

NIH GUIDE

for GRANTS and CONTRACTS

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Vol.3, No.3, February 21, 1974

"STUDENT UNREST" PROVISIONS OF DHEW APPROPRIATION ACT, 1974

ANNOUNCEMENT

The prohibition against expenditure of funds appropriated to DHEW for support of individuals who have engaged in disruptive conduct as provided for in Section 407 of the Departments of Labor and Health, Education, and Welfare Act of 1970 (PL 90-204) is continued in effect by Section 407, Title IV of the Departments of Labor and Health, Education, and Welfare Act of 1974 (PL 93-192), December 18, 1973.

Section 407 is quoted below for the information and guidance of all concerned.

"Sec. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution."

The "Notice to All Institutions of Higher Education * * *," October 23, 1970, from the Secretary of Health, Education and Welfare is continued in effect and is reproduced on the reverse side of this announcement.

The GUIDE is published at irregular intervals to provide policy and administrative information to individuals and organizations who need to be kept informed of requirements and changes in grants programs administered by the National Institutes of Health.

NOTICE TO ALL INSTITUTIONS OF HIGHER EDUCATION THAT ARE
RECIPIENTS OF GRANTS, LOANS, AND CONTRACTS AWARDED BY OPERATING
AGENCIES OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Section 407 of the Department's Appropriation Act of 1970 (P.L. 91-204) provides:

"No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution."

This provision of law became effective upon the enactment of the Appropriation Act on March 5, 1970. The primary responsibility for observing and complying with the terms of the provision rests with the institutions of higher education receiving payments made by the Department or any of its operating agencies from sums appropriated by P.L. 91-204. However, fair notice shall be given to an affected individual of any proposed cessation of payments and an opportunity shall be given to him to be heard as to whether he has engaged in conduct included under the provisions of section 407.

In those cases where payments are made directly by the Department from sums appropriated by P.L. 91-204 to individuals attending an institution of higher education (as is, for example, the case for certain scholarships or fellowships) or in cases where the institution has reason to believe that an individual is receiving a loan from an outside source which is guaranteed by the Department, the institution should promptly notify the appropriate operating agency of the Department of any conduct of the individual brought to its attention which in its opinion is included under the provisions of section 407.

The wording of section 407 of P.L. 91-204 is identical to the wording of section 205 of the Office of Education Appropriation Act, 1971 and section 407 of the Departments of Labor, and Health, Education, and Welfare Appropriation Bill, 1971. The responsibilities and guidelines indicated above would also pertain to funds appropriated by the Office of Education Act, 1971, and under the terms of the Joint Resolution making continuing appropriations for Fiscal Year 1971, to funds appropriated by the Departments of Labor, and Health, Education, and Welfare Appropriation Bill, 1971.

USE OF GRANT FUNDS FOR THE PAYMENT
OF CONSULTANT FEES (NIH 5302)

POLICY

1. The use of grant funds for the payment of consultant fees (from both within and outside the grantee organization) is allowable as a direct cost for essential services that cannot be provided by persons receiving salary support under the grant or otherwise compensated for their services.
2. Although applicants are expected to anticipate consultant requirements and to indicate the proposed use of consultants in the grant application, prior approval for payment of consultant fees is not required.
3. Charges to a grant for consultant services may include fees, travel, and supporting costs (per diem or, where applicable, subsistence). Consultant fees may not be paid to a U. S. Government employee.
4. When third party awards are made under grants, the grantee shall assure that such third parties adhere to the provisions of this policy.
5. It is expected that grantee organizations will normally have their own policies with respect to use of consultant services, that those policies will apply regardless of the source of support, and that they will include, as a minimum, the standards for documentation described below. In the absence of such policies, the following shall represent the minimum standards for documentation in support of the use of consultants:
 - a. Evidence that the services to be provided are essential and cannot be provided by persons receiving salary support under the grant or otherwise compensated for their services.
 - b. Evidence that a selection process has been employed to secure the most qualified individual available, considering the nature and extent of services to be required, and that such individual's selection has been approved by a senior officer of the institution of his designee.
 - c. Evidence that the charge is appropriate considering the qualifications of the consultant, his normal charges, and the nature of the services to be provided.
6. In addition to those above, the following special conditions apply to educational institutions:
 - a. On grants made to educational institutions for research or educational services, consultant fees may be paid to employees of the grantee institution only in unusual cases and provided one of the following sets of conditions is determined to exist.
 - (1) Consultation is across departmental lines and the work performed is in addition to the consultant's regular departmental load, or
 - (2) Consultation involves a separate or remote operation and the work performed is in addition to the consultant's regular departmental load.

Page Four

b. The determination as to compliance with the above provisions may be made at the grantee level only by the head of the institution or his designated representative. In those cases where the designated representative is personally involved in the grant under consideration, this determination may only be made by the head of the institution.

7. This issuance supersedes page 4 and 5, Grants Policy Guide No. 5, dated February 5, 1971.

GRANT APPLICATION KITS FOR USE BY
STATE AND LOCAL GOVERNMENTS

ANNOUNCEMENT

Application forms (PHS 5161-1 and -2) and related materials to be used for all research and training applications from State and local government agencies are now available from NIH. Application kits may be obtained upon request to:

Division of Research Grants
National Institutes of Health
Bethesda, MD 20014

Following is a list of the contents of each application kit:

Application Form and Instructions (PHS 5161-1)
Supplemental Instructions for PHS Research Grant
Applications (PHS 5161-2)
General Information and Instructions Flyer
Notice of Research Project (NIH 1946)
Protection of Human Subjects Certification (HEW 596)
Checklist for PHS 5161-1
Policy Statement (DHEW Publication No. (NIH) 74-8)
Application Receipt Postcard
Mailing Label
Continuation Pages

Following are the definitions of State and local governments as set forth in Code of Federal Regulations 45, Part 74.3:

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of higher education and hospitals.

