

## MEMORANDUM

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**DATE:** October 31, 2022

**Re:** Request for Comment Regarding Common Disclosure Forms for the Biographical  
Sketch and Current and Pending (Other) Support, OMB Approval Number:  
3145-NEW

On behalf of our organizations representing the higher education and research university community, we submit these comments in response to the request for public comment on common disclosure forms for the Biographical Sketch and Current and Pending (Other) Support sections of a research application. In addition to these high-level comments, we also support the more detailed comments submitted by our colleagues at the Council on Governmental Relations (COGR) and the Association of American Medical Colleges (AAMC).

We commend the efforts of the National Science and Technology Council (NSTC), the Office of Science and Technology Policy (OSTP), the National Science Foundation (NSF), and the other federal research agencies to engage with community stakeholders regarding the implementation of National Security Presidential Memorandum-33 (NSPM-33), “Presidential Memorandum on United States Government Support Research and Development National Security Policy.”

Our organizations and member institutions are deeply committed to safeguarding the integrity of federally funded research and the intellectual property resulting from it, while also engaging in meaningful international scientific collaborations critical to the global advancement of scientific knowledge. We support the principles guiding the implementation of NSPM-33,

especially the recognition of the importance to our technological advantage of openness in the U.S. research environment, and the focus on the need for clarity and harmonization of research security requirements across federal research agencies.

We therefore appreciate the interagency efforts to align disclosure requirements and materials across federal research agencies. The progress that has been made by the NSTC in coordination with the NSF and other federal agencies in developing a common disclosure form and associated disclosure elements and instructions for federally funded researchers is a positive step toward the harmonization and consistency our associations have previously requested. If administered consistently across agencies, a set of community-informed, common disclosure requirements could help to reduce the administrative burden on institutions and make compliance easier for their faculty researchers.

While the development of these common forms and associated materials is a major step forward, as you work to finalize the forms and associated materials and requirements, we urge that you:

*1) Limit Agency Variation in Required Disclosure Data Elements and Instructions.*

The request for comments notes “agencies may develop agency- or program-specific data elements and instructions, if necessary, to meet programmatic requirements, although agencies will be instructed to minimize the degree to which they supplement the common forms.” While we appreciate the request that agencies minimize changes or additions to the data elements included in the common disclosure form, we urge that these common disclosure forms and instructions have limited variance among agencies. We ask that the federal research agencies not use this common disclosure form as a mere “floor” to which agencies are expected to add additional requirements. The allowance for such additions and inconsistencies in reporting formats across agencies will only create confusion and place increased and unnecessary compliance burdens on both researchers and institutions. Each additional, single-agency request for a piece of information or a unique format in which that information must be provided increases the burdens on researchers and institutions and undermines the harmonization efforts that OSTP has worked hard to accomplish with this common form. Therefore, we recommend that any agency-specific departures from a final version of the common disclosure form be accompanied by a publication of a justification of the necessity of the additional information or a modification to the form in which that information should be provided.

*2) Ensure a Transparent and Uniform Process for Updating the Common Forms*

Our associations request clarification on the process for future modifications to the common disclosure form whether through government-wide announcements or by individual agencies, noting that the RFI states “modification and/or supplementation of these common forms will require clearance by OMB/OIRA under the PRA process.” It is important to provide transparency on the factors considered to determine the utility of the requested information and how it meets the programmatic requirements for the agency. Additionally we ask that the federal government establish a clear and consistent frequency on how often OSTP and the federal research agencies will expect to issue updates to the forms. Currently agencies can

update their forms at any time. Establishing a more consistent and uniform frequency will help the research community better manage expectations of when they can expect updates, develop systems and processes to better adhere to reporting requirements, limit potential reporting errors that could result from such changes, and reduce the administrative burden on institutions and individuals completing disclosure forms for multiple federal agencies. The NSTC should also periodically review variation across agency disclosure requirements to ensure conformance with the goal of common disclosure.

We also ask that OSTP establish a clear and consistent expectation on how often the respondent should update the information they provide to agencies to meet disclosure requirements. Currently, it differs across agencies, with some requesting at the time of application, just-in-time, at the time of award, annually, or within 30 days of a change (or as designated by the program officer). The inconsistency across agencies poses a challenge for researchers to effectively manage requirements and increases the administrative burden without sound reasoning for the frequency of updates. Additional guidance should also be provided concerning who is ultimately responsible for making disclosure updates, specifically institutions or individual faculty. The common form, as much as possible, should also make clear the potential sanctions or consequences of non-compliance for both individual researchers and institutions.

### *3) Clarify Definitions To Facilitate Compliance*

In creating a common disclosure form, we ask that the NSTC, working with the NSF and NIH, further clarify specific definitions relating to the types of information that must be reported, and ensure these definitions are consistently utilized across the research agencies for a clear and common interpretation. Currently there is continuing confusion on the specific meaning of some key terms where disclosure is required. These include terms such as “consulting” and “in-kind contributions.” The definitions for these and other important terms, such as “key/senior personnel,” should be clarified with qualifiers and examples and made consistent across the agencies. For example, stating that senior/key personnel are PIs/PDs across the various agencies. In addition to defining terms, we ask that the NSTC include qualifiers and provide examples to assist researchers in understanding what is required to disclose. For more specific terms and areas that need clearer definitions and explanations, we call your specific attention to the separate comments submitted by the COGR.

### *Conclusion*

We very much appreciate the federal government’s efforts to harmonize and create consistent disclosure reporting forms, data elements and instructions across federal research agencies. We urge the NSTC to continue to encourage agency harmonization and transparency in instructions and forms in order to make the compliance process clear for researchers and institutions. We are especially grateful that you continue to seek stakeholder input in this important process. We hope this will remain an ongoing and productive engagement and look forward to continuing to work with you on this and other matters associated with the implementation of NSPM-33.