter writers, and Education & Training Application (ETAP) participants	

Note: Users with administrative or financial roles must use a phishing-resistant MFA. Other users can opt to use a phishing-resistant MFA.

U.S. National Science Foundation
Office of the Chief Information Officer

NSF Outreach Opportunities

NSF Grants Conference

- Prior sessions available for on-demand viewing

- Fall 2024 Virtual Conference, December 9-12, 2024

- Spring 2025 Hybrid Conference, Dates TBD

NSF Policy Office Webinar Series

- Webinar: Implementing the revised 2 CFR, available on demand

Resource Center

- On-demand presentations – searchable by topic and year

https://nsfpolicyoutreach.com/

Additional Resources

- [Policy Office Website](#)

- [NSF *Proposal and Award Policies and Procedures Guide* (PAPPG) (NSF 24-1)](#)

- [NSF Award Conditions](#)

- [Policy Outreach Information](#)

QUESTIONS?

- **Policy Office Website**
  https://nsf.gov/bfa/dias/policy/

- **NSF Staff Directory**
  https://nsf.gov/staff/

- **Career Opportunities | National Science Foundation**
  https://new.nsf.gov/careers

Primary RTES Office Functions

Due Diligence, Liaison & Assessment

- Conduct or facilitate due diligence reviews, in coordination with other internal reviews
- Develop comprehensive risk assessment frameworks
- Review NOFOs and awards to ensure the appropriate RTES measures are in place
- Clarifications/Mitigation Agreements

Information Sharing (Internal)

- Resource to program offices on RTES
- Foster cross-office information sharing through program RTES POCs

Communications & Outreach (External)

Conduct outreach with the broader scientific community on RTES topics

Timeline of FY25 Policy Updates

2 CFR NOFO Updates
Effective 10/1/24

Digital Persistent Identifiers
Financial Assistance Letter (FAL) published 8/8/24

Entity of Concern Prohibition
FAL published 8/13/24

Research Security Training
FAL published 10/7/2024

Foreign National Reviews Replaced by Covered Individual Review
Updated process included in FY25 NOFO & Award Terms and Conditions

Transparency of Foreign Connections Disclosure Clarified
Disclosures in NOFO and Award Terms Align; University Carve-Outs Clarified

Malign Foreign Talent Recruitment Program Prohibition
Oct 2024 interim update 1) aligns terms with OSTP guidance; 2) adds certification

↑↑ *New Policies in Effect Now*
↓↓ *Policies Anticipated Later*

Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	Aug	Sept

Common Forms
Electronic implementation & FAL

Research Security Program (RSP) Policy
Plan due to OSTP January; FAL anticipated in June;
Timeline dependent on interagency discussions

Malign Foreign Talent Recruitment Program Prohibition
Full policy update anticipated 2025 (Federal Register Notice, FAL & DOE Order Update)

Applicant & Recipient Community Outreach

Get involved! We want to hear from you

Dedicated email (RTESinfo@hq.doe.gov) to collect feedback and questions from the scientific community

Submissions will inform updates to RTES products & processes

Launched in August 2024

ENERGY.GOV

New RTES page on energy.gov as centralized location for all DOE's public-facing research, technology, and economic security policies, guidance and information

Expected Nov/Dec 2024

Public webinars & listening sessions on new, revised, or upcoming DOE RTES policies

Expected Jan 2025

New: Removal of Foreign National Term
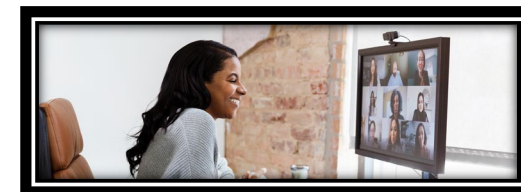
DOE's review will focus on **covered individuals** on financial assistance projects, not foreign nationals

Phased Out: Review of Foreign National Participants

Replaced by: Risk-Based Review of Project Participants

All applicants selected for award negotiations and recipients of an award under this FOA as well as project participants (including subrecipients and contractors) who **anticipate involving foreign nationals in the performance of an award may be required to provide DOE with specific information about each foreign national to satisfy requirements for foreign national participation**. A "foreign national" is defined as any person without U.S. citizenship or nationality (may include a stateless person) . The volume and type of information collected may depend on various factors associated with the award. DOE concurrence may be required before a foreign national can participate in the performance of any work under an award.

