

CONFLICT OF INTEREST POLICY FOR RECIPIENTS OF NASA FINANCIAL ASSISTANCE AWARDS¹

Definitions.

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.

“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.

¹ A full copy of this policy can be accessed here:

<https://www.nasa.gov/wp-content/uploads/2023/09/gic-23-07-conflict-of-interest-policy-0.pdf>

“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.

“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.

Requirements.

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 shall:

- a. disclose their significant financial interests (including those of the investigator’s spouse and dependent children)
- b. 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. Investigators must also update their disclosure during the award’s period of performance, either on an annual basis, or as new reportable significant financial interests are obtained.

Management of financial conflicts of interest.

Prior to an institution’s expenditure of any funds under a NASA-funded research award, institutions shall:

- a. 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.
- b. Establish adequate enforcement mechanisms and provide for employee sanctions or other administrative actions to ensure investigators’ compliance as appropriate.
- c. 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).

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. 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).
- b. 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.

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.