

COGR

Council On Governmental Relations

Overview of New NSPM-33 Guidance

Key Points and Institutional Considerations

Panelists

- **Theresa Colecchia, Sr.
Assoc. General
Counsel, Johns
Hopkins University**



- **Michael Vernick,
Partner, Akin Gump**



- **Kris West, Director
Research Ethics &
Compliance, COGR**



To get us started . . . a quick poll!

Pick the answer below that best describes how familiar you are with the new NSPM-33 implementation guidance released Jan. 4, 2022:

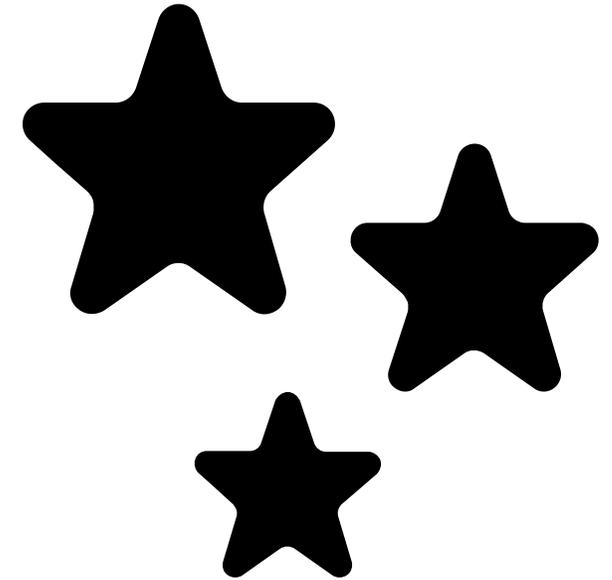
- a. Haven't had a chance to review it yet
- b. Skimmed over/read the highlights, but haven't read it in detail yet
- c. I've been so immersed I'm starting to dream about NSPM-33

Nat'l Science & Technology Council Guidance for Implementing NSPM-33: Key Points

- **First Step:** Model proposal forms/instructions to be developed in next 120 days.
- **Purpose:** Guidance for research funding agencies to produce their own guidance/requirements
- **Components:** Researcher disclosures and more!
- **Themes:**
 - Standardization/harmonization
 - Reduce administrative burden
 - Leverage existing documents/processes
 - No discrimination!

Disclosure Requirements: Some Stars are Beginning to Align

- NSF, NIH and NSPM harmonization in key areas
- New [NIH Disclosure Table](#)
- Updated [NSF Disclosure Table](#)
- [COGR Summary and Chart Comparing Disclosure Requirements Among NSPM-33 Guidance, NIH & NSF](#)



Areas that Still
Require
Harmonization

Consulting

Mentoring

Honoraria

Providing contract copies

Correcting disclosures

Certification

COGR Summary of Other Components of the Guidance

Digital Persistent Identifiers

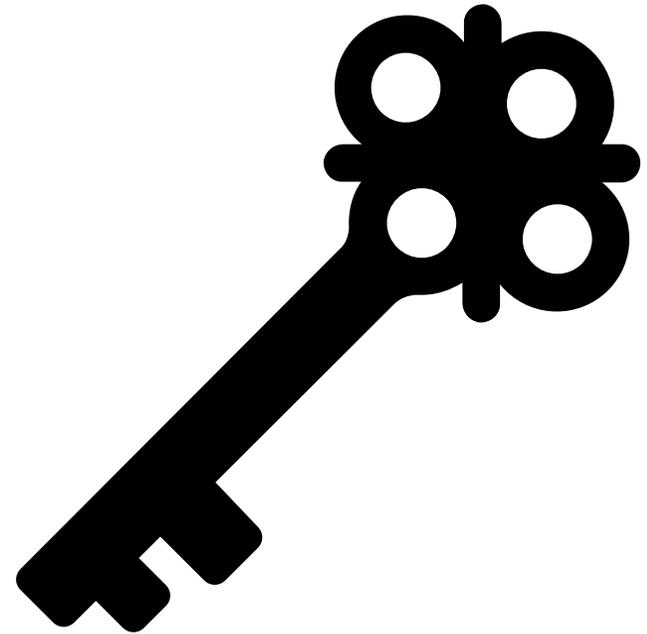
(Truth or) Consequences

Information Sharing

Research Security Programs

Key Points for Institutional Consideration

- The research security function has many disparate pieces, which may be under different leadership.
- Determining what systems/processes can be leveraged and what new systems will be needed.
- Resources!
 - How far can existing resources be stretched?
 - Are the different offices (export control, IT, travel systems) talking to each other and working across the silos?





Key Points for Institutions to Consider

- Clock is ticking!
- Training: Start now and be prepared to adapt the materials
- Promoting use of DPIs
- Addressing faculty fear of international engagement
- Making sure your institution can quickly direct faculty to use disclosure correction processes while systems are in flux

Correcting Past Mistakes and Consequences for Non-Disclosure

- Agencies should have procedures for permitting correction of past disclosure mistakes—OSTP stressed that those systems should be simple and straightforward
- Alignment with Section 223 of the FY 2021 NDAA for action against institution for non-disclosure by a researcher
 - Administrative remedy or enforcement action v. non-enforcement actions & remedies

On the Horizon: Research Security Programs

- Timeline: 90-day external engagement period + 120 development period
- Government assistance with training content and programmatic guidelines, tools, and best practices
- Institutional certification of compliance



Additional Questions for the Speakers?

Theresa Colecchia – tcolecc1@jhu.edu

Mike Vernick – mvernick@akingump.com

Kris West – kwest@cogr.edu