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Submitted electronically to:
splimpto@nsf.gov

Suzanne H. Plimpton
Reports Clearance Officer
National Science Foundation
2415 Eisenhower Avenue, Suite E7400
Alexandria, Virginia 22314

RE: Common Disclosure Forms for the Biographical Sketch and Current and Pending (Other) Support – University of California Comments

Dear Officer Plimpton:

I write on behalf of the University of California (UC) system with regard to the “[Request for Comment regarding Common Disclosure Forms for the Biographical Sketch and Current and Pending \(Other\) Support](#)” posted in the *Federal Register* on August 31, 2022.

The UC system is comprised of ten campuses, six academic health centers, and three affiliated U.S. Department of Energy national laboratories. As a system, UC receives approximately \$6.7 billion annually of extramural awards to support research conducted throughout all UC locations, and is awarded more National Institutes of Health (NIH) and the National Science Foundation (NSF) funding than any other institution in the country. The UC system maintains a longstanding commitment to adhere to the highest standards of intellectual honesty and integrity in research.

UC appreciates the National Science and Technology Council (NSTC) Research Security Subcommittee work in creating common forms across federal agencies to increase clarity and reduce administrative burden on the research community, and the National Science Foundation (NSF) for being the steward of this effort. UC provides input below in response to the question of estimated burden and feedback on the proposed common disclosure forms. UC also supports the comments and recommendations captured in the comment letter submitted by the Council on Governmental Relations (COGR).

Estimate of the Burden for the Proposed Information Collection

UC estimates that it takes a *minimum* of 3 hours each proposal to build a biographical sketch and current and pending support form. Reducing burden is particularly important in light of increasing research administration requirements, while the cap on the administrative component of the Facilities & Administration rates remains unchanged at 26%.

Feedback on Common Disclosure Form

UC appreciates that modification and/or supplementation of the common disclosure forms will require clearance by OMB/OIRA. However, we note that agencies will have the discretion to make exceptions for various reasons, e.g., where required by legal authorities, for the protection of particular research and development, or for other agency compelling reasons. The extent of these exceptions is unclear, and it would be helpful to have examples for each exception. Further, the notice explains that “[a]gencies may develop agency- or program-specific data elements and instructions, if necessary, to meet programmatic requirements.” We are concerned that this is overly broad and undefined, leading to unlimited agency variation.

In general, we are concerned that exceptions will become the norm and may defeat the purpose of having a common form. We are also concerned that the research communities will not have an opportunity to comment on whether collection of information that is subsequently added to the common form is excessively burdensome, is necessary, or whether it will have practical utility. We urge guidance to agencies for how proposed exceptions should be evaluated vis-à-vis the larger goal of uniformity, and specific instructions to agencies to limit exceptions.

We noticed that the proposed biographical sketch form eliminated the personal and contributions statements / synergistic activities sections. However, we find that Principal Investigators (PIs) often use these areas to provide additional information about themselves that is relevant to the proposed research, but does not otherwise fit other areas of the biographical sketch. Furthermore, we believe these sections are important to reviewers and NIH and NSF may want to keep them, or at minimum, the spirit of such a section. In order to both allow Principal Investigators the opportunity to provide additional relevant information and to reduce the likelihood of modifications to the form by individual agencies, we recommend reinstatement of these sections with uniformity across all agencies maintained.

UC believes that the requirement for certifications from the PI and all key personnel on biographical sketches is excessively burdensome and inconsistent. Gathering certifications from all key personnel adds significant administrative burden, especially when a single certification by the PI should be sufficient. Most institutions have proposal submission systems where such certifications by the PI are (or can be) easily made. In contrast,

collecting certifications from each individual key personnel is not currently required or easily accomplished via existing platforms. Instead, we recommend the form itself include a reminder that individuals may be subject to criminal, civil, or administrative penalties for false, fictitious or fraudulent statements. We also recommend uniformity as different agencies have different versions of the certification.

In addition, we believe that any certification requirements should be delayed until a reasonable technological solution is found, tested, and vetted to minimize errors and confusion. Ideally, auto-generated forms should have built-in signatures to facilitate implementation and collection. Lastly, we recommend a delay of certifications requirements until a viable system (e.g., SciENCv) and electronic forms are available, and to allow for sufficient lead-time for institutions to adopt new forms (e.g., 6 months), and alignment of the timeline across all agencies.

Additional clarifications are needed to address the following:

- What will trigger required updates to the biographical sketches? In order to reduce administrative burden and make compliance manageable, we recommend requirements to provide updates *only* at the Just-In-Time (JIT) phase, as applicable, and with annual reports.
- We recommend clarification regarding how old the signature can be. For example, is a new signature required each time a previously prepared and signed biographical sketch is submitted?
- Requirements vary across agencies regarding whether Current & Pending Support forms are required with the *proposal* and at the JIT and annual report stages. For example, NSF requires it at the proposal and annual report stages, while NIH only requires the form at the JIT and annual report stages. We request uniformity across all agencies towards fewer submission instances. As such, we recommend clear instructions to all agencies and institutions that the requirement for submission of this form applies *only* at the JIT and annual report stages. This would save institutions valuable time.
- Will the instructions include a glossary of definitions? Will conflicting agency definitions be reconciled? For example, the NIH definition of “in-kind” does not mention time commitments, while the NSF definition includes time commitments as potential in-kind contributions. UC recommends harmonization of defined terms.
- There is also inconsistency among agencies in when Consulting Agreements need to be disclosed. For example, NIH in their FAQs notes that outside consulting agreements need to be disclosed if the outside consulting involves research. However, NSF does not include the qualifier “involves research”, instead references all outside consulting agreements. It would be helpful to have clear, consistent guidance on when outside

consulting agreements need to be disclosed when the activity involves research versus when it does not involve research.

- We recommend clarification or elimination of “virtual” as place of performance on Other Support forms. Normally, even for researchers that are mostly working remote after the onset of the COVID pandemic, the place of performance remains the institution providing the infrastructure and other support of their research.

Thank you for the opportunity to comment. We look forward to continued engagement on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Deborah Motton', with a long horizontal flourish extending to the right.

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