Text as published on gao.gov, https://www.gao.gov/products/b-161769, archived 2026-08-26. GAO published no original file for this decision. Rendered by Comptroller Desk.

B-161769 June 30, 1967

Number: B-161769

Date: 1967-06-30

B-161769 June 30, 1967

The Honorable The Secretary of Health, Education, and Welfare

Dear Mr. Secretary:

In letter dated June 9, 1967, the Acting Secretary of Health, Education, and Welfare, informs us that in its report on H.R. 10196, the Departments of Labor, and Health, Education, and Welfare, and Related Appropriation Bill, 1968, the House Appropriations, Committee noted its opinion that legislative authority for certain Public Health Service grants known as "Health Sciences Advancement Awards" was not entirely clear and directed that no grants be made until we ruled on the matter. He advises that the House Report directed also that if our ruling is negative, the funds involved should be held in reserve for return to the Treasury.

The Acting Secretary encloses a copy of memorandum from the Director of the National Institutes of Health, to you, which, he states, describes the scope and purposes of the grants and sets forth the basis for the view that there appears to be a sound statutory basis for the program. He advises, however, that the Committee inquiry brings into question the basis for a large and significant segment of Public Health Service (PHS) grant activities, and that this is a matter of concern not only to your Department but also to various grantee institutions throughout the Nation.

The awards or grants in question are made pursuant to the authority contained in section 301(d) of the Public Health Service Act, as amended 42 U.S.C. 241(a) Section 301(d) of the Public Health Service Act as amended, prior to its further amendment by Public Law 86-798, read, in part, as follows:

"Make grants-in-mid to universities, hospitals, laboratories, and other public or private institutions, and it individuals for such research or research training projects as are recommended by the National Advisory Health Council * * *." (Emphasis added.)

Public Law 86-798, approved September 15, 1960, 74 Stat. 1053, added the following language to section 301(d):

"* * * and make, upon recommendation of the National Advisory Health Council, grants-in-aid to public or non-profit universities, hospitals, laboratories, and other institutions for the general support of their research and research training programs: Provided, That such uniform percentage, not to exceed 15 per centum, as the Surgeon General may determine, of the amounts provided for grants

for research projects for any fiscal year through the appropriations for the National Institutes of Health may be transferred from such appropriations to a separate account to be available for such research and research training program grants-in- aid for such fiscal year." (Emphasis added.)

It is clear from the last-quoted language that under the authority contained therein grants may be made for the "general support" of a grantee's "research and research training programs," as distinguished from grants for "research or research training projects."

The enclosures with the Acting Secretary's letter disclose that three types of grants are made under the general support research grant authority of section 301(d); namely, (1) "General Research Support Grants." (2) "Health Sciences Advancement Awards" and (3) "Biomedical Science Support Grants." The purpose of the "Health Sciences Advancement Awards," as disclosed by the memorandum of the Director of the National Institutes of Health (NIH) is stated as follows:

"* * * More specifically, the purpose of this program is to provide the nation with an increased number of institutions, primarily graduate academic institutions, which are characterized by outstanding stature in research and research training in the health sciences. Particular pathways to realize the objective of this program include assistance (1) to accelerate the advancement of existing capabilities in health research and related graduate research educational activities within established institutions; (2) to encourage the development of biomedical science components of institutions which presently possess great strength in related fields of science; (3) to support the advancement of new health research and training endeavors in emerging institutions which possess an appropriate base for development; (4) to promote the better training of biomedical investigators; and (5) to increase the total number of well-trained scientists.

"Institutions of higher education constitute the class first selected as eligible for this program. Preference for awards is given to applicant institutions which offer the most promise for advancing to new and high levels of health science activity and quality. Awards are mode on a competitive basis for a period of not more than five years. The grantee institution is expected to continue the program using other sources of support. NIH expects through this program to increase the number of superior institutions contributing to the basic understanding and solution of major health problems, and to the national pool of highly trained manpower in the health sciences. Though this approach the critical needs of the nation for adequate numbers of the variety of well-qualified personnel in the medical and the allied medical science fields may be met.

"We believe that the most effective way to stimulate the advancement of eligible institutions to new and superior levels of biomedical stature is to provide major support for limited periods of time for specific research and research training programs. These programs are designed by the applicant institution on the basis of its own development plan. The applications undergo individual rigorous reviews by staff and consultant groups. The institutions which receive awards are given great autonomy with minimal constraints in the flexible management of the approved broad program of research and research training. Construction and indirect costs may not be supported by the Health Sciences Advancement Award program.

"Examples of the kinds of research and research training activities included in Health Sciences Advancement Awards are: specific enlargement of research faculty, establishment of jointly used research equipment resources, revitalizing and updating of weaker academic program elements in the applicant organization, provision of short-term support for research and research training in emerging areas under new leadership, pending the provision of regular support by other existing grant programs."

The memorandum discloses the following concerning the differences between "General Research Support Grants" and "Health Sciences Advancement Awards":

"Other classes of awards under the general research support authority characterized as 'General Research Support Grants' have been made on the basis of a formula for one year, with no specific plan for use and with no budget required. The grants characterized as 'Health Sciences Advancement Awards' are not based on a formula, are made over a period of five years, and require submittal of a specific plan for use and a budget. Thus there are differences; but these are without significance with respect to basic authority."

The Director's memorandum indicates that the difference between the "General Research Support Grants" and the "Health Sciences Advancement Awards" is the basis on which the grants are made, rather than the activities for which the grant funds may be used.

Thus as we understand it while the basis for making "Health Sciences Advancement Awards" may be different from the basis for making "General Research Support Grants," both types of grants are in fact, for activities or programs that are considered to be for the general support of research and research training. That is to say activities or programs that are financed by "Health Sciences Advancement Awards" could also be financed with "General Research Support Grants."

Section 301(d), as amended, does not prescribe the basis for, or terms or conditions under which, or the manner in which, grants for the general support of research and research training shall be made. The legislative history of the amendment authorizing the general research support grants, discloses that your Department, in explaining how it intended to make grants for the general support of research and research training, indicated that the grants were to be made on the basis used for making the grants designated now as "General Research Support Grants," and made no reference to making grants on the basis used for making "Health Sciences Advancement Awards." See pages 4, 5, 6 and 7 House Report No. 2174, 86th Congress, 2d Session. However, concerning the authority intended to be granted by the amendment it is stated on page 3 of the cited House Report that:

"Following the legislative pattern upon which the project grant programs of the Public Health Service have been developed, the proposed amendment is couched in general language so that the scope and terms of the institutional research support programs can be developed on the basis of operating experience and can be adapted to the evolving needs of our national research effort."

The last-quoted language makes clear that the amendment was intended to vest broad authority in the Surgeon General to make grants, subject only to the limitation that such grants be for the general support of research and research training.

Therefore, assuming that the activities or programs which will be financed by "Health Sciences Advancement Awards" are for the general support of research and research training which could be financed by the "General Research Support Grants," "Health Sciences Advancement Awards Grants" would be legally authorized under section 301(d), as amended, even though the latter type grants are not made on the same basis as "General Research Support Grants."

Sincerely yours,

FRANK H. WEITZEL Assistant Comptroller General of the United States