June 15, 2012

MEMORANDUM

To: NIH Executive Officers

NIH Acquisition Community

 NIH Grants Management Community

 NIH Project Officers

Intramural and Extramural Administrative Management Committee Chairs

From: Deputy Director for Management, NIH

Deputy Director for Extramural Research, NIH

Subject: Implementation Guidance of the DHHS Efficient Spending Policy

On September 21, 2011, the Office of Management and Budget issued Memorandum [M-11-35](http://www.whitehouse.gov/sites/default/files/omb/memoranda/2011/m11-35.pdf) “Eliminating Excess Conference Spending and Promoting Efficiency in Government” emphasizing the President’s priority to ensure that the Government operates with the utmost efficiency and eliminates unnecessary or wasteful spending. This was followed on November 9, 2011 with [Executive Order 13589](http://www.whitehouse.gov/the-press-office/2011/11/09/executive-order-promoting-efficient-spending) “Promoting Efficient Spending” and on June 13, 2011 by [Executive Order 13576](http://www.whitehouse.gov/the-press-office/2011/06/13/executive-order-delivering-efficient-effective-and-accountable-governmen) “Delivering an Efficient, Effective, and Accountable Government”. On May 11, 2012 the Office of Management and Budget issued Memorandum [M-12-12](http://www.whitehouse.gov/sites/default/files/omb/memoranda/2012/m-12-12.pdf) “Promoting Efficient Spending to Support Agency Operations.”

In support of these administrative directives, the Department of Health and Human Services (DHHS) issued on January 3, 2012 a [memorandum “DHHS Policy on Promoting Efficient Spending: Use of Appropriated Funds for Conferences and Meetings, Food, Promotional Items, and Printing, and Publications](http://www.hhs.gov/asfr/ogapa/acquisition/effspendpol_memo.html)”. On June 7, 2012 the DHHS issued revised policies with the same title. The DHHS policy dated June 7, 2012 removed and replaced Attachment 1 pertaining to conferences and meetings from the January 3, 2012 policy. All other components of the January 3, 2012 policy (Use of Appropriated Funds for Food, Promotional Items, and Printing and Publications) remain in full force and effect.

On January 30, 2012, the National Institutes of Health (NIH) issued guidance to implement the DHHS January 3, 2012 policy. All components of that guidance remain in effect with the exception of the portion pertaining to conferences and meetings. This memorandum dated June 15, 2012 transmits NIH’s guidance and procedures regarding implementation of the new DHHS policy as it applies to conferences and meetings. With the issuance of this guidance, the conference spending moratorium issued May 21, 2012 is rescinded.

The January 30, 2012 NIH guidance and the current June 15, 2012 guidance take precedence over any conflicting information stated in the NIH Manual Chapters below.  These manual chapters will be modified to reflect changes in Departmental policy:

* [6308-Acquisition of Printing Requirements at the NIH](http://oma.od.nih.gov/manualchapters/contracts/6308/) (Printing)
* [1160-1 Entertainment](http://oma.od.nih.gov/manualchapters/management/1160-1/) (Food) (Suspended—to be reissued)
* [26101-17-1 Acquisition of Temporary Commercial Conference Space](http://oma.od.nih.gov/manualchapters/acquisitions/26101-17-1/) (Conference/Meeting Space)
* [1135-Gifts Administration](http://oma.od.nih.gov/manualchapters/management/1135/) (Gift Funds)
* [6031-Conference Support/Collection and Retention of Registration Fees under Contract](http://oma.od.nih.gov/manualchapters/contracts/6031/) (Conference)

Questions regarding Conferences and Meeting Space acquisitions, Promotional Items, and Printing should be directed to EfficientSpendingPolicy@NIH.gov.

Questions regarding Food and Beverages and Attendance at Conferences should be directed to Ken Stith at Kenneth.Stith@nih.gov.

Questions regarding grants should be directed to Michelle G. Bulls, bullsmg@mail.nih.gov.

