



# NSF disclosures and research security

Unpacking the NSF disclosure and certification requirements for  
personnel documents: What does this mean for you?

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Any opinions, findings, and conclusions or recommendations expressed in  
this material are those of the author and do not necessarily reflect the  
views of the National Science Foundation.



# Context

Hi Bob,

We are looking for someone to join us at the [DART Annual Retreat](#) (the current NSF EPSCoR Track 1 project) and provide a brief 10 min presentation on NSF disclosure and certification requirements. This would be on Wed Feb 7, 2024 around 2:15pm at the Embassy Suites in Rogers, Arkansas. The audience is made up of all the faculty and staff who are participating in the current NSF EPSCoR Track 1 project, DART, which represent 10+ IHEs and IHE-adjacent organizations in Arkansas. So we do want to keep it institutionally agnostic.

We would really like to have someone who can unpack the legality of the NSF disclosure and certification requirements as they relate to the CHIPS and Science Act of 2022. Specifically, we would like for someone to unpack what the certification (pasted below) means for our faculty, staff, and students. What do each of those U.S. codes mean (e.g. 18 U.S.C. §§287 False, fictitious or fraudulent claims is one of those listed – what are the practical implications)

“When the individual signs the certification on behalf of themselves, they are certifying that the information is current, accurate, and complete. This includes, but is not limited to, information related to domestic and foreign appointments and positions. Misrepresentations and/or omissions may be subject to prosecution and liability pursuant to, but not limited to, 18 U.S.C. §§287, 1001, 1031 and 31 U.S.C. §§3729-3733 and 3802.”

# That phrase is in the grant proposal guide,

## h. Senior Personnel Documents

### (i) Biographical Sketch(es)

**Note:** The mandate to use SciENcv only for preparation of the biographical sketch will go into effect for new proposals submitted on or after October 23, 2023. In the interim, proposers may continue to prepare and submit this document via use of SciENcv or the NSF fillable PDF. NSF, however, encourages the community to use SciENcv prior to the October 2023 implementation.

#### (a) Senior Personnel

This section of the proposal is used to assess how well qualified the individual, team, or organization is to conduct the proposed activities. A Biographical Sketch (limited to three pages) must be provided separately for each individual designated as senior personnel through use of SciENcv ([Science Experts Network Curriculum Vitae](#)). SciENcv will produce an NSF-compliant PDF version of the Biographical Sketch. Senior personnel must prepare, save, certify, and submit these documents as part of their proposal via Research.gov or Grants.gov.

Senior personnel include the individuals designated by the proposer/awardee organization and approved by NSF who contribute in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award.<sup>[27]</sup>

A table entitled, *NSPM-33 Implementation Guidance Pre- and Post-award Disclosures Relating to the Biographical Sketch and Current and Pending (Other) Support* <sup>[28]</sup> has been created to provide helpful reference information regarding pre-award and post-award disclosures. The table includes the types of activities to be reported, where such activities must be reported in the proposal, as well as when updates are required in the proposal and award lifecycle. A final column identifies activities that are not required to be reported.

### (7) \*Certification

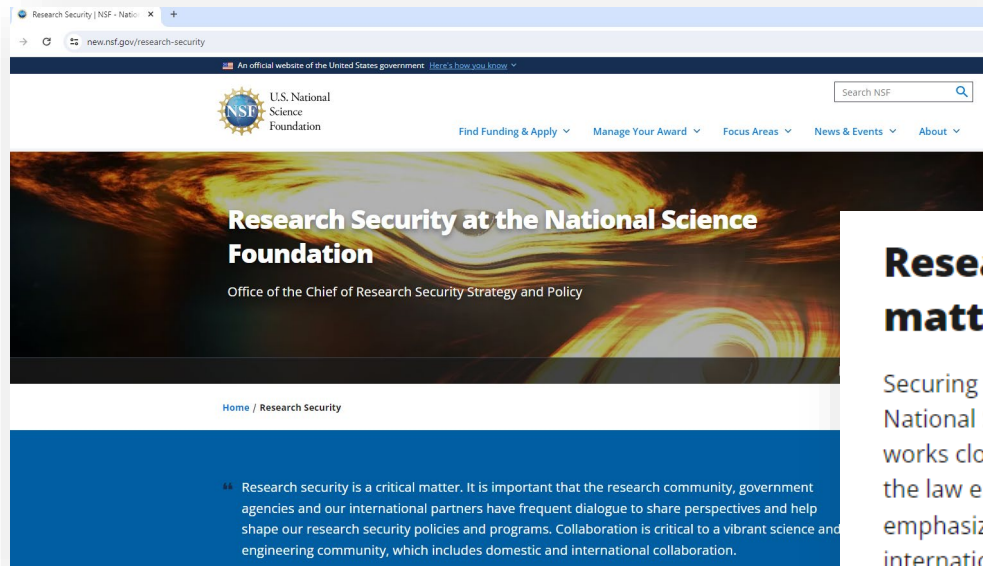
When the individual signs the certification on behalf of themselves, they are certifying that the information is current, accurate, and complete. This includes, but is not limited to, information related to domestic and foreign appointments and positions.

