



National Aeronautics and
Space Administration
Washington, DC 20546

Grant Information Circular

GIC 23-07
August 21, 2023

PURPOSE: The purpose of this Grant Information Circular (GIC) is to inform NASA personnel and grant and cooperative agreement recipients of changes to section 3.3, Conflicts of Interest Policy, and Appendix D, Award Terms and Conditions, in NASA's *Grant and Cooperative Agreement Manual* (GCAM).

BACKGROUND: Through this GIC, NASA is effectuating revisions to the GCAM that implement a revised conflict of interest (COI) disclosure policy for grant and cooperative agreement recipients. The COI policy was developed in response to recommendations seven and eight in the U.S. Government Accountability Office (GAO) report [GAO-21-130](#), *Federal Research: Agencies Need to Enhance Policies to Address Foreign Influence in Research*. The GAO recommended that NASA update its COI policy to include non-financial conflicts, such as conflicts of commitment (COC), and document procedures for addressing and enforcing failures to disclose required information. The revised COI policy in Appendix A of this GIC only pertains to the disclosure of significant financial interests and COI. NASA will address COC in a separate policy regarding biographical sketch and current and pending support disclosure requirements at a later date.

The policy in Appendix A defines key terms, outlines grant and cooperative agreement recipients' COI policy and disclosure requirements, describes actions that NASA will take when a COI is disclosed to the Agency, and provides a term and condition that will be incorporated into new and amended awards. This policy was designed to standardize NASA's COI disclosure requirements with those of other Federal research funding agencies to the greatest extent practicable.

GUIDANCE: Upon this GIC's effective date, the term and condition in Appendix A will be placed into all new and amended grants and cooperative agreements. At that time, award recipients will be expected to comply with the disclosure requirements in the revised COI policy.

EFFECTIVE DATE: This GIC is effective December 1, 2023.

REGULATION OR TERM AND CONDITION CHANGES: Yes. The revised policy in Appendix A includes a new term and condition, D39. Conflict of Interest Policy Requirements.

HEADQUARTERS CONTACTS: Christopher Murguia, Office of Procurement, Procurement Management and Policy Division, Grants Policy & Compliance, 202-909-5918, e-mail: christopher.e.murguia@nasa.gov

Appendix A – Revised Conflict of Interest Policy

GCAM section 3.3, Conflicts of Interest Policy, is revised as follows:

1. For the purposes of section 3.3, the following definitions apply:
 - a. The term “conflict of interest,” or “COI,” means a situation in which an investigator, or the investigator’s spouse or dependent children, has a significant financial interest that could directly and significantly affect the design, conduct, or reporting of NASA-funded research.
 - b. The term “significant financial interest” means anything of monetary value, including, but not limited to, salary and any payment for services not otherwise identified as salary (e.g., consulting fees or honoraria), equity interest (e.g., stock, stock options, private equity, or other ownership interests), venture or other capital financing, and intellectual property rights (e.g., patents, copyrights, and royalties from such rights). The term does not include the following:
 - i. Salaries, royalties, or other remuneration paid by the proposing institution to the investigator if the investigator is currently employed or otherwise appointed by the institution;
 - ii. Any ownership interests in the proposing institution if the institution is a commercial or for-profit organization;
 - iii. Income from investment vehicles, such as mutual funds and retirement accounts, as long as the investigator does not directly control the investment decisions made in these vehicles;
 - iv. Income from seminars, lectures, or teaching engagements sponsored by a public or nonprofit entity;
 - v. Income from service on advisory committees or review panels for a public or nonprofit entity;
 - vi. An equity interest that, when aggregated for the investigator and the investigator’s spouse and dependent children, meets both of the following tests: (1) does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value and (2) does not represent more than a 5 percent ownership interest in any single entity; or
 - vii. Salaries, royalties, or other payments that, when aggregated for the investigator and the investigator’s spouse and dependent children, are not expected to exceed \$10,000 during the prior twelve-month period.
 - c. The term “institution” means any domestic or foreign, public or private, entity or organization that is applying for, or that receives, a NASA research grant or cooperative

agreement.

