

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

September 23, 2022

Speakers



Jeffrey Friedland
*Associate Vice
President Research
Administration
University of
Delaware*



Craig Reynolds
*Assistant Vice
President for
Research -
Sponsored Projects
University of
Michigan*



Pamela Webb
*Associate Vice
President for
Research
University of
Minnesota*



Krystal Toups
*Director, Contracts
& Grants
Administration
COGR*

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



Background



Common Disclosure Forms & Associated Documents



Considerations



Discussion

Background

NDAAs 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

<https://www.govinfo.gov/content/pkg/FR-2022-08-31/pdf/2022-18746.pdf>

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The information collection request will be available on <http://www.regulations.gov>. MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on www.reginfo.gov.

The public may also examine publicly available documents at DOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202-5452. Sign in at the receptionist's desk on the 4th floor via the East elevator. Before visiting MSHA in person, call 202-693-9455 to make an appointment, in keeping with the Department of Labor's COVID-19 policy. Special health precautions may be required.

Questions about the information collection requirements may be directed to the person listed in the FOR FURTHER INFORMATION section of this notice.

III. Current Actions

This request for collection of information contains provisions for Cleanup Program for Accumulations of Coal and Float Coal Dusts, Loose Coal, and Other Combustibles. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (22-063)]

Notice of Intent To Grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant exclusive, co-exclusive or partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive, co-exclusive or partially exclusive patent license to practice the inventions described and claimed in the patents and/or patent applications listed in SUPPLEMENTARY INFORMATION below.

DATES: The prospective exclusive, co-exclusive or partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than September 15, 2022 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than September 15, 2022 will also be treated as objections to the grant of the contemplated exclusive, co-exclusive or partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

Objections and Further Information:

This notice of intent to grant an exclusive, co-exclusive or partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at <http://technology.nasa.gov>.

Helen M. Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2022-18743 Filed 8-30-22; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Request for Comment Regarding Common Disclosure Forms for the Biographical Sketch and Current and Pending (Other) Support

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995, the National Science Foundation (NSF), on behalf of the National Science and Technology Council's (NSTC) Research Security Subcommittee, is soliciting public comment on common disclosure forms for the Biographical Sketch and Current and Pending (Other) Support sections of a research application. An

Common Biosketch Format

<https://www.nsf.gov/bfa/dias/policy/researchprotection/FederalRegisterBiographicalsketchfinal.pdf>

well as when updates are required in the application and award lifecycle. A final column identifies activities that are not required to be reported.

Individuals are reminded not to submit any personal information in the biographical sketch. This includes items such as: home address, home telephone, fax, or cell phone numbers; home e-mail address; driver's license number; marital status; personal hobbies; and the like. Such personal information is not appropriate for the biographical sketch and is not relevant to the merits of the proposal. The Federal research funding agency is not responsible or in any way liable for the release of such material.

The format of the biographical sketch is as follows:

* = required

Identifying Information

*Name: Enter the name of the senior/key person (Last name, First Name, and Middle Name, including any applicable suffix).

Data Element Spreadsheet

https://www.nsf.gov/bfa/dias/policy/researchprotection/Biosketch_CPS_Fields_8.10.22_for_FR.xlsx

Field	Required	Comments
Month and Year the Degree was Received (or expected receipt date)	MM/YYYY	the degree received the month and year the field of study.
Field of Study	--	At least, increase in academic, professional, or other activities.
Start Date	YYYY	For each entry provide the start date YYYY.
End Date	YYYY	For each entry provide the end date YYYY.
Appointment or Position Title	--	Appointment or Position Title of product the
Name of Organization	--	Appointment or Position Title of product the
Location of Organization	City (State/Province/Country)	Appointment or Position Title of product the
Names of Authors	Last, First, Initial	Appointment or Position Title of product the
Product Title	--	Appointment or Position Title of product the
Date of Publication or Release	DDMM/YYYY	Appointment or Position Title of product the
Machine URL	--	Appointment or Position Title of product the
Product Persistent Identifier	URL, e.g. https://doi.org/10.1111/1111/1111	Appointment or Position Title of product the
Other Relevant Citation	--	Appointment or Position Title of product the
Signature	--	Appointment or Position Title of product the
Date	DDMM/YYYY	Appointment or Position Title of product the

Key	
any number	
any letter	
month	
year	
if applicable	
day of month	
month/year	

Common Current and Pending (Other) Support

<https://www.nsf.gov/bfa/dias/policy/researchprotection/FederalRegisterCPSfinal.pdf>

kind contributions using the format specified below.

