

# Financial Conflicts of Interest Policy for US Department of Energy Grants

Last Revised: January 2023



## Introduction and Scope

Deere & Company and its subsidiaries, affiliates, and business units (collectively Deere) sometimes engage in projects where funding is received from US government agencies.

The US Department of Energy (DOE) issued its Interim Conflict of Interest Policy for Financial Assistance (DOE COI) in December 2021, to establish standards that provide a reasonable expectation that the design, conduct, and reporting of projects funded in whole or in part by the DOE will be free from bias resulting from individual and/or organization conflicts of interest.<sup>1</sup> The DOE COI imposes additional restrictions and/or procedural requirements related to financial and organizational conflicts of interest (COI) when funding such projects.

To that end, Deere adopts this policy, which describes requirements and procedures related to the DOE COI requirements and to ensure that Deere complies with DOE COI rules. This policy shall be maintained, up-to-date, and enforced, and is available on a publicly available Deere website.

This policy applies only to projects that have DOE funding, whether in part or in whole. If you are not sure, consult your manager. For projects that pre-date the DOE COI release in December 2021, consult with the Point of Contact at the end of this policy, who will determine whether or not the DOE COI applies to a specific project.

Questions on this policy may be directed to your manager or the Point of Contact.

## Financial COI Procedures

### *Definition of COI*

The following definitions are from the DOE COI.

A Financial COI 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.

Financial interest means anything of monetary value, whether or not the value is readily ascertainable.

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. Note: An Investigator may be a Deere employee, student/intern, consultant, subcontractor, or subrecipient, whether or not he/she receives income directly from Deere.

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<sup>1</sup> The DOE intends to issue a final DOE COI Policy once rulemaking is complete. Deere may revise this policy as needed to comply. The Interim DOE COI Policy is available at the following link: <https://www.energy.gov/sites/default/files/2021-12/Interim%20COI%20Policy%20FAL2022-02%20to%20SPEs.pdf>

Significant financial interest means:

- 1) A financial interest consisting of one or more of the following interests of the Investigator (and those of the Investigator's spouse and dependent children) that reasonably appears to be related to the Investigator's non-Federal entity responsibilities: (i) With regard to any foreign or domestic publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value; (ii) With regard to any foreign or domestic non-publicly traded entity, a significant financial interest exists if the value of any remuneration, not otherwise disclosed as current, pending, or other support, received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or when the Investigator (or the Investigator's spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest); (iii) Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.
- 2) Investigators also must disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available) related to their institutional responsibilities that is not otherwise disclosed in current and pending or other support disclosures, provided that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a Federal, state, or local government agency of the United States; a domestic Institution of Higher Education; or a domestic research institute that is affiliated with a domestic Institution of Higher Education. The non-Federal entity's FCOI policy will specify the details of this disclosure, which will include, at a minimum, the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration. In accordance with the non-Federal entity's FCOI policy, the non-Federal entity official(s) will determine if further information is needed, including a determination or disclosure of monetary value, in order to determine whether the travel constitutes a FCOI with the project funded under the DOE award.
- 3) The term significant financial interest does not include the following types of financial interests: salary, royalties, or other remuneration paid by the non-Federal entity to the Investigator if the Investigator is currently employed or otherwise appointed by the non-Federal entity, including intellectual property rights assigned to the non-Federal entity and agreements to share in royalties related to such rights; any ownership interest in the non-Federal entity held by the Investigator, if the non-Federal entity is a commercial or for-profit organization; 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; income from seminars, lectures, or teaching engagements sponsored by a Federal, state, or local government agency of the United States, a domestic Institution of Higher Education, or a domestic research institute that is affiliated with a domestic Institution of Higher Education; or income from service on advisory committees or review panels for a Federal, state, or local government agency of the United States, a domestic Institution of Higher Education, or a domestic research institute that is affiliated with a domestic Institution of Higher Education.

Conflicts of Interest include both actual and perceived conflicts, and both must be reported for Deere to investigate.

## Requirements for Deere COI Process

Whenever Deere applies for or receives DOE funding for a Deere project, the DOE COI will apply to that funding. Therefore, Deere will follow the processes outlined below for all Deere employees, contingents, students/interns, or contractors that are working on any portion of the DOE-funded project. This will include billing time to the DOE project or being a student/intern directly involved in the project (collectively, Deere Investigator):

