

**SUGGESTED MODIFICATION TO COUNCIL OF COUNCILS OPERATING PROCEDURES – Dated September 6, 2019 / Modified May 15, 2020**

**SECTION**

**IV. AUTHORITIES DELEGATED TO STAFF**

On a yearly basis, the Council delegates to DPCPSI some actions that are normally the responsibility of the Council. In accordance with stated policies of the Public Health Service (PHS) and the NIH, and with the concurrence of Council, the staff of the Office of the Director, NIH, may use administrative discretion to:

- A. Take administrative actions as allowed by applicable U.S. Department of Health and Human Services (DHHS), PHS, and/or NIH policies and procedures. Note: for Common Fund awards, administrative management is provided by Institutes and Centers; these decisions, as well as the actions below, are therefore guided by the relevant IC Council operating procedures.
- B. Provide limited interim funding when a recommendation of deferral on a competing continuation application would result in a loss of continuity of the project.
- C. Provide additional funds to a noncompeting application when well justified and when NIH resources allow; for example, institution-wide salary and fringe benefit increases, and increased costs of supplies. These and other increases of an administrative nature may be provided, if not related to an expansion of the scope of the project or to a significant change in scientific direction.

Council review is required for additional funds to ORIP grants in the following situation:

- 1. Additional funds that qualify under the above criteria (e.g., within the scientific scope of the original award), if the additional funds are:
  - a. in excess of \$500,000.00 of total costs, or
  - b. greater than 50% of the direct costs of the parent award.
- 2. If it is determined that Council should review such a case, ORIP staff will prepare a summary of the award's circumstances requiring the proposed additional funds, any accompanying documentation, and the original application's summary statement. Two Council members will be assigned to review the staff recommendation and the full Council will be asked to vote on the staff's recommendation at the Council meeting. Action will be taken after a majority of the Council members voted on the recommendation.
- 3. Under the 2020 **coronavirus pandemic emergency** causing COVID19, the Council delegates to DPCPSI actions to provide additional funds to noncompeting applications when well justified and when DPCPSI or other NIH resources are available.

- D. Provide support to restore direct costs and/or years deleted in initial review of competitive applications in amounts to meet the needs of the project and priorities of DPCPSI. Council recommendations, program policy, and relevance and resources will serve as guides in making such adjustments.
- E. Provide for additional slots on institutional training grants to deal with unusual situations or unexpected opportunities.
- F. Provide for orderly termination or continuation of support in order to prevent loss of research material or hardship to personnel by awarding an administrative supplement, a grant, or a cooperative agreement, not to exceed one year and in an amount not to exceed a prorated level of current support when an application has not been recommended for funding or has been recommended for deferral.
- G. In the event of a federally declared emergency, the Council delegates the authority to DPCPSI to make certain administrative decisions regarding the selection and support of competing grant applications. Every effort will be made to adhere to the Council review procedures. However, if such an approach is not possible then the following delegations will apply:
  - 1. DPCPSI staff will be able to provide funding for any new (Type 1) or competing (Type 2) applications consistent with the funding policies for a given fiscal year. These funding actions could be taken for any application that does not require individual discussion. Any applications that normally require discussion and special action by the Council will be deferred until its next meeting, or, if possible, resolved by telephone conference.
  - 2. On a case-by-case basis, the Director, DPCPSI, with the concurrence of the Chief Grants Management Officer of the awarding office, may provide funds for any grant application deemed by the Director, DPCPSI, to be critical to national security or public health.