DOE may elect to deny a foreign national's participation in the award. Likewise, DOE may elect to deny a foreign national's access to a DOE site, information, technologies, equipment, programs, or personnel.

All project participants are subject to a DOE risk review. The risk review of **covered individuals includes but is not limited to the review of resumes and disclosures, as required in the NOFO/Award**. DOE reserves the right to ask for disclosures on project participants not defined as covered individuals. The Applicant/Recipient need not submit any additional information on non-covered individuals, unless requested by DOE. The volume and type of information collected may depend on various factors associated with the award.

Note this review is separate and distinct from DOE Order 142.3B "Unclassified Foreign National Access Program".

New: Digital Persistent Identifier (PID)

Financial Assistance Letter (FAL) published August 2024

Financial Assistance Letter (FAL) 2024-05 Digital Persistent Identifier Requirements for Certain Individuals for Research and Development

Office of Management

Office of Management ▸
Financial Assistance Letter (FAL) 2024-05 Digital Persistent Identifier Requirements for Certain Individuals for Research and Development

FINANCIAL ASSISTANCE LETTER:

What is the purpose of this FAL?

The purpose of this FAL is to provide information and guidance regarding DOE's implementation of the digital persistent identifier requirements included in NSPM-33, the NSPM-33 Implementation Guidance, the OSTP Public Access Memo, the DOE Public Access Plan, and the Policy Regarding Use of Common Disclosure Forms.

FAL 2024-05 Digital Persistent Identifier Requirements for Certain Individuals for Research and Development

View the FAL here
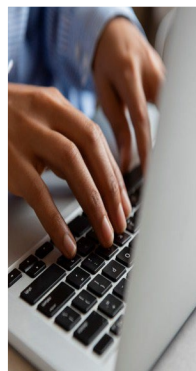
R&D NOFO Requirements for Covered Individuals

- Register for an ORCID iD *(free, 1-minute)*
- Include ORCID iD on their Current & Pending Support disclosure

R&D Award Requirements for Covered Individuals

- Include ORCID iD on any journal articles or other published products *(note: many publishers already provide this service)*

Resources for Applicants & Recipients

- NOFO Provision
- Award Term
- FAQs on Energy.gov *(coming soon)*

R&D NOFOs: *Beginning 5/1/2025; optional until then*
R&D Awards: *Beginning FY25*

New: Research Security Training Requirement

Financial Assistance Letter (FAL) published October 2024

View the FAL here
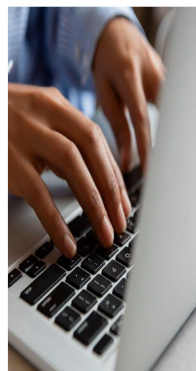
R&D NOFO Requirements for Covered Individuals

- Take training *(free, 4 hrs)*
- Certify they've taken the training *(via Current and Pending Support disclosure certification)*
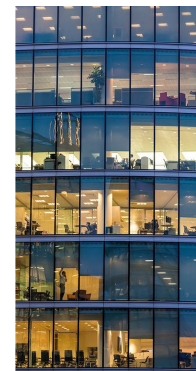
R&D NOFO Requirements for Applicants (Entities)

- Certify that employees who are listed on application have completed the training
- For covered institutions subject to Research Security Program (RSP) certification, RSP certification counts

Resources for Applicants & Recipients

- NOFO Provision
- Award Term
- NSF Training Modules *(if employer offers similar training, can take that instead)*
- FAQs on Energy.gov *(coming soon)*

R&D NOFOs & Awards Required starting 5/1/2025 *optional until then*

New: Entity of Concern Prohibition

U:\2024OMNI\HMS31169.xml   SEN. APPRO.

