Overview of the NSPM-33 Standardization Disclosure Forms for the common Biographical Sketch and Current and Pending (Other) Support

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Poll Question
#1

Pick the answer below that best describes how familiar you are with the common disclosure forms released on Aug. 31, 2022.

A. Very familiar. I’ve got my highlighted copies right next to me!
B. Pretty familiar. I’ve read through it and have a good idea of the expectations.
C. Just started reviewing it.
D. Haven’t had a chance to review it. Hope to learn more from this webinar.
Poll Question #2

What is your general view of the common disclosure forms?

A. Love them!
B. Optimistic, they are an improvement.
C. Still analyzing to understand the true impact.
D. Worried, things are still unclear and confusing.
E. Mixed.
## Presentation Overview

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background</td>
</tr>
<tr>
<td>Common Disclosure Forms &amp; Associated Documents</td>
</tr>
<tr>
<td>Considerations</td>
</tr>
<tr>
<td>Discussion</td>
</tr>
</tbody>
</table>
Background

NDAA Section 223

Disclosure of Funding Sources in Applications for Federal Research and Development Awards

- OSTP shall ensure that the requirements issued by Federal research agencies are consistent

NSPM-33 & Implementation Guidance

Section 4(b)(vi) of NSPM-33 directs that “agencies should standardize forms for initial disclosures as well as annual updates...and should provide clear instructions to accompany these forms and to minimize any associated administrative burden.”
Overview of the Forms & Associated Documents

Federal Register Notice

Common Biosketch Format

Data Element Spreadsheet

Disclosure Table
Federal Register Notice


• Intent to seek approval to establish a common disclosure forms information collection for three years

• Addition of agency-specific data elements and definitions must be cleared by OMB/OIRA prior to implementation

• View & Comment by 10/31 - Input is welcome on any aspect of the proposed common disclosure forms – See notice for additional requirements for comment

• NSF will prepare and request OMB clearance of the forms

• Per Jean Feldman; each agency will implement the forms and timelines will vary.

• Notice includes an estimation of burden
  • Estimation is 1-hour for Biographical Sketch
  • Estimation is 1-hour for Current and Pending Support

Common Biographical Sketch Form

- Separate sections for each senior/key person’s
  - Identifying Information
  - Primary Organization and Location
  - Professional Preparation
  - Appointments and Positions
  - Products
  - Certification

Common Biographical Sketch Form

• Things about the Biosketch we are thankful for
  • Definition of senior/key person includes individuals designated by the applicant organization and approved by the federal funding agency
  • Limits on agency variations; must be coordinated through the NSTC
  • Addition of agency-specific data elements and definitions must be cleared by OMB/OIRA prior to implementation

• Significant changes
  • Senior/Key Person Persistent Identifier (optional)
  • Senior/Key Person Certification
Common Biographical Sketch Form

• Places where clarification would be helpful
  • Per the instructions, all academic, professional, or institutional appointments and positions must be listed
  • With regard to professional appointments, however, only current domestic and foreign professional appointments outside of the individual's academic, professional, or institutional appointments at the proposing organization must be listed
  • Said more simply, list all academic and institutional appointments, but only current outside professional appointments
• Places where clarification would be helpful (cont.)
  • Instructions state appointments and positions include any titled academic, professional, or institutional position.
    • Does this imply untitled positions do not need to be listed?
    • What are the criteria for a titled position? For example, is service on a SAB a titled position? How about an editorial board? What about ownership of a company

• Inconsistencies
  • Instructions do not identify the senior/key person certification as being required
Common Biographical Sketch Form

• Things we wish we knew but don’t
  • Plans for individual agency variances (e.g., personal statement, synergistic activities)
  • Is there a standard page limit?
  • Foreign Talent Recruitment Program Appointments
Biographical Sketch Discussion / Institutional Considerations

- Ensuring senior/key persons all have a PID
- Training for using system that hosts Biosketch
- Lead time to implement
- Administrative burden
- Due diligence – Institutions have paid fines/settlements for, in part, taking the word of senior/key persons
- Congruence between Biosketch and institutional databases/records (e.g., COI/COC disclosures)
How many person-hours on average do you estimate it takes to complete the Biographical Sketch for the first time?

A. Less than 30 minutes.
B. More than 30 minutes but less than an hour.
C. About an hour.
D. More than an hour but less than 2 hours.
E. 2 hours or more.
Poll Question #4

How many person-hours on average do you estimate it takes to update the Biographical Sketch?

A. Less than 30 minutes.
B. More than 30 minutes but less than an hour.
C. About an hour.
D. More than an hour but less than 2 hours.
E. 2 hours or more.
Separate sections for each senior/key person’s

- Identifying Information
- Primary Organization and Location
- Project/Proposals (Current and Pending)
- In-Kind Contributions
- Certification
- Foreign Talent Recruitment Program Disclosure
- Startup company based on non-organization-licensed IP

• Things about the C&P (Other) Support we are thankful for
  • Definition of senior/key person includes individuals listed by the applicant organization and approved by the federal funding agency, similar to biosketch
    • And that graduate students are normally NOT included
  • Addition of agency-specific data elements and definitions must be cleared by OMB/OIRA prior to implementation
  • Copies of foreign contracts are not uniformly / automatically required to be attached (instead, will be an agency-specific requirement)
  • Improved clarity around not needing to report consulting performed in accordance with University’s Outside Activities policy
Common Current and Pending (Other) Support Form

- **Significant changes**
  - Senior/Key Person Persistent Identifier (optional)
  - Senior/Key Person Certification (mandatory, criminal penalties)
  - Additional place of performance data elements (city, state, country or virtual)
  - Reporting definitions for gifts and consulting
  - Reporting of Startup company based on non-organization-licensed IP
  - Report in-kind if support is from an internal source (as well as external)
Places where clarification would be helpful

