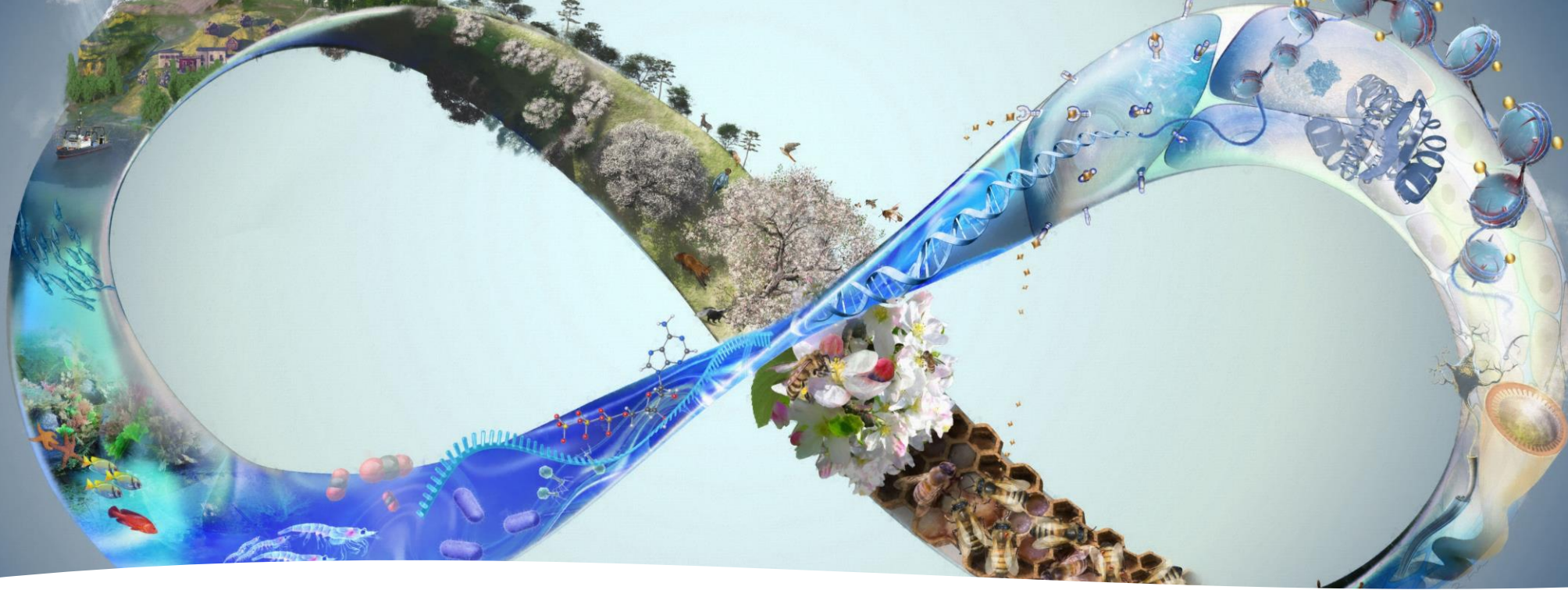




Directorate for Biological Sciences (BIO) Virtual Office Hour

Welcome! We will begin the Virtual Office Hour soon.
Please submit questions in the Zoom Q&A box.



Directorate for Biological Sciences (BIO)

Welcome! NSF staff in attendance today:

- Jodie Jawor (Directorate for Biological Sciences)
- Caroline Blanco (Office of the General Counsel)
- Jean Feldman (Office of Budget Finance & Award Management)
- Jermelina Tupas (Directorate for STEM Education)

Administrative Support & Technical Assistance: Jared Dashoff & Jennifer Visosky





NSF 24-1 (PAPPG) and Tribal Nations

Tribal Consultation & Engagement Working Group (TCEWG)

Caroline Blanco

***Office of the Director, Office of the General Counsel
Tribal Liaison, Federal Preservation Officer, and
Assistant General Counsel on Environmental Matters***

Jean Feldman

***Office of Budget, Finance & Award Management, Division of
Institution and Award Support
Head, Policy Office***

Jermelina Tupas

***Directorate for STEM Education
Division of Equity for Excellence in STEM
Senior Advisor***

Quick Facts on Tribal Nations & Indigenous Communities

574 federally recognized American Indian and Alaska Native nations

- May be referred to as tribes, nations, bands, pueblos, communities, or native villages
- Leaders are mostly elected, some hereditary, and may be referred to as Chief, President, Governor, Headman, Chairman/Chairwoman, Mayor
- Ethnically, culturally, and linguistically diverse
- Approximately 229 of these are in Alaska

Other, non-federally recognized Indigenous communities include:

- Tribes recognized by their respective state governments
- Native Hawaiians, Chamorros, and American Samoans (Pacific Islanders)
- U.S. residents from Canadian First Nations and Indigenous communities in Mexico and Central and South America