118TH CONGRESS
2D SESSION   **H. RES.**

None of the funds made available by this Act may be used by the Secretary of Energy to award ==any grant, contract, cooperative agreement, or loan== of ==$10,000,000 or greater== to an ==entity of concern== as defined in section 10114 of division B of Public Law 117-167.

RESOLUTION

Providing for the concurrence by the House in the Senate amendment to H.R. 4366

CHIPS Definition (PL 117-167):

The term "entity of concern" means any entity, including a national, that is—

A. Identified under **section 1237(b)** of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note; Public Law 105-261);

B. Identified under **section 1260H** of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note; PL 116-283);

C. On the **Entity List maintained by the Bureau of Industry and Security** of the Department of Commerce and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations;

D. Included in the list required by section 9(b)(3) of the **Uyghur Human Rights Policy Act** of 2020 (Public Law 116-145; 134 Stat. 656); or

E. Identified by the Secretary, in coordination with the Director of the Office of Intelligence and Counterintelligence and the applicable office that would provide, or is providing, covered support, as posing an **unmanageable threat**–

  i. To the national security of the United States; or

  ii. Of theft or loss of United States intellectual property.

NOFOs & Awards with FY24 or FY25* Funding
*pending FY25 appropriation text

Updated: Transparency of Foreign Connections

- For-profits & non-profits respond to <u>all</u> sections
- Universities only respond to <u>four</u> sections (basic info, talent programs, technology and IP licensing/sales/transfers, and certain project equipment)
- FFRDCs do not submit

Carve-Outs for Universities & FFRDCs

- Requirement tied to <u>entity type</u>, regardless of prime vs. sub status.
- Prime applicant/recipient responsible for complete package from subrecipients (*Exception*: Subrecipients can submit directly to RTES if there are proprietary concerns)

Prime vs. Sub Disclosures

- Aligned categories required at NOFO vs. during project
- Reporting of technology and IP licensing/sales/transfers to countries of risk narrowed to "within the same technology area as the project"
- Aligned talent program section with CHIPS & OSTP terminology

Refined Disclosure Categories

Prohibition on MFTRP Participation *Interim Update*

Full policy update will include:

- Federal Register Notice
- Financial Assistance Letter (FAL)
- DOE Order Update

(date TBD, anticipated calendar year 2025)

Longstanding DOE requirement updated with newer terminology

October 2025 interim update aligns terms with OSTP guidance & adds certification
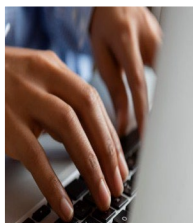
NOFO Requirements for Covered Individuals

- Certify to no current participation in a malign foreign talent recruitment program (MFTRP)
- Include signed certification in Current and Pending Support (CPS) disclosure
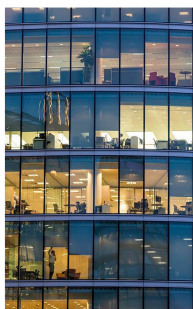
NOFO Requirements for Applicants (Entities)

- Provide the identity of all owners, principal investigators, project managers, and covered individuals who are a party to any MFTRP *(no change)*
- Certify that each covered individual has been made aware of DOE's MFTRP prohibition and complied with the certification requirement via the CPS disclosure

2 CFR Implementation

NOFOs
- FY25 NOFOs will include 2 CFR updates
- Additional NOFO streamlining may happen later in the year

New Awards
- Awards currently in negotiation will include 2 CFR updates
- New awards will include 2 CFR updates

Existing Awards
- 2 CFR updates are effective immediately, and will be formally incorporated in a future modification
- De minimus rate changes are not retroactive and require DOE approval and a formal modification

Items in Progress
- To raise the for-profit organization threshold for single audits from $750K to $1M, DOE issued a class deviation for 2 CFR 910 and is currently working on rulemaking

For 2 CFR implementation topics contact:
DOE_OAPMPolicy@hq.doe.gov

Questions?