Misrepresentations and/or omissions may be subject to prosecution and liability pursuant to, but not limited to, 18 U.S.C. §§287, 1001, 1031 and 31 U.S.C. §§3729-3733 and 3802.

Senior Personnel Documents help NSF evaluate your time commitments and other commitments to determine if the work can be completed

PAPPG  
(Proposal & Award Policies and Procedures Guide)

# ... it addresses research security, and



## Research security at NSF: Why does it matter?

Securing the nation's research enterprise is part of the mission of the U.S. National Science Foundation and is essential to the national defense. NSF works closely on this effort with its funding agency counterparts and with the law enforcement and intelligence communities — consistently emphasizing the importance of balancing research security with international collaboration in science and engineering.

NSF has dedicated considerable effort and resources to working with the research community and its other partners to:

- Equip researchers with the information and tools necessary to ensure that their work is protected.
- Clarify security issues and mitigate risks.
- Foster transparency, disclosure and other practices that reflect the values of research integrity.

NSF's effort has led to ongoing initiatives aimed at clarifying proposal preparation and award administration requirements, as well as the issuance of new policies and directives in the proposal and award process.

# ... is part of the C&P instructions.

## (ii) Current and Pending (Other) Support

**Note: The mandate to use SciENcv only for the preparation of Current and Pending (Other) Support information will go into effect for new proposals submitted or due on or after October 23, 2023. In the interim, proposers may continue to prepare and submit this document via use of SciENcv or the NSF fillable PDF. NSF, however, encourages the community to use SciENcv prior to the October 2023 implementation.**

(a) Current and Pending (Other) Support<sup>[30]</sup> information is used to assess the capacity of the individual to carry out the research as proposed and helps assess any potential scientific and budgetary overlap/duplication, as well as overcommitment with the project being proposed. Note that there is no page limitation for this section of the proposal, though some fields have character limitations for consistency and equity.

(b) Senior personnel include the individuals designated by the proposer/awardee organization and approved by NSF who contribute in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award.<sup>[31]</sup>

(c) Current and Pending (Other) Support must be provided separately for each individual designated as senior personnel through use of SciENcv. SciENcv will produce an NSF-compliant PDF version of the Current and Pending (Other) Support. Senior personnel must prepare, save, certify, and submit these documents as part of their proposal via Research.gov or Grants.gov.

(d) Consistent with NSPM-33, senior personnel are required to disclose contracts associated with participation in programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs<sup>[32]</sup>. Further, if an individual receives direct or indirect support that is funded by a foreign government-sponsored talent recruitment program, even where the support is provided through an intermediary and does not require membership in the foreign government-sponsored talent recruitment program, that support must be disclosed. Senior personnel must also report other foreign government sponsored or affiliated activity. Note that non-disclosure clauses associated with these contracts are not acceptable exemptions from this disclosure requirement.

(e) A table entitled, *NSPM-33 Implementation Guidance Pre- and Post-award Disclosures Relating to the Biographical Sketch and Current and Pending (Other) Support*<sup>[33]</sup> has been created to provide helpful reference information regarding pre-award and post-award disclosures. The table includes the types of activities to be reported, where such activities must be reported in the proposal, as well as when updates are required in the proposal and award lifecycle. A final column identifies activities that are not required to be reported.

## NATIONAL SCIENCE AND TECHNOLOGY COUNCIL



### GUIDANCE FOR IMPLEMENTING NATIONAL SECURITY PRESIDENTIAL MEMORANDUM 33 (NSPM-33) ON NATIONAL SECURITY STRATEGY FOR UNITED STATES GOVERNMENT-SUPPORTED RESEARCH AND DEVELOPMENT

A Report by the

Subcommittee on Research Security

Joint Committee on the Research Environment

January 2022

Do you know what NSPM-33 represents?