- d. The term “investigator” means the principal investigator, project director, and any other person, regardless of title or position, identified on the proposed project who is responsible for the design, conduct, or reporting of research funded or proposed for funding by NASA.
2. All recipients of NASA research grants and cooperative agreements (hereinafter “award”) shall maintain a written and enforced policy addressing COI. Pass-through entities shall be responsible for ensuring that (1) subaward recipients have their own policies in place that meet the requirements of NASA’s COI policy or (2) investigators working for subaward recipients follow the COI policies of the pass-through entity.
 3. Institutions’ COI policies shall:
 - a. Designate an official(s) to solicit disclosures of significant financial interests (including those of the investigator’s spouse and dependent children) of investigators that would reasonably appear to be affected by research funded or proposed to be funded by NASA or in entities whose financial interests would reasonably appear to be affected by such activities.
 - b. Ensure that investigators who are planning to participate in NASA-funded research disclose to the institution’s designated official(s) the investigator’s significant financial interests no later than the time of application for NASA-funded research. Institutions must also require that disclosures are updated during the award’s period of performance, either on an annual basis, or as new reportable significant financial interests are obtained.
 - c. Prior to an institution’s expenditure of any funds under a NASA-funded research award, institutions shall require the designated official(s) to review investigators’ disclosures of significant financial interests, determine whether a COI exists, and, if so, determine what conditions or restrictions, if any, should be imposed by the institution to manage, reduce, or eliminate such COI. Examples of conditions or restrictions that an institution or subrecipient might impose to manage, reduce, or eliminate a conflict include, but are not limited to:
 - i. Public disclosure of the COI (e.g., when presenting or publishing the research),
 - ii. Monitoring of research by independent reviewers,
 - iii. Modification of the research plan,
 - iv. Change of personnel or personnel responsibilities,
 - v. Disqualification of personnel from participation in all or a portion of the NASA-funded activity,

- vi. Divestiture of significant financial interests that create the COI (e.g., sale of an equity interest), or
 - vii. Severance of relationships that create the COI.
- d. Establish adequate enforcement mechanisms and provide for employee sanctions or other administrative actions to ensure investigators' compliance as appropriate.
 - e. Institutions may apply COI disclosure standards that are more stringent than section 3.3 of this Manual (e.g., standards that require more extensive disclosure of financial interests).
4. Institutions shall adhere to the following notification requirements:
- a. Prior to the expenditure of any funds under a NASA-funded research award, institutions shall notify the NASA Grant Officer(s) listed on the related award(s) in writing of any COI that cannot be satisfactorily managed, reduced, or eliminated in accordance with the institution's policy. In cases in which an institution identifies a COI and manages, reduces, or eliminates it prior to the expenditure of NASA-awarded funds, the institution shall not submit a COI notification to NASA.
 - b. After the expenditure of award funds, institutions shall notify NASA within 60 days of any subsequently identified COI that cannot be managed, reduced, or eliminated.
 - c. Notifications shall include sufficient information to enable NASA to understand the nature and extent of the COI (e.g., award number, name of investigator with the COI, nature of the significant financial interest, etc.).
5. When an institution notifies a NASA Grant Officer(s) of a COI that cannot be eliminated, managed, or reduced, the cognizant Grant Officer or one of their delegates will report the conflict to the Office of the General Counsel (OGC) as follows:
- a. Grant Officers will report the conflict to the NASA Shared Services Center's (NSSC) OGC and copy the award's Technical Officer. The NSSC OGC then will inform HQ OGC of the reported conflict. In consultation with OGC and the relevant Technical Officer, the Grant Officer must review the COI and take appropriate action, as necessary.
 - i. When an institution notifies NASA of a COI that involves any foreign governments, their instrumentalities, or any other entities owned, funded, or otherwise controlled by a foreign government, the cognizant Grant Officer must review the COI and take appropriate action, as necessary, in consultation with the award's Technical Officer, OGC, and the NASA Office of International and Interagency Relations (OIIR).
 - ii. If fraud, misrepresentation, or related misconduct is suspected in relation to any COI notification submitted to NASA, then the Grant Officer or Technical Officer also will refer the matter to the NASA Office of Inspector General and OGC's

Acquisition Integrity Program.

- b. If a Grant Officer must take appropriate actions after conducting the reviews described above, then they will do so in accordance with the remedies for noncompliance and termination provisions in 2 CFR § 200.339 through § 200.343. Remedies for noncompliance include but are not limited to:
 - i. Temporarily withholding payment,
 - ii. Disallowing all or part of the cost of an award activity,
 - iii. Wholly or partly suspending or terminating the award,
 - iv. Initiating referrals for consideration of suspension or debarment proceedings, and
 - v. Withholding further Federal awards for the project or program.

- c. A Grant Officer intending to take action per paragraph (b) of this section, with the exception of paragraph (b)(iv), will notify each institution about the specific reason for the action and will adhere to the requirements in GCAM section 7.13, *Appealing a Suspended or Terminated Award*, as necessary. However, notice of suspension or debarment proceedings will be issued consistent with 2 CFR Part 180, as adopted by NASA at 2 CFR Part 1880. Additionally, if NASA determines that an investigator will be disqualified from participating on an award due to a COI that cannot be managed, reduced, or eliminated, then NASA will offer the institution an opportunity to address the COI prior to taking action on the award.

Appendix D, Award Terms and Conditions, is revised as follows:

D39. Conflict of Interest Policy Requirements

- a. All NASA grant and cooperative agreement recipients shall comply with the conflict of interest policy and notification requirements in section 3.3, *Conflicts of Interest Policy*, of the *NASA Grant and Cooperative Agreement Manual (GCAM)*, as amended by Grant Information Circular 23-07, *Conflict of Interest Policy*.