/s/ /s/

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Colleen Barros Sally J. Rockey, Ph.D

**NIH Implementation Guidance for**

**The Department of Health and Human Services (DHHS) Policy**

**on Use of Appropriated Funds for Conferences and Meetings**

In the June 7, 2012 DHHS Policy on Use of Appropriated Funds for Conferences and Meetings, a requirement exists at Section 1.6 for OPDIVs to issue implementation guidance. This document responds to that requirement. The DHHS policy applies to all funds appropriated by Congress (obligated after January 3, 2012), whether from an annual appropriation, multi-year appropriation, appropriated user fee, mandatory appropriation, gift funds, royalty funds[[1]](#footnote-1), or reimbursements from such appropriations, etc.

This new NIH guidance and approval process includes three approval forms:

Attachment A: NIH Conference / Meeting Approval Form

Attachment B: NIH Conference Request for Waiver

Attachment C: NIH Conference Attendance Request and Approval

The NIH Conference Request and Approval Form (Attachment A) shall be used to collect and transmit all information to the approving official. The request must be submitted and approved in advance of issuing any funding opportunity announcement or solicitation. The approved NIH Conference Request and Approval Form must be included in the award file.

NIH Conference Request for Waiver Form (Attachment B) is used to request a waiver for a conference expected to exceed $500,000 (net). The NIH Conference Request for Waiver (Attachment B) must be submitted with the NIH Conference Request and Approval Form (Attachment A) at this threshold level.

NIH Conference Attendance Request and Approval Form (Attachment C) is used when there is a conference where the IC expects to send 5 or more attendees or where expenditures are expected to be $25,000 or more for any single conference.

# **Request and Approval Requirements**

# **(Reference Sections 1.3 A, B, and C of the DHHS Policy)**

A. Conferences Sponsored, Planned or Hosted and Funded by DHHS (Excluding through Grants)

Requests for approval of conferences shall be submitted to the respective approving official 40 calendar days in advance of issuance of a solicitation or obligation of funds.

When a contract includes, in addition to other requirements, a requirement to conduct a conference, the approval and reporting requirements as outlined in this guidance applies to that part of the contract.

In order to ensure consistent oversight and management across NIH and to provide accurate reporting to DHHS, the following approval thresholds apply and may not be redelegated:

Table A

Approval Thresholds and Approval Levels for Conferences Sponsored, Planned or Hosted and Funded by DHHS Excluding Grants and Cooperative Agreements

|  |  |  |
| --- | --- | --- |
| CONFERENCES | AMOUNT TO BE OBLIGATED | APPROVAL LEVEL |
| Under $25,000 | IC Executive Officer  |
| $25,000 - $100,000 | NIH Director |
| Over $100,000\* | DHHS Deputy Secretary |
| \*Conferences obligating over $500,000 will require a waiver from the DHHS Secretary. |

The Office of Acquisitions and Logistics Management (OALM) has established an Efficient Spending Policy (ESP) email box for receipt of all conference and meeting space questions and submission of approval request packages.

**Approval Document Routing:**

Below $25,000 Approval by IC Executive Officer

NIH IC Point of Contact for Conference Tracking maintains IC records

$25,000 to $100,000 Approval by NIH Director

1. IC submits NIH Conference / Meeting Approval request package including Attachment A (plus anything germane to the request for approval) to OALM via EfficientSpendingPolicy@NIH.gov
2. NIH Conference / Meeting Approval request package is routed through OALM, DDM, to NIH Director
3. NIH Director returns approval or disapproval to OALM
4. OALM notifies IC via email
5. NIH IC Point of Contact for Conference Tracking maintains IC records

Above $100,000 Approval by DHHS Deputy Secretary

1. IC submits NIH Conference / Meeting Approval request package including Attachment A (plus anything germane to the request for approval) to OALM via EfficientSpendingPolicy@NIH.gov
2. OALM receives NIH Director’s concurrence through ESP email box
3. OALM submits NIH Conference / Meeting Approval Form to Deputy Secretary DHHS through SharePoint Site
4. OALM is notified of approval or disapproval within 10 calendar days per DHHS policy
5. OALM notifies IC via email
6. NIH IC Point of Contact for Conference Tracking maintains IC records for reporting purposes