RTESinfo@hq.doe.gov

U.S. Department of ENERGY

Office of Research, Technology, and Economic Security (RTES)

Current Webpage: https://www.energy.gov/ia/research-technology-economic-security

NEW PUBLIC WEBSITE COMING – when the new website is ready, the link above should connect you automatically.

NIH Grants Policy Updates

MICHELLE G. BULLS, DIRECTOR
OFFICE OF POLICY FOR EXTRAMURAL RESEARCH ADMINISTRATION

October 24, 2024

National Institutes of Health
Office of Extramural Research

BUDGET UPDATES

National Institutes of Health
Office of Extramural Research

FY25 Budget Updates

- NIH is currently operating under a continuing resolution. This Act (CR) continues government operations through December 20, 2024, at the Fiscal Year (FY) 2024 enacted level, with no reduction.

- The following legislative and fiscal policies remain in effect under this CR:
  - Legislative Mandates (see NOT-OD-24-110)
  - Ruth L. Kirschstein National Research Service Award predoctoral and postdoctoral stipend levels and tuition/fees as described in NOT-OD-24-104.
  - Salary Limitation for Grants and Cooperative Agreements (see NOT-OD-24-057)*

National Institutes of Health
Office of Extramural Research

Learn more: NOT-OD-25-10

*Legislative mandates – Salary Limitation

- Effective October 1, 2024, the HHS policy on salary rate limitation outlines that the legislative mandate limiting salary to Executive Level II applies to
  - Direct salaries (individuals working directly on NIH projects) and
  - Indirect salaries (executive salaries in various cost pools)
- This policy change applies to new, competing renewals, non-competing continuations and supplemental awards.
- For recipients that do not have an updated or approved indirect cost rate agreement, the HHS salary rate limitation requirement applies, and recipients may not charge or recover funds for salaries above the salary limitation.

National Institutes of Health
Office of Extramural Research

Learn more: HHS Grants Policy Statement – October 2024

Budget Reminder: Budget Preparation

- In general, NIH does not have policy nor instructions on how recipients should request budget escalations that are submitted in an application. Applicants should request the actual costs needed to complete the science for that budget period.

- All allowable costs submitted in budget requests must be incurred during the period of performance. Generally, costs beyond the period of performance are not allowable.

Learn more: Develop your Budget

NIH POLICY UPDATES

National Institutes of Health
Office of Extramural Research

NIH Implementation of 2 CFR Part 200 - Overview

- In April 2024, the Office of Management and Budget issued [revisions](#) to the Uniform Administrative Requirements for Federal Financial Assistance, located at 2 CFR Part 200.

- NIH plans to implement the OMB administrative flexibilities and partially implementing the updated administrative requirements that are outlined throughout 2 CFR Part 200.

- Currently, the [Research Terms and Conditions](#)(RTCs) are not being updated. However, NIH is working with other Federal research agencies to update the prior approval matrix and national policy requirements.

NIH National Institutes of Health
Office of Extramural Research

Single Audit Requirements for Foreign Recipients and Subrecipients

- [NOT-OD-24-151](#) clarified the NIH single audit requirements for foreign recipients and subrecipients.

- Effective October 1, 2024, foreign recipients that expend $750,000 (cumulative amount) or more in Federal awards during their fiscal year are required to conduct either a single audit, or program-specific audit (as required by the terms and conditions of award).

- A program-specific audit may not be elected unless all the Federal awards expended were received from NIH. The recipient must request prior approval from the funding Institute or Center prior to conducting a program-specific audit.