Practices for Respectful Engagement with Tribal Nations and Indigenous Communities

- Recognize and respect that federally recognized Tribal Nations have individual sovereignty
- Avoid adopting a pan-Indigenous attitude; become familiar with the specific culture and traditions of the people involved in the project
- Early consultation and engagement is key
- Timelines may need to shift to accommodate necessary consultation
- Establishing trust, transparency, and credibility is critical to success
- Observation of cultural norms, etiquette, and introductions is important



Summary

- Tribal Nations are sovereign and have a government-to-government relationship with the United States.
- Cultural awareness and respect for Indigenous practices and perspectives are necessary and essential when working with Indigenous communities.
- The new PAPPG provision requires the proposer to obtain approval from the Tribal Nation(s) for proposed projects that may affect Tribal interests or resources before NSF funding will be awarded.



PAPPG 24-1: Seeking and Obtaining Tribal Nation Approval for Proposals that May Impact Tribal Resources or Interests (Chapter II.E.10)

Proposals that may impact the resources or interests of a federally recognized American Indian or Alaska Native Tribal Nation (Tribal Nation) will not be awarded by NSF without prior written approval from the official(s) designated by the relevant Tribal Nation(s).

For purposes of this provision, references to “resources or interests of a Tribal Nation” are limited to resources and interests connected to Tribal Nation lands or those aspects of Tribal life that are within the domain of a Tribal Nation, (including, but not limited to, Tribal languages and subsistence rights on Tribal Nation lands) as opposed to individual Tribal Nation members.



PAPPG 24-1: Seeking and Obtaining Tribal Nation Approval for Proposals that May Impact Tribal Resources or Interests (Chapter II.E.10) (Cont.)

Proposers seeking NSF funding for such proposals must:

- a. Seek guidance from the potentially impacted Tribal Nation(s) regarding which activity/activities require(s) review and prior approval from an authorized designee(s) of the Tribal Nation(s).
- b. Based on the guidance received, submit a written request to the relevant Tribal Nation(s), for approval to carry out the proposed activity(ies) that require(s) Tribal Nation review and approval.



PAPPG 24-1: Seeking and Obtaining Tribal Nation Approval for Proposals that May Impact Tribal Resources or Interests (Chapter II.E.10) (Cont.)

Proposers seeking NSF funding for such proposals must (continued from above):

- c. Check the box on the Cover Sheet entitled “Potential Impacts on Tribal Nations.”
- d. Include **at least one** of the following:
 - i. a copy of the written request to the relevant Tribal Nation(s) to carry out any proposed activity/activities that may require prior approval from the Tribal Nation(s);
 - ii. written confirmation from the Tribal Nation(s) that the review and approval of the proposed activity(ies) is (are) not required; or
 - iii. a copy of a document from the relevant Tribal Nation(s) that provides the requisite approval.

All such documentation must be uploaded into “Other supplementary documents” in Research.gov. If only (i) is provided, the proposer will still be required to submit either (ii) or (iii) before NSF will make an award decision.

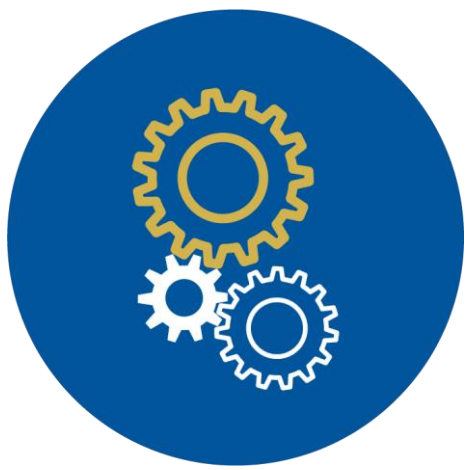


PAPPG 24-1: Seeking and Obtaining Tribal Nation Approval for Proposals that May Impact Tribal Resources or Interests (Chapter II.E.10) (continued)

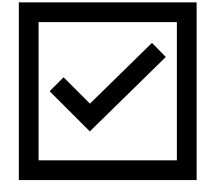
Examples of activities that may require Tribal Nation review and approval:

- Research or projects that involve Tribal Nation members and would invoke the Tribal Nation in any way (including but not limited to referencing a Tribal Nation in materials, public forums, or publications).
 - Note that this type of proposal may also require a separate Tribal IRB or other mechanism that a Tribal Nation may have in place to review proposed research
 - This would exclude cases where Tribal Nation members voluntarily participate in the proposed research as individuals, not as members representing a Tribal Nation
- Studies or research conducted on Tribal Nation reservations, territories, and other locations where Tribal Nations have legally protected rights to resources or to engage in activities; and
- Tribal Nation-controlled information or data in research will be used.





