

Research Terms and Conditions
Agency Specific Requirements for the National Institutes of Health (NIH)
(JULY 1, 2008)

NIH Home Page: <http://www.nih.gov/>
NIH Office of Extramural Research Home Page: <http://grants.nih.gov/grants/oer.htm>
NIH Grants Policy Statement: <http://grants.nih.gov/grants/policy/nihgps/>
NIH Forms and Applications: <http://grants.nih.gov/grants/forms.htm>

I. NIH Implementation of the Research Terms and Conditions

A. The Research Terms and Conditions apply to all NIH grants and cooperative agreements with the exception of the automatic carryover provision found in Article III.25.(c)(3). Automatic carryover authority will be indicated on the Notice of Award (NoA) (See II.D below).

B. NIH Implementation of the Research Terms and Conditions includes: 1) DHHS codification of 2 CFR §215 in 45 CFR Part 74; 2) conditions on activities and expenditure of funds in statutory requirements, such as those included in appropriations acts detailed at: http://grants.nih.gov/grants/policy/appropriations_info.htm; and 3) the NIH Grants Policy Statement.

C. For certain funding mechanisms, NIH implements streamlined requirements for progress report submission, the Notice of Award (NoA), and financial reporting. Known as the Streamlined Noncompeting Award Process (SNAP), NIH routinely applies SNAP to most Research Project (R-series) awards (except R35s, R41s, and R43s), and Career Development Awards (K-series). NIH grantees are expected to follow the SNAP process for those awards that are issued under the SNAP, as indicated on the NoA. Agency-specific requirements listed below will indicate where differences exist between SNAP and non-SNAP grants. Additional information on SNAP can be found in the NIHGPS, Part II, "Streamlined Noncompeting Award Process".

II. Prior Approval Requirements Not Included in or Modified from the Research Terms & Conditions

- A. Article III.A.25.(b).(2); Change in status of PD/PI: NIH expands the applicability of this article to also include any senior/key personnel specifically named in the NoA.
- B. Article III.A.25.(b).(4); Transfer of Substantive Work to a Third Party: NIH prior approval is required for the transfer of a significant part of the research or substantive programmatic effort only when the transfer represents a change of scope unless the transfer is to a foreign entity. If the transfer is to a foreign entity, prior approval must be obtained in order to complete the appropriate administrative assurances.

- C. Article III.A.25.(c).(2).(ii); One-time Extensions: Recipients are encouraged to use the No-Cost Extension Notification feature in the eRA Commons. Users of this electronic submission notification system can submit notifications up to the last day of the current end date, essentially waiving the 10-day requirement.
- D. Article III.A.25.(c).(3); Carryover: NIH prior approval may be required for carryover of unobligated balances on all P mechanisms except P01s; cooperative agreements (U's); Institutional National Research Service Awards (T's); Phase I SBIR & STTR (R43, R41); clinical trials (regardless of mechanism) and awards to individuals. The NIH Notice of Award will state whether prior approval is or is not required for carry over.
- E. Article III.A.25.(c).(5); Transfer of Trainee Allowance Funds: This prior approval requirement is waived for all grants except Kirschstein-NRSA Fellowships and Training Grants.
- F. Articles III.A.27.(a).(1).(v), III.A.27.(b).(5), and III.A.27.(c).(4).; Alterations and Renovations: NIH prior approval is required for Alterations and Renovations that exceed \$300,000.

III. Allowable Direct Costs Aside from Those in A-21/A-122

The allowability of direct costs not specifically covered by the provisions of OMB Circulars A-21 or A-122 as appropriate shall be in accordance with the NIHGPS or Department of Health and Human Services or NIH Guide announcements, if more current.

IV. Contact Information

A. Contact Information for Technical Matters

The NIH Scientific Program Official as identified on the Notice of Award is responsible for the scientific monitoring of the research.

B. Contact Information for Administrative Matters

The NIH Grants Management Officers/Specialist as identified on the Notice of Award is the official to be notified when required by the Research Terms and Conditions.