National Institutes of Health
Office of Extramural Research

Learn more: [NOT-OD-24-151](#)

Decision Matrix for Assessing Potential Foreign Interference for Covered Individuals or Senior/Key Personnel

- On 8/15/24 NIH [published a decision matrix](#) for assessing potential foreign interference.

- NIH strongly supports properly conducted and principled international collaborations that are integral for our country to remain competitive.

NIH Decision Matrix for Assessing Potential Foreign Interference for Covered Individuals or Senior/Key Personnel
(Use for Initial Assessment)[1,2,3]

Consistent with NSPM-33, NSPM-33 Implementation Guidance, and 2 C.F.R. 200.206, NIH has developed this Matrix as a guide to assist NIH in reviewing grant applications and ongoing awards for signs of potential foreign interference, and in appropriately mitigating risk. The rows below describe conditions in which NIH will contact the grant applicant or recipient for further information, and in which mitigation may be required, recommended, or not needed. NIH is making this document public to be transparent about the types of behaviors the NIH finds problematic and to provide NIH-funded researchers a better understanding about how their applications and disclosures may be received and reviewed.

Rating	Factor 1: Foreign Talent Recruitment Program[4,5]	Factor 2: Foreign Funding[6,7]	Factor 3: Affiliation with Foreign Institutions or Entities[6,8]
Mitigation measures required. **Contact recipient institution for more information.**	Indicators of active (ongoing) participation in a malign foreign talent recruitment program (MFTRP) meeting any of the criteria in Sec. 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022. [Note: this factor/rating is automatically disqualifying]	Indicators of undisclosed or incompletely disclosed active (ongoing) funding from a Foreign Country of Concern (FCOC) or an FCOC-connected entity	Indicators of an undisclosed or incompletely disclosed active (ongoing) affiliation with an institution or entity located in or connected to a Foreign Country Concern (FCOC).
Mitigation measures recommended. **Contact recipient institution for more information.**	Within the past 5 years: Indicators of past participation in a malign foreign talent recruitment program (MFTRP) meeting any of the criteria in Sec. 10638(4)(A)(i)-(ix) of the CHIPS and Science Act of 2022. Or Indicators of undisclosed or incompletely disclosed active (ongoing) participation in a	Within the past 5 years: Indicators of undisclosed or incompletely disclosed past funding from a Foreign Country of Concern (FCOC) or an FCOC-connected entity. Or Indicators of undisclosed or incompletely disclosed active (ongoing) funding from a foreign country or foreign entity that is	Within the past 5 years: Indicators of undisclosed or incompletely disclosed past affiliation with an institution or entity located in or connected to Foreign Country of Concern (FCOC). Or Indicators of an undisclosed or incompletely disclosed active (ongoing) affiliation with an

[NIH Decision Matrix](#)

RESEARCH SECURITIES

Research Security Guidelines

- On July 9, 2024, OSTP issued [Guidelines for Research Security Programs at Covered Institutions](#).

- Covered institutions will be required to certify that their research security programs include elements relating to:

  - **Research Security Training:** Institution requires covered individuals to complete research security training and each such covered individual has completed the research security training program.

  - **Export Controls**: Institution requires covered individuals who perform R&D involving export-controlled technologies to complete training and that each such covered individual has completed training

  - **Cybersecurity:** Institution implements a cybersecurity program consistent with the cybersecurity resource for research institutions described in the CHIPS and Science Act within one year after the National Institute of Standards and Technology (NIST) of the Department of Commerce publishes that resource.

  - **Foreign Travel Security**: Institution implements periodic training on foreign travel security and ensure that all such covered individuals take this training at least once every six years.