# Guidance Table from NSPM-33

Type of Activity to be Disclosed	Biographical Sketch	Current & Pending/ Other Support	Annual Project Reports	Post-Award Information Terms & Conditions
<b>PERSONAL INFORMATION</b>				
Professional preparation (e.g., educational degrees)	✓			
Organizational Affiliations <sup>#</sup>	✓			
Academic, professional or institutional appointments, whether or not remuneration is received, and whether full-time, part-time, or voluntary	✓			
Paid consulting that falls outside of an individual's appointment; separate from institution's agreement		✓	✓	✓
<b>RESEARCH FUNDING INFORMATION</b>				
Current and pending support: All R&D projects currently under consideration from whatever source, and all ongoing projects, irrespective of whether support is provided through the proposing organization, another organization, or <i>directly</i> to the individual, and regardless of whether the support is direct monetary contribution or in-kind contribution (e.g., office/laboratory space, equipment, supplies, or employees)		✓	✓	✓
Current or pending participation in, or applications to, programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs <sup>6</sup>	✓ (Appropriate placement may be contract-dependent)			
In-kind contributions not intended for use on the project/proposal being proposed		✓	✓	✓
Visiting scholars funded by an entity other than own institution		✓	✓	✓
Students and postdoctoral researchers funded by an entity other than own institution		✓	✓	✓
Travel supported/paid by an entity other than own institution to perform research activities with an associated time commitment		✓	✓	✓
Certification by the individual that the information disclosed is accurate, current, and complete		✓	✓	✓

<sup>#</sup>Some agencies may collect this information in Collaborators and Other Affiliations.

Some of this should look familiar – doing it already

Note the word “ALL”

This is a new item – foreign talent programs

Here's the certification clause



# Excerpts: NSF case studies

## Case study 1: Failure to respond to an OIG subpoena related to foreign funding and affiliations

- An NSF-funded principal investigator is employed by a U.S. organization.
- NSF's Office of Inspector General receives information, including open-source information, that the researcher participates in a foreign talent plan and serves as a faculty member at a foreign organization.
- The PI does not disclose any information about foreign funding/affiliations in NSF proposals, even though that information is required by NSF's Proposal and Award Policies and Procedures Guide.

## Case study 4: NSF and a science association find research security and integrity violations

A well-published senior researcher at a U.S.-based institution had four awards terminated, which had award funding totaling more than \$1 million. During a thorough NSF Office of Inspector General investigation, it was found that the researcher had multiple undisclosed foreign affiliations in violation of NSF's [disclosure policies](#). A scientific association that the researcher belongs to had also convened an independent panel to conduct an investigation based on complaints they received from other association members.

The scientific association investigation found that the researcher violated the association's peer review process by repeatedly sharing reviewer names and individual scores connected with paper submissions to the association. Additionally, the researcher coerced a co-author to proceed with a manuscript submission to the association, despite the co-author's repeatedly expressed concerns about the correctness of the results reported in that manuscript.

Lastly, the researcher was part of a talent recruitment plan, which is itself allowable. However, the malign foreign government talent plan affiliation was not disclosed to NSF and there were terms in the talent plan contract that could be linked to both the nondisclosure issues and the concerning behaviors found by the association's investigation. The researcher has since resigned from the U.S. university and left the United States.

## Academic" and "reputational" penalties

- On the OIG's recommendation, NSF imposes a government-wide debarment on the researcher (including a bar on serving as a reviewer, adviser or consultant) for a fixed term. This recommendation is in view of the researcher's failure to respond to the OIG's subpoena (for example, through court action contesting the subpoena or full production of documents) and in view of information indicating that the researcher failed to fully disclose current and pending support in proposals to NSF. At the end of the debarment period, NSF will consider the decision to determine if an extension is necessary to protect the public interest.
- As the PI is no longer involved in the NSF-funded research, NSF lifts the suspension of the awards.

Outcome: While there were no formal proceedings instituted against the researcher in federal court, NSF took three types of actions — award suspension, debarment and lifting of award suspension — at different stages of the OIG's investigation. These actions were tailored to the risk to NSF in view of the information available at the time the action was taken.

... “those phrases”

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[LII](#) > [U.S. Code](#) > [Title 18](#) > [PART I](#) > [CHAPTER 15](#) > [§ 287](#)


Quick search by citation:  
**Title**  **Section**

## 18 U.S. Code § 287 - False, fictitious or fraudulent claims

[U.S. Code](#) [Notes](#)

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Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title.

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## 18 U.S. Code § 1031 - Major fraud against the United States

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(a) Whoever knowingly executes, or attempts to execute, any scheme or artifice with the intent—

- (1) to defraud the United States; or
- (2) to obtain money or property by means of false or fraudulent pretenses, representations, or promises,

in any grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance, including through the Troubled Asset Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government's purchase of any troubled asset as defined in the [Emergency Economic Stabilization Act of 2008](#), or in any procurement of property or services as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, if the value of such grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance, or any constituent part thereof, is \$1,000,000 or more shall, subject to the applicability of subsection (c) of this section, be fined not more than \$1,000,000, or imprisoned not more than 10 years, or both.



