

Department of Energy (DOE) Interim Conflict of Interest (COI) Policy

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Initial announcement

- In a Financial Assistance Letter published Dec. 20, 2021 (FAL 2022-02) DOE announced an Interim Conflict of Interest (COI) Policy for Financial Assistance.
- Applies to researchers and institutions receiving funding from the DOE.
- Applies to all Funding Opportunity Announcements (FOAs) issued on or after Dec 20, 2021, and new and renewal financial assistance awards selected from those FOAs, except Office of Indian Energy and Phase I SBIR/STTR FOAs and financial assistance awards. It is also applicable to all DOE formula financial assistance awards and financial assistance awards selected non-competitively on or after the effective date of this FAL.
- Compliance required within 180 days of the FAL (June 18, 2022).
- Policy is closely aligned with the federal Public Health Service (PHS) Financial Conflict of Interest (FCOI) regulations that the UO and most other institutions currently follow, and which are the foundation of UO's FCOI policy.
- Some differences with existing PHS policy mean DOE funded researchers may encounter new requirements at the time of proposal, after an award has been issued and over the course of a sponsored project.



Differences in policy scope

- Financial conflicts of interest for researchers, and **organizational conflicts of interest**
 - The policy discusses organizational conflicts as those expected to arise from private entities
- Investigator means the principal Investigator (PI) and any other person, regardless of title or position, who is responsible for the **purpose**, design, conduct, or reporting of a **project** funded by DOE or proposed for funding by DOE.
 - PHS policy and UO FCOI policy apply specifically to **research**.
 - Project means the interdependent activities funded wholly or in part under the DOE financial assistance award. A project has a defined start and end point with objectives described in an application or in an approved scope that, when attained, signify completion and achievement of a specific goal, and creation of a unique product, service, or result. For awards that include recipient cost share as part of the approved budget, activities funded with that recipient cost share are included.
- Financial conflict of interest (FCOI) means a situation in which an Investigator or the Investigator's spouse or dependent children has a significant financial interest **or financial relationship** that could directly and significantly affect the design, conduct, reporting or funding of a project.
 - Closely aligned with PHS regulation and UO FCOI policy

New potential additional reporting requirements

- The interim COI policy requires the non-Federal entity provide DOE with ongoing financial conflict of interest (FCOI) reports, which identify any unmanaged or unmanageable financial conflicts of interest.
- DOE has discretion to require that the FCOI report also include managed financial conflicts of interest, and the requirement to do so will be specified in the applicable Funding Opportunity Announcement and/or terms and conditions of the financial assistance award.
- In addition to the standard FCOI report, DOE may require a non-Federal entity to routinely submit all or some investigator disclosures of significant financial interests.
- DOE program offices have discretion to apply stricter requirements. For example, the definition of “investigator” (i.e., the individuals who must disclose significant financial interests) may be expanded to also include **any person who participates** in the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. These two categories may include, **for example, collaborators, consultants, or graduate (master’s or PhD) students.**
- As with PHS regulations, policy applies to subrecipients.
- At present, DOE does not have a uniform electronic portal for reporting; program offices will manage reporting logistics.



Changes to FCOI Training and SFI Declaration

- RCS updated the FCOI training (required of all sponsored researchers identified as FCOI Investigators in EPCS) to include the information provided today.
- RCS updated the SFI declaration certification page so it includes the required DOE language, including a space for typing name and date:

I understand that this Disclosure is required to obtain funding from the U.S. Government. I, [Full Name and Title], certify to the best of my knowledge and belief that the information contained in this Disclosure Statement is true, complete, and accurate. I understand that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims, or otherwise. (18 U.S.C. §§ 1001 and 287, and 31 U.S.C. 3729-3730 and 3801-3812). I further understand and agree that (1) the statements and representations made herein are material to U.S. Government's funding decision, and (2) I have a responsibility to update the disclosures during the period of performance of the award should circumstances change which impact the responses provided above.



Next steps

- RCS to email (today) all currently sponsored DOE researchers (PIs, Co-Is, and Other Key Personnel) with an announcement about the new policy and information covered today (as an attachment); DGAs will be cc'd on that email.
- Communication and coordination between RCS, SPS, DGAs, and PIs necessary as we all encounter aspects of this new policy and identify opportunities to adapt current business processes.
- Development of new RAP COI and Grants modules may present opportunities for ensuring compliance.



More expected from DOE

- DOE indicated it will issue FAQs on the policy.
- Ultimately, the DOE will publish a Notice of Proposed Rulemaking (NPRM) for a final rule but the timetable for publication is not yet known.
- DOE also intends to amend its financial assistance regulations to incorporate requirements to address financial conflict of interest, organizational conflict of interest, and conflicts of commitment.

For more information

- DOE FAL 2022-02 <https://www.energy.gov/sites/default/files/2021-12/Interim%20COI%20Policy%20FAL2022-02%20to%20SPEs.pdf>
- FCOI Training in [EPCS](#) (under Help menu on main page)
- Research Compliance Services
 - Landing page on [conflicts of interest and commitment](#)
 - Call or email us at 541-346-2510; coi@uoregon.edu
- DOE program officers
- Sponsored Project Administrators
- Collaborating institutions