- Consulting language continues to cause some confusion (FAQ?)
- In-kind contribution definition is not as clear as it might be
  - Template/instructions defines reportable in-kind as requiring a commitment of time and directly supporting the individual’s R&D efforts (good)
  - In-Kind Contributions detailed instructions and Excel spreadsheet require disclosure of ALL in-kind contributions “related to current and pending support”
- Includes in-kind resources from proposing organization
  - Does this include students?
• Places where clarification would be helpful (cont.)
  • In-kind contributions remain unclear/challenging to comply
    • Many institutions don’t have a tracking tool for “in-kind”
    • Many in-kind contributions do not have defined:
      • Time commitments (“time needed to use item” or “defined % of effort?”)
      • Start/end dates
      • Known dollar values ( “use reasonable estimate” approach is neither practicable nor verifiable)
  • There are no minimal dollar thresholds for in-kind despite broader definition
  • Does the administrative burden warrant the benefit of collection of in-kind information (especially in-kind from the proposing organization?)
• Places where clarification would be helpful (cont.)
  • Unrestricted gifts do not require disclosure. “If an item or service meets the definition of a gift, it is not reported.”
  • A gift by definition is given without expectation of anything in return. (Corollary is that if there is a quid pro quo, it isn’t a gift and requires reporting?)
    • “A gift includes any gratuity, favor, discount, entertainment, hospitality, loan, forebearance, license, special access, equipment time, samples, research data, or other item having monetary value. A gift also includes services as well as gifts of training, transportation, local travel, lodging, meals, research hours, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense is incurred.
  • Gifts often have standard stewardship requirements (e.g. courtesy progress or financial reports) – that should not be considered quid pro quo
  • Should the determination of what is a gift instead use IRS definitions?
• Places where clarification would be helpful (cont.)
  • Reporting of Startup company based on non-organization-licensed IP
    • Examples; what is the utility of collecting this information?

• Inconsistencies needing reconciliation
  • Instructions indicate Person-Month(s) for direct support is not required; however, the data element sheet requires it.
  • In kind definition differs in instructions vs the disclosure table
Common Current and Pending (Other) Support Form

• Things we wish we knew but don’t
  • Foreign Talent Recruitment Program reporting
    • How should senior/key persons ascertain whether “support is provided through an intermediary”? 
    • What is foreign government “affiliated” activity? 
  • Reporting for postdocs, students, or visiting scholars
    • Still a bit confusing given all the various permutations 
    • What would be an objective way to make and document a determination that something did not need to be reported?
Common Current and Pending (Other) Support Form

• **In general things we wish we knew but don’t**
  
  • What is the exact individual certification language? Any consideration given for unintentional errors and omissions? Under what circumstance will criminal penalties be deployed or considered?

  • Where will the CHIPS and Science Act requirement be addressed for (1) individuals to certify in each proposal (and annually thereafter) they are not a party to a malign foreign talent recruitment program, and (2) applicants to certify each covered employee has been made aware of the requirements to disclose same?

  • If included in RPPRs, institutions may not have an opportunity to see the senior/key person’s certifications in this regard

  • Special arrangement for forward funded awards or ones in NCTE status?
Current and Pending (Other Support)/ Institutional Considerations

- Inability to independently verify accuracy of all of the information on the C&P form
- Degree of diligence expected to verify congruence with University records (COI/COC disclosures, merit/tenure review reports, reports of outside professional activities, unfunded (e.g. MTAs or DUA) agreements, internal grant funding
- Degree of diligence expected to detect/verify changes that occur between reporting cycles
- Allow use of $0 or NA for in-kind contributions
- Education for researchers on what needs to be reported including malign FTRP (particularly items that administrators cannot assist with)
- Tracking annual malign FTRP certifications
- Documenting senior/key persons made aware of required disclosure if party to a malign FTRP
- Lead time to implement
- Administrative burden
Poll Question #5

How many person-hours on average do you estimate it takes to complete the Current and Pending (Other) Support for the first time?

A. Less than 30 minutes.
B. More than 30 minutes but less than an hour.
C. About an hour.
D. More than an hour but less than 2 hours.
E. 2 hours or more.
Poll Question #6

How many person-hours on average do you estimate it takes to update the Current and Pending (Other) Support?

A. Less than 30 minutes.
B. More than 30 minutes but less than an hour.
C. About an hour.
D. More than an hour but less than 2 hours.
E. 2 hours or more.
Considerations for Effective Change Management

1. **Clean Slate** – The common forms should be a “Clean Slate” and the baseline for operational forms, FAQs, etc.

2. **Need for Further Clarification** – Desire for clear unambiguous definitions, terms, and reporting requirements.

3. **Agency Variations & Deviations** –
   - Forms and associated data elements/definitions should be constant across federal agencies. Agency specific variations should be identified as such and their data elements collected separately. The timing of any subsequent agency changes should be coordinated and infrequent as possible.
   - Harmonization of reporting timelines. Can “prior to award of support” and “at any subsequent time the agency determines appropriate” be standardized across agencies to JIT, RPPR/Annual and mid-project awareness of a disclosure omission?

4. **Administrative Burden** – Accurate estimation of administrative burden and considerations to minimize the burden.

5. **Great Progress and Effort** - This is positive advancement in harmonization, and we look forward to working with the agencies.
• We hope many institutions will comment; comments must be received by **October 31, 2022**
• COGR Comment Letters
• Feedback and comments may be sent to **ktoups@cogr.edu**
Additional Comments, Feedback, Questions?

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