

TITLE 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 6A. THE PUBLIC HEALTH SERVICE
NATIONAL RESEARCH INSTITUTES
GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

42 USCS § 284 (2004)

§ 284. Directors of national research institutes

(a) Appointment. The Director of the National Cancer Institute shall be appointed by the President and the Directors of the other national research institutes shall be appointed by the Secretary. Each Director of a national research institute shall report directly to the Director of NIH.

(b) Duties and authority; grants, contracts, and cooperative agreements.

(1) In carrying out the purposes of section 301 [42 USCS § 241] with respect to human diseases or disorders or other aspects of human health for which the national research institutes were established, the Secretary, acting through the Director of each national research institute--

(A) shall encourage and support research, investigations, experiments, demonstrations, and studies in the health sciences related to--

(i) the maintenance of health,

(ii) the detection, diagnosis, treatment, and prevention of human diseases and disorders,

(iii) the rehabilitation of individuals with human diseases, disorders, and disabilities, and

(iv) the expansion of knowledge of the processes underlying human diseases, disorders, and disabilities, the processes underlying the normal and pathological functioning of the body and its organ systems, and the processes underlying the interactions between the human organism and the environment;

(B) may, subject to the peer review prescribed under section 492(b) [42 USCS § 289a(b)] and any advisory council review under section 406(a)(3)(A)(i) [42 USCS § 284a(a)(3)(A)(i)], conduct the research, investigations, experiments, demonstrations, and studies referred to in subparagraph (A);

(C) may conduct and support research training (i) for which fellowship support is not provided under section 487 [42 USCS § 288], and (ii) which is not residency training of physicians or other health professionals;

(D) may develop, implement, and support demonstrations and programs for the application of the results of the activities of the institute to clinical practice and disease prevention activities;

(E) may develop, conduct, and support public and professional education and information programs;

(F) may secure, develop and maintain, distribute, and support the development and maintenance of resources needed for research;

(G) may make available the facilities of the institute to appropriate entities and individuals engaged in research activities and cooperate with and assist Federal and State agencies charged with protecting the public health;

(H) may accept unconditional gifts made to the institute for its activities, and, in the case of gifts of a value in excess of \$ 50,000, establish suitable memorials to the donor;

(I) may secure for the institute consultation services and advice of persons from the United States or abroad;

(J) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

(K) may accept voluntary and uncompensated services; and

(L) may perform such other functions as the Secretary determines are needed to carry out effectively the purposes of the institute.

The indemnification provisions of section 2354, title 10, United States Code, shall apply with respect to contracts entered into under this subsection and section 402(b) [42 USCS § 282(b)].

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(2) Support for an activity or program under this subsection may be provided through grants, contracts, and cooperative agreements. The Secretary, acting through the Director of each national research institute--

(A) may enter into a contract for research, training, or demonstrations only if the contract has been recommended after technical and scientific peer review required by regulations under section 492 [42 USCS § 289a];

(B) may make grants and cooperative agreements under paragraph (1) for research, training, or demonstrations, except that--

(i) if the direct cost of the grant or cooperative agreement to be made does not exceed \$ 50,000, such grant or cooperative agreement may be made only if such grant or cooperative agreement has been recommended after technical and scientific peer review required by regulations under section 492 [42 USCS § 289a], and

(ii) if the direct cost of the grant or cooperative agreement to be made exceeds \$ 50,000, such grant or cooperative agreement may be made only if such grant or cooperative agreement has been recommended after technical and scientific peer review required by regulations under section 492 [42 USCS § 289a] and is recommended under section 406(a)(3)(A)(ii) [42 USCS § 284(a)(3)(A)(ii)] by the advisory council for the national research institute involved; and

(C) shall, subject to section 2353(d)(2) [42 USCS § 300cc-40b(d)(2)], receive from the President and the Office of Management and Budget directly all funds appropriated by the Congress for obligation and expenditure by the Institute.

(c) Coordination with other public and private entities; cooperation with other national research institutes; appointment of additional peer review groups. In carrying out subsection (b), each Director of a national research institute--

(1) shall coordinate, as appropriate, the activities of the institute with similar programs of other public and private entities;

(2) shall cooperate with the Directors of the other national research institutes in the development and support of multidisciplinary research and research that involves more than one institute; and

(3) may, in consultation with the advisory council for the Institute and with the approval of the Director of NIH--

(A) establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6) [42 USCS § 282(b)(6)]; and

(B) appoint the members of peer review groups established under subparagraph (A); and

(4) may publish, or arrange for the publication of, information with respect to the purpose of the Institute without regard to section 501 of title 44, United States Code.

The Federal Advisory Committee Act [5 USCS Appx.] shall not apply to the duration of a peer review group appointed under paragraph (3).

HISTORY: (July 1, 1944, ch 373, Title IV, Part B, § 405, as added Nov. 20, 1985, P.L. 99-158, § 2, 99 Stat. 826; Nov. 4, 1988, P.L. 100-607, Title I, Subtitle D, § 116, 102 Stat. 3053; Nov. 18, 1988, P.L. 100-690, Title II, Subtitle G, Ch 2, § 2613(c), 102 Stat. 4239; June 10, 1993, P.L. 103-43, Title III, § 301(a)(1), (b), 107 Stat. 150.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

A prior § 284 (Act July 1, 1944, ch 373, Title IV, Part A, § 403 [404], 58 Stat. 708; June 16, 1948, ch 481, § § 3(b), 6(c), 62 Stat. 464, 469; Dec. 23, 1971, P.L. 92-218, § 6(a)(4), 85 Stat. 785; Nov. 9, 1978, P.L. 95-622, Title II, Part C, Subpart II, § 241(a)(1), 92 Stat. 3425) was omitted in the general revision of this Title by Act Nov. 20, 1985, P.L. 99-158, 99 Stat. 820. It provided for a cancer control program. Similar provisions appear as 42 USCS § 285a-1.

Amendments:

1988. Act Nov. 4, 1988, in subsec. (b)(1), in the introductory matter, substituted "human diseases" for "the human diseases"; in subsec. (c), in para. (2), deleted "and" following the semicolon, substituted para. (3) for on which read: "may, with the approval of the advisory council for the institute and the Director of NIH, appoint technical and scientific peer review groups in addition to those appointed under section 402(b)(6).", and added para. (4).

Act Nov. 18, 1988 (effective immediately after enactment of Act Nov. 4, 1988, as provided by § 2600 of Act Nov. 18, 1988, which appears as 42 USCS § 242m note), in subsec. (c)(3), inserted "and appoint".

1993. Act June 10, 1993 (effective on enactment as provided by § 2101 of such Act, which appears as 42 USCS § 201 note) in subsec. (b), in para. (2), in subpara. (A), deleted "and" after the concluding semicolon, in subpara. (B)(ii), substituted "; and" for a concluding period, and added subpara. (C), and, in subsec. (c), substituted para. (3) for one which read: "(3) may, in consultation with the advisory council for the Institute and the approval of the Director of NIH,

establish and appoint technical and scientific peer review groups in addition to those established and appointed under section 402(b)(6); and", and added the concluding matter.