The revised policy is designed to standardize NASA’s conflict to interest disclosure requirements with those of other Federal research funding agencies. In summary, the policy requires NASA grant and cooperative agreement recipients to maintain and enforce a conflict of interest policy that requires the disclosure of significant financial interests to an authorized official prior to application submission. Prior to the expenditure of grant or cooperative agreement funds, the institution shall review disclosed significant financial interests, determine if a conflict of interest exists, and determine what conditions or restrictions, if any, should be imposed to manage, reduce, or eliminate such conflict of interest. Institutions shall notify NASA of any conflict of interest that cannot be managed, reduced, or eliminated in accordance with the institution’s policy.

Public Comments Discussion

In response to NASA’s request for public comment, the Agency received seven letters containing multiple comments from colleges and universities, for-profit entities, and other non-profit organizations. All comments were carefully reviewed and considered prior to finalizing the policy.

Response: NASA has updated the definition of “conflict of interest” to align to that used by other Federal research agencies, removed all references to conflicts of commitment, and added a definition for “significant financial interest” that includes dollar thresholds.

A few comments requested that NASA revise the time at which conflict of interest information had to be reviewed and managed. Per the comments, other Federal agencies require that significant financial interest disclosures be reviewed and managed, as necessary, prior to the expenditure of award funds. NASA’s proposed policy, on the other hand, required conflict of interest information to be reviewed and managed prior to application submission. Response: NASA recognizes its proposed policy included requirements for the review and management of conflict of interest information that is burdensome and inconsistent with other Federal research agencies. NASA has revised the policy to require that significant financial interest disclosures be reviewed and managed, reduced, or eliminated prior to the expenditure of awards funds.

One comment requested that NASA clarify how its proposed policy would impact subaward recipients. Response: NASA has added language to the policy describing pass-through entities’ and subaward recipients’ responsibilities.

One comment recommended that NASA add language to the proposed policy specifically allowing the use of independent third party or contracted services for the provision of technical assistance to meet the due diligence and review requirements described in the policy. Response: NASA has declined to add this recommended language to the policy. As written, the policy permits discretion when grant and cooperative...
agreement recipients are determining which individual(s) is responsible for soliciting and reviewing significant financial interest disclosures.

One comment recommended that the proposed policy be updated to include language allowing security review requirements to be considered a direct cost or, at a minimum, considered a reasonable and allocable cost under title 2 of the Code of Federal Regulations part 200, sections 404 and 405. 

Response: NASA assumes that this comment was made in response to language in the proposed policy’s definition of conflicts of commitment that pertained to conflicting obligations that threaten research security. Given that all references to conflicts of commitment have been removed, NASA has declined to add this recommended language.

The full text of the policy and term and condition is provided below: 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.

e. The term “investigator” includes the investigator with the COI, nature of the COI (e.g., sale of an equity interest), or severance of relationships that create the COI.

f. Establish adequate enforcement mechanisms and provide for employee sanctions or other administrative actions to ensure investigators’ compliance as appropriate.

g. 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).

h. Institutions shall adhere to the following notification requirements:

i. Prior to the expenditure of any funds under a NASA-funded research award, institutions shall notify the NASA Grant Officer(s) of a 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-funded funds, the institution shall not submit a COI notification to NASA.

ii. 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.

iii. 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.).

j. 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 (NSSSC) OGC and copy the award’s Technical Officer. The NSSSC 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, they will do so in accordance with the remedies for noncompliance and termination provisions in 2 CFR part 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 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.

End of Policy and Term and Condition

NASA has implemented the new policy and term and condition through GIC 23–07, which modifies sections 3.3, Conflicts of Interest Policy, and Appendix D, Award Terms and Conditions, of the Grant and Cooperative Agreement Manual. The policy and term and condition are effective December 1, 2023, and the term and condition will be placed into new and amended awards at that time.

Antanese Crank,
Chief, Grants Policy and Compliance.

[FR Doc. 2023–18802 Filed 8–30–23; 8:45 am]
BILLING CODE 7510–13–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2023–99]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission’s consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: Comments are due: September 1, 2023.

ADDRESSES: Submit comments electronically via the Commission’s Filing Online system at http://www.prc.gov. Those who cannot submit comments electronically should contact the person identified in the FOR FURTHER INFORMATION CONTACT section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request’s acceptance date, and the authority cited by the Postal Service for each request. Each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service’s request(s) can be accessed via the Commission’s website (http://www.prc.gov). Non-public portions of the Postal Service’s request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.1

The Commission invites comments on whether the Postal Service’s request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. Docket No(s).: CP2023–99; Filing Title: USPS Notice of Amendment to Priority Mail and Parcel Select Contract 7, Filed Under Seal; Filing Acceptance Date: August 24, 2023; Filing Authority: 39 CFR 3035.105; Public Representative: Jennaca D. Upperman; Comments Due: September 1, 2023.