



March 4, 2025

Submitted Electronically: <https://www.regulations.gov>

Office of Acquisition Management

U.S. Department of Energy

RE: Comments on RIN 1991-AC19—2024 Other Transaction Agreements

To Whom it May Concern:

We write to offer comments in response to the U.S. Department of Energy (DOE) interim final rule (IFR), “Update and Relocation of the Department of Energy Technology Investment Agreement Regulations,” published in the Federal Register on January 3, 2025 [[2024-30636 \(90 FR 189\)](#)].

COGR is the national authority on federal policies and regulations affecting U.S. research institutions. We provide a unified voice for over 225 research universities and affiliated academic medical centers and research institutes. Our work strengthens the research partnership between the federal government and research institutions and furthers the frontiers of science, technology, and knowledge. We advocate for effective and efficient research policies and regulations that maximize and safeguard research investments and minimize administrative and cost burdens.

COGR recognizes DOE’s efforts to expand the use of Other Transaction (OT) agreements beyond Technology Investment Agreements (TIAs). When implemented effectively, these agreements can be a valuable tool for advancing critical work on behalf of the federal government. However, the removal of key provisions from the regulation raises concerns about the transparency and constancy of OT agreements. In particular, we are concerned about the elimination of provisions related to flow-down requirements, cost-sharing expectations, financial and programmatic reporting requirements, and key details provided in award documents. These elements provide essential clarity for research institutions and partners navigating OT agreements. The absence of this guidance will lead to increased administrative challenges, uncertainty in compliance expectations, and inconsistencies in the application of terms across agreements.

Our member institutions have expressed concerns that this shift could hinder effective collaboration by introducing ambiguity around key contractual obligations. To preserve the success of OT agreements as a vehicle for innovation, we urge DOE to maintain transparent, publicly accessible guidance rather than limiting critical information for internal DOE use. We also encourage DOE to engage with stakeholders to develop solutions that balance flexibility with the need for clear and consistent policy directives.

Additionally, we urge DOE to reconsider and remove the mandatory 50% cost-sharing requirement in § 930.125. This requirement creates a significant barrier for research institutions, small businesses, and nonprofit organizations, thereby limiting DOE's ability to engage a broad and varied range of research partners. While this requirement was previously included in § 603.125 when OT agreements were limited to Technology Investment Agreements to incentivize commercial firm participation, its application across all OT agreements under Part 930 imposes an undue burden on non-commercial entities. Unlike large corporations with access to private capital, many potential awardees, particularly research institutions and nonprofits, lack the financial resources to meet this high-level of cost-share. As a result, this requirement could reduce competition and ultimately hinder DOE's ability to leverage the full spectrum of expertise needed to advance critical research initiatives.

COGR and its member institutions welcome further discussions with DOE on this matter. We appreciate the opportunity to provide input and look forward to continued engagement to advance effective policy that promotes transparency and uniform application for OT agreements.

Thank you for the opportunity to comment on this IFR. Should you have any questions regarding these comments, please contact me or Krystal Toups, COGR's Director of Contracts and Grants Administration at ktoups@cogr.edu.

Sincerely,



Matt Owens
President