Above $500,000 Approval by DHHS Secretary

1. IC submits approval & waiver request package to OALM via EfficientSpendingPolicy@NIH.gov

Note: requests for waivers must include Attachment A and Attachment B

1. OALM receives NIH Directors’ concurrence through ESP email box
2. OALM Submits IC approval request package to Deputy Secretary DHHS through SharePoint Site
3. OALM is notified of approval or disapproval within 10 calendar days per DHHS policy
4. OALM notifies IC via email
5. NIH IC Point of Contact for Conference Tracking maintains IC records for reporting purposes

B. Conference Grants and Cooperative Agreements

This section is applicable when the primary purpose of a grant or cooperative agreement is to support a conference. Prior to the obligation of funds (whether from an annual appropriation, multi-year appropriation, appropriated user fee, mandatory appropriation, gift funds, royalty funds or reimbursements from such appropriations, etc.) by grant or cooperative agreement to support a conference, the sponsoring office must obtain approval (which may not be redelegated).

# Table B

# Approval Thresholds and Approval Levels for Conferences Grants and Cooperative Agreements

|  |  |  |
| --- | --- | --- |
| CONFERENCE GRANTS AND COOPERATIVE AGREEMENTS | AMOUNT TO BE OBLIGATED | APPROVAL LEVEL |
| Under $100,000 | No Action Required  |
| $100,000 and Over\* | NIH Director and DHHS Deputy Secretary |
| \*Conference Grants and Cooperative Agreements obligating over $500,000 will require a waiver from the DHHS Secretary. |

**Conference Grants and Cooperative Agreements (R13/U13s) - $100,000 to $500,000**

For conference grants and cooperative agreements that meet the threshold $100,000 to $500,000, approval by the NIH Director must be submitted within 40 calendar days prior to the obligation. The following process must be followed:

1. The IC Grants Coordinator (generally the EPMC representative) sends the DHHS Conference Request and Approval form (Attachment A) and DHHS Conference Request for Waiver form (Attachment B) to OER Conference Grant Coordinator (currently Erica Brown) via email at: r131@mail.nih.gov.
2. OER Conference Grant Coordinator sends the request and approval form (Attachment A) along with the waiver form (Attachment B) to Executive Secretariat (ExecSec) with a cc to the DDER for the Director, NIH to review and approve via email within 3 business days from receipt. The forms will be accompanied by a cover memorandum to the Director, NIH that outlines the purpose for the package and will request that the Director, NIH sign the form.
3. Exec Sec will send the signed forms back to the OER Conference Grant Coordinator via email with a cc to the DDER within five business days from receipt.
4. OER Conference Grant Coordinator sends the signed approval forms to OGAPA at: OGAPA@hhs.gov within 2 business days from receipt.
5. OGAPA will send their approval/disapproval via email to the OER Conference Grant Coordinator.
6. OER Conference Grant Coordinator will notify the IC Grant Coordinator within each respective IC (along with a cc to the DDER) so that awards may be made (or not) depending upon outcome from OGAPA.

**Conference Grants and Cooperative Agreements (R13/U13s) - Above $500,000**

For conference grants and cooperative agreements that meet the threshold above $500,000, approval by the NIH Director must be submitted 40 calendar days prior to the obligation. The following process must be followed:

1. The IC Grants Coordinator (generally the EPMC representative) sends the DHHS Conference Request and Approval form (Attachment A) and DHHS Conference Request for Waiver form (Attachment B) to OER Conference Grant Coordinator (currently Erica Brown) via email at: r131@mail.nih.gov.
2. OER Conference Grant Coordinator sends the request and approval form (Attachment A) along with the waiver form (Attachment B) to Executive Secretariat (ExecSec) with a cc to the DDER for the Director, NIH to review and approve via email within 3 business days from receipt. The forms will be accompanied by a cover memorandum to the Director, NIH that outlines the purpose for the package and will request that the Director, NIH sign the form.
3. Exec Sec will send the signed forms back to the OER Conference Grant Coordinator via email with a cc to the DDER within five business days from receipt.
4. OER Conference Grant Coordinator sends the signed approval forms to OGAPA at: OGAPA@hhs.gov within 2 business days from receipt.
5. OGAPA will send their approval/disapproval via email to the OER Conference Grant Coordinator.
6. OER Conference Grant Coordinator will notify the IC Grant Coordinator within each respective IC (along with a cc to the DDER) so that awards may be made (or not) depending upon outcome from OGAPA.