"Local government" means a local unit of government including specifically a county, municipality, city, town, township, school district, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

MASS SPECTROMETRY RESOURCES
AVAILABLE TO NIH GRANTEEES

ANNOUNCEMENT

The Division of Research Resources, NIH, is currently funding nine mass spectrometry centers for the further development of mass spectrometric techniques for biomedical analyses and for increasing the availability of these resources to National Institutes of Health grantees. The most recent grant for this purpose has been awarded to Battelle's Columbus Laboratories, Columbus, Ohio.

The first year of research calls for

- . Developing improved mass spectrometry instrumentation and techniques for serving biomedical researchers.
- . Providing analytical support for NIH grantees who do not otherwise have access to this type of analytical instrumentation.
- . Providing training and educational opportunities for scientists wishing to become more familiar with mass spectrometry and ancillary techniques.

The laboratory will conduct analyses involving high-resolution electron-impact mass spectrometry, computerized gas chromatography mass spectrometry, and chemical-ionization mass spectrometry. Extensive use will be made of data processing by computer so that all of the mass spectral data can be supplied as computer printouts and plots.

Individuals interested in making use of the resource at Battelle may contact:
Mr. Rodger L. Foltz, Battelle's Columbus Laboratories,
505 King Avenue, Columbus, Ohio 43201.

A list of other facilities, the type of resources provided, and the principal contact follows:

University of Pittsburgh
Pittsburgh, Pennsylvania 15261
Mass Spectrometry Facility for Biomedical Research
(Gas Chromatography-low resolution)
Dr. Richard Abrams, P.I.

Massachusetts Institute of Technology
Boston, Massachusetts 02139
Mass Spectrometry Facility for Biomedical Research
(High resolution, gas chromatography-low resolution, chemical ionization)
Dr. Klaus Biemann, P.I.

Research Triangle Institute
Research Triangle Park, North Carolina 27709
Mass Spectrometry Center for the Research Triangle Region
(High resolution, gas chromatography-low resolution)
Dr. David Rosenthal, P.I.

Cornell University
Ithaca, New York 14850
High Resolution Mass Spectrometry Facility
(High resolution, low resolution)
Dr. Martin F. E. Semmelhack, P.I.

Page Eight

Yale University
New Haven, Connecticut 06250
Physical Sciences Instrumentation Facility
(High resolution, low resolution)
Dr. Seymour R. Lipsky, P.I.

Michigan State University
East Lansing, Michigan 48823
Mass Spectrometry Facility
(High resolution, field description, gas chromatography, low resolution)
Dr. Charles C. Sweeley, P.I.

University of California, Berkeley
Berkeley, California 94720
Biomedical Clinical Mass Spectrometry Resource
(High resolution, gas chromatography-high resolution, low resolution)
Dr. Alma L. Burlingame, P.I.

Rockefeller University
New York, New York 10021
Mass Spectrometric Biotechnology Resource
(Chemical ionization)
Dr. Frank H. Field, P.I.

The majority of these centers are available for use by NIH grantees and contractors on a regional or national basis. The research service aspect of these resource centers is intended to become self-supporting through user charges.

ACTION TO COPE WITH THE
ENERGY CRISIS

ANNOUNCEMENT

The support of biomedical research and training by the National Institutes of Health has had and will continue to have an effect on the use of energy. Special attention must be given by grantees and contractors to the impact that new energy requirements will have on available supplies of energy at their institutions.

All grantee institutions and contractors are encouraged to establish priorities that will take into consideration the temporary postponing of high energy consuming projects, and, without sacrificing basic objectives, scale down or eliminate portions of ongoing projects that consume inordinate amounts of energy. If it is determined that any curtailment or deferment is necessary, grantees and contractors should notify the appropriate awarding unit or contracting officer, indicating the nature of the proposed action and potential impact on the progress of the project.

The staff of the extramural programs of the National Institutes of Health will be reviewing all applications and proposals for indication of high energy usage by the project. For example, where there are applications or proposals that are equally meritorious in other respects, but differ significantly in their apparent need for energy consumption, priority for funding will be assigned to those that will consume relatively less energy. This principle will be applied judiciously--recognizing that in certain programs the need for high energy consumption activities may be paramount.

NIH Guide for Grants and Contracts, Cumulative Contents (Continued)

Volume No. 3

Guide No. 1, January 4, 1974

Bladder Cancer Research 1

Guide No. 2, January 23, 1974

NIGMS Molecular Pathology Centers 1

Decentralized Procedure for Announcement of Contract Proposals 3

Guide No. 3, February 21, 1974

"Student Unrest" Provisions of DHEW Appropriation Act, 1974 1

Use of Grant Funds for the Payment of Consultant Fees (NIH 5302) 3

Grant Application Kits for Use by State and Local Governments 5

Mass Spectrometry Resources Available to NIH Grantees 7

Action to Cope with the Energy Crisis 9