Consistent with NSPM-33, individuals are required to disclose contracts associated with participation in programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs³ Further, if individuals receive direct or indirect support that is funded by a foreign government-sponsored talent

¹ According to 42 U.S.C §§ 6605, "current and pending support": (A) means all resources made available, or expected to be made available, to an individual in support of the individual's research and development efforts, regardless of (i) whether the source of the resource is foreign or domestic; (ii) whether the resource is provided through the entity applying for a research and development award or directly to the individual; or (iii) whether the resource has monetary value; and (B) includes in-kind contributions requiring a commitment of time and directly supporting the individual's research and development efforts, such as the provision of office or laboratory space, equipment, supplies, employees, or students.

² In accordance with the NSPM-33 Implementation Guidance, senior personnel typically do not include graduate students.

³ In accordance with the NSPM-33 Implementation Guidance, a "foreign government-sponsored talent recruitment program" is defined as an effort organized, managed, or funded by a foreign government, or a foreign government instrumentality or entity, to recruit science and technology professionals or students (regardless of citizenship or national origin, or whether having a full-time or part-time position). Some foreign government-sponsored talent

Disclosure Table

<https://www.govinfo.gov/content/pkg/FR-2022-08-31/pdf/2022-18746.pdf>

Table Key

* = for new support only

◆ = if undisclosed at the time of application submission

Type of Activity	Biographical Sketch	Current & Pending Support	Facilities, Equipment & Other Resources	Project Reports	Post-Award Information Term & Condition	Disclosure Not Required
Professional Preparation (e.g., education and training)	✓					
Academic, professional ² or institutional appointments and positions, whether or not remuneration is received, and, whether full-time, part-time, or voluntary	✓					

COGR

Federal Register Notice¹

- Published August 31, 2022 - <https://www.govinfo.gov/content/pkg/FR-2022-08-31/pdf/2022-18746.pdf>
- 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

¹<https://www.govinfo.gov/content/pkg/FR-2022-08-31/pdf/2022-18746.pdf>

Common Biographical Sketch Form ^{2,3,4}

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

²<https://www.nsf.gov/bfa/dias/policy/researchprotection/FederalRegisterBiographicalSketchfinal.pdf>

³https://www.nsf.gov/bfa/dias/policy/researchprotection/Biosketch_CPS_Fields_8.10.22_for_FR.xlsx

⁴https://www.nsf.gov/bfa/dias/policy/nspm_disclosuretable/nspm33_disclosuretable_sept2022.pdf

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

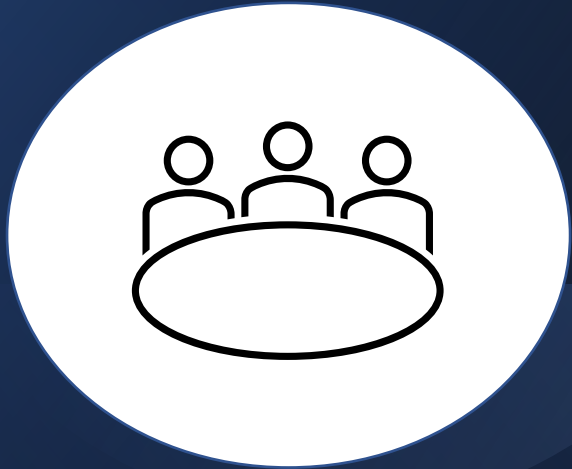
Common Biographical Sketch Form

- **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

Discussion



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)

Poll Question #3

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.

Common Current and Pending (Other) Support Form^{2,3,4}

- **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

²<https://www.nsf.gov/bfa/dias/policy/researchprotection/FederalRegisterCPSfinal.pdf>

³https://www.nsf.gov/bfa/dias/policy/researchprotection/Biosketch_CPS_Fields_8.10.22_for_FR.xlsx

⁴https://www.nsf.gov/bfa/dias/policy/nspm_disclosuretable/nspm33_disclosuretable_sept2022.pdf

Common Current and Pending (Other) Support Form

- **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)

Common Current and Pending (Other) Support Form

- **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?

Common Current and Pending (Other) Support Form

- **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?)

Common Current and Pending (Other) Support Form

- **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, forbearance, 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?

Common Current and Pending (Other) Support Form

- **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?

Discussion



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.

COGR Response

- 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?

Krystal Toups, Director of Contracts & Grants Administration: ktoups@cogr.edu