... more



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## 31 U.S. Code § 3729 - False claims

[U.S. Code](#) [Notes](#)

**(a) LIABILITY FOR CERTAIN ACTS.—**

**(1) IN GENERAL.—**Subject to paragraph (2), any person who—

**(A)** knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

**(B)** knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;



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the court may assess not less than 2 times the amount of damages which the Government sustains because of the act of that person.

**(3) COSTS OF CIVIL ACTIONS.—**  
A person violating this subsection shall also be liable to the United States Government for the costs of a civil action brought to recover any such penalty or damages.

**(b) DEFINITIONS.—**For purposes of this section—

**(1)** the terms “knowing” and “knowingly”—

**(A)** mean that a person, with respect to information—

**(i)** has actual knowledge of the information;

**(ii)** acts in deliberate ignorance of the truth or falsity of the information; or

**(iii)** acts in reckless disregard of the truth or falsity of the information; and

**(B)** require no proof of specific intent to defraud;

Proven to be intentional or not, does not matter

# All is not lost

- NSPM-33 requires agencies to have a method to correct disclosures
- NSF as an example



National Science Foundation (.gov)

[https://www.nsf.gov/dias/policy/cps\\_faqs](https://www.nsf.gov/dias/policy/cps_faqs) PDF

## FAQs on Current & Pending (Other) Support

What steps must be taken if, after proposal submission, the proposal is not included in the current and pending (other) support ...

### 4. What steps must be taken if, after proposal submission, the proposer realizes a disclosure was not included in the current and pending (other) support information?

The steps to be taken depend on whether the proposal is in pre- or post-award status:

#### Pre-award

- If discovered prior to a deadline date, or in the case of a target date or no-deadline, prior to NSF assigning reviewers, an organization may use the proposal file update mechanism to submit revised current and pending (other) support information; or
- If discovered after reviewers have been assigned (and prior to award), the proposing organization should contact the cognizant program officer.

#### Post-award

- If discovered after award that a disclosure should have been submitted at the time of proposal submission, but was not, the AOR has 30 days to submit a post-award request to NSF.



# Resources

new.nsf.gov/research-security/training



Courses Organizations ▾ Individuals ▾ About Job Board

New Course – Just ASK™: Introduction to Equity

## The Trusted Standard in Research, Ethics, Compliance, and Safety Training

The Collaborative Institutional Training Initiative (CITI Program) is dedicated to serving the training needs of colleges and universities, healthcare institutions, technology and research organizations, and governmental agencies, as they foster integrity and professional advancement of their learners.

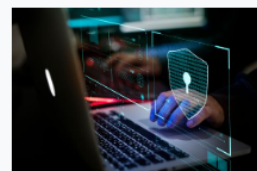
Demo a Course

Benefits for Organizations

### Take the research security training

Take the training directly from your browser. Visit the four training modules at the links below.

- Each module should take about 60 minutes to complete.
- You can leave a module and return without losing progress from this browser.
- When you complete the module, you can download or print a completion certificate, but the module **will not save a record** of your training.



#### Module 1: What is Research Security?

Learn key concepts of research security and how to recognize situations that may indicate undue foreign influence. Understand the regulatory landscape that shapes research security and discover what you can do to safeguard the core values that underpin U.S. academic research.

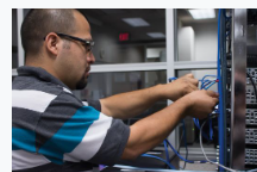
Start module 1



#### Module 2: Disclosure

Learn about federal funding agency disclosure requirements, including types of information that must be disclosed, how that information is used, and why such disclosures are fundamental to safeguarding the U.S. research enterprise from foreign government interference and exploitation.

Start module 2



#### Module 3: Manage and Mitigate Risk

Learn to identify types of international collaborative research and professional activities, associated potential risks, and strategies and best practices for managing and mitigating such risk. Learner experience will be customized based on their role as either a researcher or administrator.

Start module 3



#### Module 4: International Collaboration

Learn about the role of principled international collaboration in U.S. science, innovation and economic competitiveness. Discover how to balance principled international collaboration with research security concerns, as well as how to foster an open, welcoming research environment that fulfills research security needs.

Start module 4

# Closing comments

- Each DART institution has people with expertise to help
- Do not be afraid to disclose
- It is “your” certification and your responsibility to be accurate and forthright



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