Research Security Guidelines – Threshold

- OSTP defined covered institutions using the following threshold:

  - *A participant in the U.S. R&D enterprise is a "covered institution" if and only if (A) it is an institution of higher education,13 a federally funded research and development center (FFRDC), or a nonprofit research institution; and (B) it **receives in excess of $50 million per year,** in fiscal year 2022 constant dollars, under (1) the three-year average of federal R&D obligations provided to participants in the U.S. R&D enterprise as reported in the most recent version of the Survey of Federal Science and Engineering Support to Universities, Colleges, and Nonprofit Institutions;14 or (2) the three-year average of federal R&D obligations to FFRDCs as provided in the most recent versions of the Survey of Federal Funds for Research and Development.*

- Recipients that do not meet this funding threshold will not be required to certify that they have implemented research security programs.

- All NIH applicants and recipients, however, must continue to comply with all NIH disclosure policies as these are two different requirements.

Research Security Guidelines – NIH Implementation

- NIH continues to participate with OSTP and research agency partners in discussions on streamlined implementation of these certification requirements for institutions.

- More information on the implementation will be coming in the next several months.

Foreign Financial Disclosure Report

- Reminder – the Foreign Financial Disclosure Report requirements outlined in the CHIPS and Science Act do not apply to NIH as they do for NSF.

- From Title 42-THE PUBLIC HEALTH AND WELFARE
  - CHAPTER 163-RESEARCH AND DEVELOPMENT, COMPETITION, AND INNOVATIONSUBCHAPTER III-NATIONAL SCIENCE FOUNDATION FOR THE FUTURE
  - Part D-NSF Research Security

- In accordance with Section 10339B, Foreign Financial Support, of the CHIPS and Science Act of 2022 (42 U.S.C. § 19040), each institution of higher education **that receives NSF funding** must disclose annually, all "current financial support, the value of which is $50,000 or more, including gifts and contracts, received directly or indirectly from a foreign source" which is associated with a foreign country of concern.

MALIGN
FOREIGN TALENT
RECRUITMENT
PROGRAM

NIH > National Institutes of Health
Office of Extramural Research

Malign Foreign Talent Recruitment Program (MFTRP) Prohibition – NIH Implementation

- OSTP issued [Guidelines for Federal Research Agencies Regarding Foreign Talent Recruitment Programs](#) on 2/14/24.
- Covered individuals (i.e., senior/key personnel) are prohibited from participating in a federally funded research and development project if they are currently participating in a "malign foreign talent recruitment program."
- Individual as well as institutional certifications are required.
  - Individual certification is captured on the Common Forms for Biosketch and Current and Pending (Other Support).
  - NIH intends to incorporate the institutional certification related to MFTRP in its application instructions.
- NIH will incorporate the MFTRP definition and the certification requirements in the FY25 NIH Grants Policy Statement.

National Institutes of Health
Office of Extramural Research

Using Feedback to Develop a New Template

- Utilize tables where possible
  - Helps to ensure the required information is provided for every data type
  - Facilitates monitoring and reporting

- Utilize drop-down menus where appropriate
  - Standardizes the information provided while also providing guidance on the information expected

- Use established lists/terms where possible
  - Example: using the Trans-NIH BioMedical Informatics Coordinating Committee (BMIC) Subject Areas to capture broad data types

- Section for describing limitations arising from consent/privacy considerations only needs to be completed if data derived from humans will be generated

- Design question wording to also provide guidance on expectations
  - Example: requesting different information related to the data sharing timeline to emphasize that there could be differences in deposit versus release timelines

FDP DMS Pilot – What's next?

- NIH is finalizing its plans for the rollout of the Charlie template – stay tuned!
- NIH will update the RPPR questions in the future, to align with the final format page.
- Pilot Phase 2: Cost Policies
  - Establish common cost principles, identify types of costs required, and determine how to identify additional/unforeseen costs that may be required to meet the spirit of the data sharing policy.

  - **Next steps:** Small working group brainstorming steps to catalogue the activities that should be included in a cost/effort calculator.

Pollev.com/cogrstaff949 *Ask a question from your seat!*