- A) In order to submit timely reports to the DOE, the Deere Reviewing Official shall ensure that each Deere Investigator has:
  - i) Awareness of and access to this policy
  - ii) Been provided a list of third parties directly involved in the project (such as suppliers, service providers, research partners, universities, vendors, etc.) so that the Deere Investigator can accurately disclose whether a financial COI exists related to the project work
  - iii) Been assigned and completes Deere's training module for DOE COIs prior to engaging in project work and at least every four years after, and completes additional training if the Investigator was not in compliance with the policy (or if Deere revises the policy)
  - iv) Submitted any Financial COI disclosures (Disclosures) within the timeframes allowed by the DOE COI (prior to participating in any work on the DOE project, no later than 30 days after discovering or acquiring a COI, and at least annually during the project's performance period)
- B) As noted above, each Deere Investigator involved in a project shall complete the following:
  - i) Required training module prior to beginning work on the DOE project and at least once every four years
  - ii) Disclosures to the Reviewing Official of any and all financial COIs (1) prior to participating in any project work so that the Reviewing Official can disclose any financial COIs to DOE no later than time of application for the DOE award, (2) within thirty days of discovering or acquiring a COI, and (3) at least annually during the project's performance.
  - iii) Certify his/her Disclosures, including a negative/nothing-to-report disclosure, by submitting a disclosure in the format found [here](mailto:WeSupportGrantMatters@JohnDeere.com) to [WeSupportGrantMatters@JohnDeere.com](mailto:WeSupportGrantMatters@JohnDeere.com). Each Deere Investigator shall carefully review his/her Disclosure including the DOE COI required certification below. Questions should be directed to the Reviewing Official:

*I understand that this Disclosure is required to obtain funding from the US 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.*

- iv) If the Deere Investigator has any financial COIs to report to the Deere Reviewing Official, the Deere Investigator shall also consider whether such financial COIs also have been, or should be, separately reported in Deere's enterprise Conflict of Interest reporting tool per the Deere Global Conflicts of Interest Policy.
- C) The Deere Reviewing Official may seek additional support from the Principal Investigator (PI), Deere management, and counsel. At a minimum, the Deere Reviewing Official shall:
- i) Review all Disclosure submissions from Deere Investigators (including subrecipients) prior to application for DOE grant, and review all Disclosure submissions from Deere Investigators who are added to the project after application before each begins performance on the project
  - ii) Collaborate with Principal Investigator and appropriate Deere management on each DOE project to manage any COI through management, avoidance, or mitigation and may use any management plan mechanisms outlined in the DOE COI at Section V
  - iii) Submit initial and ongoing reports to DOE of any: (1) significant, unmanaged/unmanageable COIs to DOE prior to application for the DOE award, (2) any significant, unmanaged/unmanageable COIs to DOE within 60 days of discovery if after award of DOE award; and (3) an updated disclosure of any significant COIs at least annually and provide the status of any existing, previously disclosed COIs
  - iv) Maintain records related to all Deere Investigator disclosures of COIs, Deere's review and response to such disclosures, and any actions taken in compliance with this policy, for the time period specified in 2 CFR 200.334
  - v) Upon request from the DOE, make information available to the DOE
  - vi) File timely submissions to DOE, reporting on financial and/or organizational COI, as required by and outlined in the DOE COI Section V(b)
- D) The Deere Reviewing Official(s) shall take any actions necessary to manage financial conflicts of interest reported by Deere Investigators, including development and implementation of a management plan as appropriate to ensure the project will be free from bias. This could include modification of the project plan, change in personnel or personnel responsibilities, or reduction or elimination of the financial interest.
- E) The Deere Reviewing Official(s) shall ensure this policy has public accessibility through the Deere website, and as necessary shall ensure public accessibility as required of information concerning a significant financial interest in accordance with Section V(a)(5) of any significant COI disclosed to DOE.

### *Sub-Recipient Notification and Confirmation of Compliance*

For DOE grants where Deere is the prime recipient, Deere is required to take reasonable steps to ensure that any subrecipient of a DOE grant complies with DOE rules regarding COIs.

Therefore, Deere shall include language in its subaward and/or contracts with subrecipients requiring the subrecipient to certify it will comply with DOE COI rules by maintaining its own policies/procedures to comply with DOE COI rules (including a policy and a mechanism to identify, manage, and report COIs to DOE). In the event a subrecipient cannot certify as to its organizational compliance with the DOE COI, it shall be subject to this policy, which shall be incorporated into any subaward or contract.

## Organizational COI Procedures

The DOE also has rules governing organizational conflicts of interest.

When Deere has multiple entities (including a parent, affiliate, or subsidiary) involved in a DOE-funded project, the Deere Reviewing Official(s) shall disclose in writing to DOE any organizational COIs prior to engaging in a procurement/transaction involving DOE funds with such an affiliated entity.

The disclosure shall include elements in Section VI. of the DOE COI, including but not limited to the name, address, and website of the entity that presents the potential or actual COI; relationship between the entities; nature of the anticipated procurement or transaction; the anticipated value of the procurement or transaction, and the basis for making the procurement; Deere's basis for determining the existence of an organizational COI; and how Deere will avoid, neutralize, or mitigate the organizational conflict of interest.

## Point of Contact

Any inquiries related to this policy should be directed to [WeSupportGrantMatters@JohnDeere.com](mailto:WeSupportGrantMatters@JohnDeere.com).