



National Institutes of Health

*Division of Program Coordination, Planning, and Strategic Initiatives*

# Review, Discussion, & Vote: Council Operating Procedures

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Chair, Council of Councils

September 7, 2023

# Suggested Revision: Applications from Foreign Institutions

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## Suggested Modification to Section II, Part B, Subsection 1 and 1d (page 2-3)

### 1. Applications from Foreign Institutions and **Applications with Consortium/Subaward Agreements with Foreign Subrecipients**

In reviewing and making recommendations on applications from foreign institutions **or applications with consortium/subaward agreements with foreign subrecipients**, Council members should be aware that ALL of the following criteria must be met in order for a foreign grant **or a grant with foreign subrecipients** to be supported by the NIH:

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d. The application may be awarded only after assurance that the foreign institution **or foreign subrecipients** are in compliance with human subject, animal welfare, and gender and minority requirements.

e. **For applications with consortium/subaward agreements with foreign subrecipients, the application may be awarded only after assurance that the foreign subrecipients are aware of and willing to abide by all requirements in NOT-OD-23-133 (effective October 1, 2023) should an award be issued.**

# Suggested Revision: Special Council Review of Applications

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## Suggested Modifications to Section II, Part E (page 4-5)

### E. Special Council Review of Pending ORIP Applications from Well-Funded Investigators

- Footnote added to include the link to the “Notice of Change to NIH’s Policy on Special Council Review of Research Applications”:  
<https://grants.nih.gov/grants/guide/notice-files/NOT-OD-22-049.html>

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Pending ORIP grant applications to be reviewed by Council from Program Directors/Principal Investigators (PD/PI) who have more than ~~\$2~~<sup>\$2.1</sup> million in ~~direct~~ **total costs (inclusive of direct and indirect) per year** from active NIH Research Project Grants (RPGs) grants will be subject to additional consideration.

# Suggested Revision: Special Council Review of Applications

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## Suggested Modifications to Section II, Part E, Subsection 1b, 1c, 2a-b, 3b, 4a, and 5c (page 4-5)

1. Criteria Considered by ORIP Staff for Determining Applications Subject to SCR:
  - b. Only competing RPGs (New and Renewals) to be considered for award to investigators with ~~\$21.0M~~ or more of ~~direct~~ **total** cost NIH support are subject to SCR via this policy.
  - c. P01s and other Multi-Component RPGs:
    - i. Competing Multi-Component RPGs are not subject to SCR unless all of the component leaders have ~~\$21.0M~~ or more of NIH support. The rationale for this is that failure to support one or more of the leaders who exceed the limit could significantly detract from the project as a whole.
    - ii. Funded P01s and any other multi-component RPGs, including consortium/sub-award costs, contribute to the ~~\$21.0M~~ threshold of the Program Director and sub-project leaders.
2. Multiple PD/PI Projects:
  - a. Competing Multi-PI applications are only subject to SCR if all the PD/Pis exceed the ~~\$21.0M~~ threshold.
  - b. In calculating the research support available to a PD/PI who participates in a multi-PI award, the ~~direct~~ **total** cost award amount to the institution should be divided evenly among PIs at that institution.

# Suggested Revision: Special Council Review of Applications

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## Suggested Modifications to Section II, Part E, Subsection 1b, 1c, 2a-b, 3b, 4a, and 5c (page 4-5)

3. Requests for Applications (RFAs):
  - b. Funds provided through these grants will contribute to the ~~\$21.0M~~ threshold for the investigators' future applications.
4. Competing Revisions and Administrative Supplements:
  - a. These types of awards are not expected to be a significant contributing factor in reaching the threshold, since many will not incur future year commitments. However, multi-year supplements are included in grant's out-year commitments and do contribute to the ~~\$21.0M~~ threshold.
5. Guidelines for Council Consideration (Council role)
  - c. Consideration may also be given to the PD/PI's field of research when evaluating the appropriateness of awarding new grants above the ~~\$21.0M~~ **total** ~~direct~~ cost threshold.

# Suggested Revision: Funding Opportunity Terminology

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## Pages 3, 7, 8, 9, and 10

- Update funding opportunity terminology to reflect March 2023 NIH-wide change
- Funding opportunity announcement (FOA) changed to **Notice of Funding Opportunity (NOFO)**

# Discussion and Vote

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- Vote to approve the suggested revisions to the Council Operating Procedures