
Current Issues at NIH

NIH OFFICE OF POLICY FOR EXTRAMURAL RESEARCH ADMINISTRATION

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FY21 Budget News

- As of December 27, 2020, NIH is funded under the *Consolidated Appropriations Act, 2021* ([H.R. 133](#)).
- NIHs FY 2021 budget amount is \$42.9 billion which represents a 3 percent increase over the FY 2020 final funding level
- NIH Fiscal Policy, legislative mandates and stipend information for awards in FY2021 are forthcoming.
- Salary Cap will be updated– Executive Level II has increased from \$197,300 to \$199,300
- NIH awarding ICs will develop and post their [funding strategies](#) consistent with overall NIH goals and available FY2021 funds. Any cuts to IC budgets will be reviewed and approved at the Central OD level to promote consistent strategies.



POLICY UPDATES

NIH Implementation of the Revised Federal-wide Research Terms and Conditions (RTCs)

- OMB mandated awarding agencies adopt recent revisions to 2 CFR part 200 effective November 12, 2020.
- Accordingly, the Federal-wide RTCs have been revised by the participating agencies, including NIH, for harmonization of regulatory practices across Federal research agencies with the revised 2 CFR §200.
- The National Science Foundation hosts and maintains the [RTC website](#) on behalf of all the participating agencies.
- NIH implementation of these Federal-wide RTCs is also outlined in the NIH Grants Policy Statement, [Section 3.1](#)

Learn more: [NOT-OD-21-029](#)

Prohibition on Expending NIH Grant Funds for Covered Telecommunications Equipment or Services

- OMB revised 2 CFR Part 200 to align with Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 ([Public Law 115-232](#)) and the revision was effective for all agencies on August 13, 2020.
- Recipients and subrecipients are prohibited from expending **grant** funds to:
 - Procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.
- Term of award outlined in NOT-OD-21-041 applies to all NIH grants and contracts. There are no waivers for this statutory provision.

Learn more: [NOT-OD-21-041](#) and [FAQs](#)

Prohibition on Expending NIH Grant Funds for Covered Telecommunications Equipment or Services

- **Can an NIH grant be used to procure goods or services, unrelated to prohibited telecommunications services or equipment, from an entity that uses such equipment and services?**
 - Yes, as long as the grant does not pay for any covered telecommunications and video surveillance services or equipment that the entity uses.
- **Does the term of award outlined in NOT-OD-21-041, implementing 2 CFR Part 200.216, apply to NIH contractors?**
 - [NOT-OD-21-041](#) provides information for grant recipients and subrecipients, only. Questions regarding applicability to any NIH contract should be directed to the appropriate NIH Contracting Officer.

Learn more: [NOT-OD-21-041](#) and [FAQs](#)

Required Submission of Financial Conflict of Interest Policy into the eRA Commons Institution Profile (IPF) Module

- NIH funded recipients will be required to submit their publicly assessable FCOI policy to NIH via the eRA Commons IPF Module.
- Applicants and recipients were given until **December 1, 2020**, to comply with this requirement. Recipients that are non-compliant may be at risk for delayed awards.
- A PDF of the FCOI policy must be submitted by the signing official (SO) via the IPF Module under a new tab labeled, “Policy Documents”.
- The information is provided on an institutional level as part of an institution’s IPF, rather than on a grant-specific level, so it is not necessary to submit the FCOI policy with each grant application.

Policy for Charging Personal Protective Equipment (PPE) to NIH Grants and Cooperative Agreements as Direct Costs

- Recipients may charge PPE as a direct cost when such charges align with their negotiated indirect cost rate agreement, are consistent with cost principles and consistently applied regardless of the source of funds.
- For Clinical Trials/Clinical Research awards, recipients may charge \$500,000 direct cost or less in a budget period for PPE costs
- PPE must directly assist in safely carrying out the clinical activities and direct interactions with the patients participating.
- For needs over \$500,000 in a budget period- applicants must apply for an S10 award to provide funds solely to support the PPE costs.

Update – Commitment Transparency

- To support the need for full transparency in reporting all research resources, NIH is clarifying application instructions and updating forms
- Outcomes:
 - Updated application instructions and forms for Biosketch and Other Support to align with JCORE and fed-wide activities on research security and transparency
 - Updated data format and collections to align with NSF and reduce applicant and recipient burden
- Forms updates have been approved by OMB, and NIH is finalizing the communications, forms and instructions for final posting, for use beginning this Spring



SYSTEMS PROCESS UPDATES

Requirement for Trainee Diversity Report to be Submitted Electronically

- Beginning October 30, 2020, recipients are required to submit Trainee Diversity Reports electronically
- Applies to awards that require appointments through the xTrain system, including the following:
 - T15, T32, T34, T35, T37, T42, T90, TL1, TU2, TL4, TU2, K12/KL2, R25, R38, R90, RL5, RL9
- RPPRs lacking an electronically generated report will not be accepted.
- Note that for the K12/KL2, R25, KM1 and R90, eRA will check whether an appointment has been made. If an appointment was made, NIH will require an electronically generated report. If no appointment was made the system will not be able to generate a report and a manual upload will be required.

Reminder: NIH Policy on Use of Hypertext in NIH Grant Applications

- Reminder only - there is **no change** in the NIH policy on the use of hyperlinks.
- Hyperlinks and URLs are only allowed when specifically noted in funding opportunity announcement (FOA) and form field instructions.
- Hyperlinks and URLs may not be used to provide information necessary to application review.
- When allowed, you must hyperlink the actual URL text so it appears on the page rather than hiding the URL behind a specific word or phrase. Example: NIH (<http://www.nih.gov/>)

Mandatory Submission of SF-425/FFR via Payment Management System

- Beginning January 1, 2021, NIH grant recipients will be required to submit the SF-425 Federal Financial Report (FFR) in the Payment Management System (PMS) as opposed to the eRA Commons/FFR Module.
- This change does not impact the FFR due dates
- Details to note:
 - Recipients unable to locate FFRs in PMS should contact the [eRA Service Desk](#) for assistance.
 - The FFR form section 11, *Indirect Expense*, is limited to reporting ten F&A rates.
 - Each FFR is limited to report on a single subaccount, corresponding to the award document number in Section I of the Notice of Award.