Note(s):

ICs are required to provide the OER Grant Coordinator with the contact information for each respective IC Grant Coordinator representative to ensure information is submitted to the appropriate individual(s). All approval requests will be issued by the IC Grant Coordinator (generally this is the EPMC Representative) post Advisory Council Meetings.

# C. Attendance at Conferences Not Sponsored, Planned or Hosted by DHHS (Non-DHHS Conference)

To ensure adherence with the new DHHS policies, including the [DHHS Travel Manual, January 2012](http://www.hhs.gov/travel/policies/2012_policy_manual.pdf), regarding largely attended conferences that are not sponsored, planned, or hosted by the NIH, ICs will notify the NIH Travel Office (OFM Travel) when there is a conference where the IC expects to send 5 or more attendees or where expenditures are expected to be $25,000 or more for any single conference.  OFM Travel will accumulate attendance/cost information from all ICs and obtain NIH Senior Travel Official’s (STO) review/clearance and Departmental approval.

* In addition to collecting input for the semi-annual conference projections, obtained from the ICs, and sent to the STO for review/clearance and the Department for approval; each IC will complete and submit a separate NIH Conference Attendance Request and Approval Form (Attachment C) to OFM Travel for STO review/clearance and Department approval when the number of attendees for the IC is expected to be 5 or more or where expenditures are expected to be $25,000 for any single conference.
* For meetings that were not captured, for whatever reason, during  the semi-annual conference projections data calls,  the IC shall complete the NIH Conference Attendance Request and Approval Form and submit it to OFM Travel for STO review/clearance and Departmental approval.   Again, a completed form is required where the number of attendees is expected to be 5 or more for the IC or where expenditures are expected to be $25,000 or more for any single conference.
	+ In order to meet NIH and DHHS Travel Office approval timelines and assure quick turnaround, IC requests shall be received at the **OFM Travel** email box no later than 40 days before the deadline for earlier registration fees.

OFM Travel will inform the respective ICs when Departmental approval is received.

No registrations or travel authorizations may be made until the projected conference attendance has been approved by the Deputy Secretary or Secretary as applicable.

**(Note: We are in discussions with the Department on this section in an attempt to streamline the process by leveraging the semi-annual conference projections. We will let you know if we receive any changes by the Department that warrant any changes in the above procedures.)**

D. Meetings

Per DHHS policy, for all meetings and conferences where the total cost to acquire non-federal space exceeds $100,000, Attachment A shall be completed and submitted to the ESP email box for approval by the DHHS Deputy Secretary. Requests to acquire non-federal space exceeding $100,000 must be submitted to the ESP email box no later than 40 calendar days prior to the day funds are to be obligated.

**Approval Document Routing**

Above $100,000 Approval by DHHS Deputy Secretary

1. IC submits NIH Conference / Meeting Approval request package including Attachment A (plus anything germane to the request for approval) to OALM via EfficientSpendingPolicy@NIH.gov
2. OALM obtains NIH Director’s concurrence
3. OALM submits NIH Conference / Meeting Approval Form to Deputy Secretary DHHS through SharePoint Site
4. OALM is notified of approval or disapproval within 10 calendar days per DHHS policy
5. OALM notifies IC via email
6. NIH IC Point of Contact for Conference Tracking maintains IC records for reporting purposes

In keeping with DHHS policy, NIH shall conduct its meetings in space controlled by the Federal Government wherever practicable and cost effective. Prior to acquisition of any non-federally controlled space, NIH staff shall follow guidance provided in NIH Manual Chapter: [26101-17-1 Acquisition of Temporary Commercial Conference Space](http://oma.od.nih.gov/manualchapters/acquisitions/26101-17-1/) before procuring non-federal meeting space. Effective immediately, all requests for non-federal space must be approved by the IC Executive Officer on the form NIH 827-1. This approval authority is non-delegable. Manual Chapter 26101-17-1 will be modified to reflect these changes.

1. Per further clarification from the DHHS Office of General Counsel, royalty funds are also included. [↑](#footnote-ref-1)