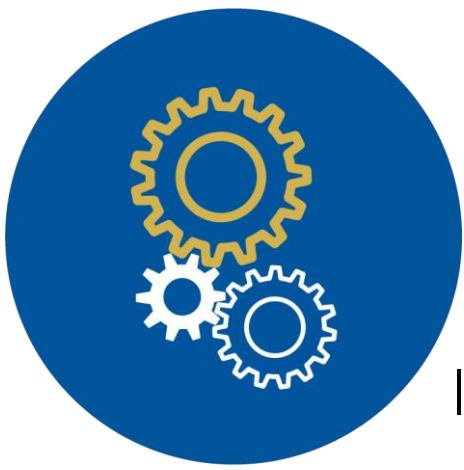
Coversheet Checkbox for Potential Impacts on Tribal Nations



If this box is checked, NSF staff must confirm that a written request to the relevant Tribal Nation(s) to carry out the proposed activity/activities has been uploaded as a Supplementary Document.

Prior to funding, NSF staff must verify that documentation has been uploaded that demonstrates: (i) the Tribal Nation(s) has provided written confirmation that review and approval is not required; or (ii) the relevant Tribal Nation(s) has provided the requisite approval.





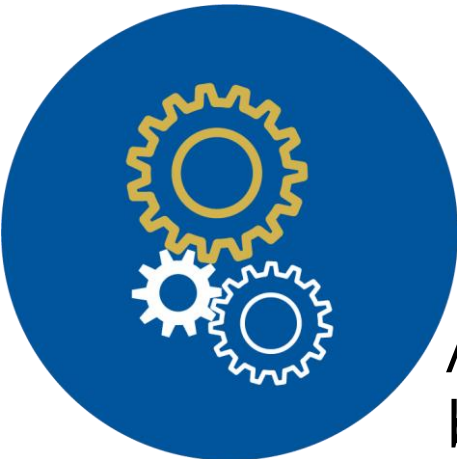
Coversheet Checkbox for Potential Impacts on Tribal Nations

If the box is NOT checked, there still may be a need for Tribal Nation review and approval if one more of the following applies:

- NSF staff or panel reviewers point out that the project will involve Tribal Nation interests and resources
- Tribal Nation interests and resources are indicated in the experimental designs and research methodology

In the case of the above scenarios, the PO must request that the proposer comply with the PAPPG requirements. NSF will not fund a proposal absent approval documents from the Tribal Nation.





Tribal Nation Approval

Approval must be secured from a Tribal Nation official designated by the Tribal government

- May be in the form of a letter or resolution from, or agreement with, a Tribal Council or Tribal Leader
- May be from a Tribal government representative who has clear designation of authority by the Tribal government (e.g., delegated to the Natural Resources Director or Tribal Research Coordinator)

Participation in or support for the research by a Tribal Nation member, citizen, or organization does not qualify as approval from the Tribal Nation unless they are clearly designated by the Tribal government as its representative.



Helpful resource: [BIA Tribal Leaders Directory](#)



Tribal Review Boards

Tribal Research Review Authority

- The revised Common Rule for Protection of Human Subjects acknowledges Tribal Nations' authority over research review
- Tribal research review and oversight may comprise several processes including IRB, IACUC, cultural review (e.g., from Tribal knowledge keepers)
- Even if a project has received approval or exemption from a non-Tribal review board, the Tribal Nation review may supersede that ruling and disallow a project's approval



Framework for Understanding Research Oversight in American Indian/Alaska Native Communities*

Tribal Nation IRB/RRB	Tribal College IRB/RRB	Tribally-based or focused organization/department IRB/RRB	Indian Health Service IRB/RRB
Entity authorized to provide ethical review and monitoring of research for the Tribal Nation.	Entity that provides the ethical review and monitoring of research for a Tribal College or University	Entity in an existing organization that reviews and monitors research within a Tribal Nation or serving Tribal Nations or AI/AN peoples, generally	Entity designated by IHS to provide review and monitoring of research conducted by IHS

*Around Him, *et al.*, 2019 - *Tribal IRBs: A framework for understanding research oversight in American Indian and Alaska Native communities*. American Indian and Alaska Native Mental Health Research 26(2):71-95.



Common Misconceptions from PIs

- I have IRB approval from my institution, so I am cleared to do this project.
- I am not working on a reservation, so I do not need Tribal Nation review.
- There is an Indigenous representative on my IRB, so that counts as Tribal Nation review.
- A Tribal member is on the research team, so I do not need Tribal Nation review.
- The Tribal Nation involved in my research does not have an IRB, so no approval is necessary.
- My IRB does not consider this activity to be “research,” so I do not need Tribal Nation review.
- I followed the approval protocol, so I can publish whenever/wherever I want.





Please submit questions via the Zoom Q&A function



Resources/Contact

Website: Supporting Tribal Nations in STEM

<https://new.nsf.gov/about/tribal-engagement>

General questions: Tribal.engagement@nsf.gov