C. Contact Information for Intellectual Property Matters [Article III.B.36.(c)]

The NIH point of contact for intellectual property matters is:

Extramural Inventions and Technology Resources Branch
Office of Policy for Extramural Research Administration, NIH
6705 Rockledge Dr., Rm. 1136, MSC 7980
Bethesda, MD 20892-7980
Telephone: 301/435-1986

Inventions should be reported using Interagency Edison (located at <http://www.iedison.gov/>).

V. Agency-Specific Requirements Related To Articles in The Research Terms And Conditions

Part II Subpart B of the NIHGPS includes additional policy guidance as well as terms and conditions that vary from standard terms and conditions because of the type of grant, grantee, or grant-supported activity. These terms and conditions may apply in addition to or in lieu of those in the Research Terms and Conditions. Each section of Part II Subpart B of the NIHGPS specifies how the coverage relates to Section II Subpart A of the NIHGPS (3/01), and consequently to the Research Terms and Conditions.

Part II Subpart B includes:

1. Construction Grants
2. 2) National Research Service Awards (Individual and Institutional)
3. Modular Applications and Awards
4. Conference Grants
5. Consortium Agreements
6. Awards to Foreign Institutions, International Organizations and Domestic Grants with Foreign Components
7. Grants to Federal Institutions and Payments to (or on behalf of) Federal Employees Under Grants
8. Grants to For-Profit Organizations
9. Research Patient Care Costs

The Office of Policy for Extramural Research Administration (OPERA) is responsible for developing and maintaining the NIH GPS. Interim changes to NIH grants policy will be published in the NIH Guide for Grants and Contracts. Each change will be described, including its applicability and effective date.

VI. Revised Budget Requirements [Article III.A.25.(d).(1)]

A. For grants awarded under SNAP, revised budget information should be submitted in a narrative format according to the instructions for SNAP in the PHS 2590. The most current version of the PHS 2590 is found on the NIH Forms and Applications website: <http://grants.nih.gov/grants/forms.htm>. For electronic submission of SNAP progress reports see the eSNAP function and instructions provided in the eRA Commons: <https://commons.era.nih.gov/commons/index.jsp>.

B. For Non-SNAP awardees, revised budget information should be submitted according to the instructions in the PHS 2590 Detailed Budget for Next Budget Period

VII. Technical Reporting [Article III.D.51.(b)]

Both SNAP and non-SNAP awardees are to complete the progress report as detailed in the PHS 2590. (See also VIII. Incremental Funding Actions below.)

VIII. Financial Reporting [Article III.D.52]

A. Generally for SNAP awards, a Financial Status Report (FSR) is only required at the end of a competitive segment. It must be submitted within 90 days after the end of the competitive segment and must report the cumulative support awarded for the entire competitive segment. An FSR must be submitted at this time whether or not a competing continuation award is made.

B. For non-SNAP awards the FSR is required annually. The report must be submitted for each budget period no later than 90 days after the close of the budget period. The report must also cover any authorized extension in time of the budget period.

C. For grants eligible for automatic carryover, FSRs must specify the amount to be carried over to the next budget period. The notification must be provided under item 12, "Remarks," on the FSR.

D. If more frequent reporting is required, the NoA will specify both the frequency and due date.

E. FSRs must be submitted electronically to NIH using the FSR system in the eRA Commons. Questions concerning specific financial matters should be directed to the Government Accounting Branch, 301-451-9210, or email WhatleyA@od.nih.gov.

IX. Incremental Funding Actions [Article III.D.51]

The requirements for non-competing awards can be found in the PHS 2590. Requirements vary slightly between SNAP and non-SNAP.

A. SNAP

1. Instructions for submitting SNAP progress reports are included in the PHS 2590.
2. Career Development Awards that are issued under SNAP are to follow the application instructions for SNAP as noted above as well as the CDA instructions of the PHS 2590.
3. In lieu of an annual FSR, NIH will use the quarterly Federal Cash Transaction Report (FCTR, SF 272), submitted to the Payment Management System (PMS), to monitor the financial aspects of SNAP awards. An FSR is still required at the end of a competitive segment for SNAP awards (see Article 52, Financial Reporting).

B. Non-SNAP

1. Non-SNAP awardees (as indicated on the NoA) are to follow the specific instructions in the PHS 2590
2. An FSR is required annually for non-SNAP awards.