

NIH GRANTS

POLICY GUIDE

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

No. 4, December 1, 1970

"STUDENT UNREST" PROVISIONS OF HEW APPROPRIATION ACTS

POLICY

1. On October 23, 1970, HEW Secretary Richardson approved the "Notice to All Institutions of Higher Education * * *," which is reproduced on the reverse side of this issuance.
2. The notice alerts institutions of higher education to their duties and responsibilities concerning the "student unrest" provisions of the Department's Appropriation Act of 1970 and the proposed Act for 1971.
3. The chief administrative officer of each institution of higher education receiving support from NIH-administered funds will be responsible for carrying out the provisions of the law referred to above as outlined in the subject notice.

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

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 and, where applicable, subsistence). However, consultant fees from Federal funds may not be paid to a full-time employee of the Federal government.
4. When third party awards are made under grants, the grantee shall ensure 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 the senior office of the institution or 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. This issuance supersedes the memorandum from the Assistant Director for Extramural Research and Training, NIH, dated December 15, 1969.

PROTECTION OF PROPERTIES LISTED IN THE
NATIONAL REGISTER OF HISTORIC PLACES (NIH 4103)

POLICY

1. BACKGROUND Public Law 89-665 provides in Section 106: "The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or Federally assisted undertaking in any State and the head of any Federal department having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking."

2. POLICY Any grant proposal for construction (including alteration, renovation, or other modification) of a facility shall, prior to the approval of a grant by an NIH official, be evaluated in terms of the effect which such an undertaking will have on any district, site, building, structure, or object included in the National Register.

3. RESPONSIBILITIES Each application for a grant to support the construction, alteration, or renovation of facilities will include a statement as to whether the project will affect on any district, site, building, structure, or object designated as a historic place under the provisions of Public Law 89-665.* It shall be the responsibility of the NIH awarding unit to which such an application has been made to submit a description of the proposed project to the Advisory Council on Historic Preservation of the National Park Service and to effect any further coordination with that body prior to the approval of the application.

4. RESCISSION This issuance supersedes NIH Extramural Programs Circular No. 20, March 27, 1969.

*The National Register for Historic Places is published periodically in the FEDERAL REGISTER. (Most recent publication was in Part II, Vol. 34, No. 37 of the FEDERAL REGISTER, February 25, 1969.)

USE OF GOVERNMENT SERVICES ADMINISTRATION
SOURCES OF SUPPLY AND SERVICES (NIH 4203)

PROCEDURE NOTICE

1. The Department of Health, Education, and Welfare (DHEW) has announced its policy to authorize the use of Government Services Administration (GSA) sources of supply or services by grantee institutions when it is in the best interest of the Government and the institution, except where such authorization is prohibited by law. Generally, the best interest of the Government will be served when it is determined either that substantial economies to the Government and the grantee or necessary faster deliveries will result from the use of GSA supply sources or services.
2. Except for individuals as grantees or foreign grantees, DHEW will issue authorizations to grantee institutions that contemplate expenditures during the next 12 months of \$500 or more from DHEW grant funds for supplies, equipment, and services. Issuance of an authorization to use GSA sources does not obligate the grantee to make purchases through such sources.
3. Responsibility for accountability of equipment purchased through GSA sources will be the same as for equipment purchased through any other source.
4. Requests for authorization to use GSA sources of supply and services and copies of Chapter 1-460, DHEW Grants Administrative Manual should be addressed directly to:

Office of Grant Administration Policy
Office of the Assistant Secretary, Comptroller
USDHEW
330 Independence Ave., S.W.
Washington, D.C. 20201.