

NIH Policy Manual

2300-300-3 - Details To Congress, or the Executive Office of the President

Issuing Office: OD/OM/OHR/CPD **Phone:** [\(301\) 496-0377](tel:3014960377)

Approving Official(s): OHR Director

Release Date: 11/15/2018 ?

Partial Revision Date: 2/07/2023 ?

Technical Revision Date: 2/17/2023 ?

Transmittal Notice

1. **Explanation of Material Transmitted:** This chapter provides the National Institutes of Health (NIH) policy and procedures on details to Congressional committees and the Executive Office of the President (EOP). The chapter number is being changed from NIH-2300-112-1 to NIH-2300-300-3 to be consistent with recently issued HHS policy. This revision is restructured for clarity and contains updates to issuing office information and hyperlinks. **Partial Revision 2/7/2023:** to update routing approving official - replace “Deputy Director for Management (DDM), NIH” with “Principal Deputy Director, NIH”.

2. **Filing Instructions:**

Remove: Manual Chapter 2300-112-1 dated 04/28/2009

Insert: Manual Chapter 2300-300-3 dated 11/15/2018; **Partial Revision:** 02/07/2023

3. **PLEASE NOTE:** For information on:

- Content of this chapter, contact the issuing office listed above.
- NIH Policy Manual, contact the Division of Compliance Management, OMA on 301-496-4606, or enter this URL: <https://oma.od.nih.gov/DMS/Pages/Manual-Chapters.aspx>.

A. Purpose

This chapter provides the policies and procedures for detailing NIH employees to Congressional Committees, Legislative Committees, the Executive Office of the President (EOP) and Interagency Task Forces. This chapter is issued because details to these organizations are handled in a considerably different manner than other details within the Executive Branch of the Government or to international organizations. The following information is to be used in conjunction with HHS Human Resources Manual-300-3,

available through the Department's Web site at:
<http://www.hhs.gov/asa/ohr/manual/files/300-3.html>

B. References

1. [31 U.S.C. § 1301](#) (appropriation restrictions on detail and assignment of employees)
2. [31 U.S.C. § 1535](#) (“the Economy Act – reimbursable assignment of employees between executive branch departments and agencies”)
3. [5 U.S.C. § 3161\(c\)](#) (details for Interagency Task Force)
4. [3 U.S.C. § 112](#) (requirements for details to specific offices under the Executive Office of the President)^[1]
5. [2 U.S.C. § 4301](#) (Committee staffs)
6. 21 Comp. Gen. [954](#) and [1055](#) (details of Executive Branch personnel to committees of the Congress and Legislative Offices)
7. [HHS Personnel Instruction 300-3: Detail and Intergovernmental Personnel Act \(IPA\) Assignments](#)
8. Records retention is subject to [NIH Manual 1743](#) – “Keeping and Destroying Records”.

^[1] Details to certain EOP organizations: White House Office, the Executive Residence to the White House, the Office of the Vice President, the Domestic Policy Staff, and the Office of Administration that exceed 180 days must be reimbursed in accordance with 3 U.S.C. § 112

C. Policy

NIH supports details of NIH employees to other Federal organizations, including Congress (i.e., congressional committees, Government Accountability Office, Library of Congress, Government Printing Office) the EOP, legislative offices, and interagency task forces as a valuable tool for learning and exchanging information that is beneficial to both NIH and the other Federal organizations. A detail of this type may not begin until the clearance procedure has been completed. Authority to approve a detail to Congress, the EOP, a legislative office, or an interagency task force resides with the Assistant Secretary for Administration (ASA), Office of the Secretary (OS), U.S. Department of Health and Human Services (HHS).

D. Scope

1. This manual chapter is applicable to all eligible NIH employees in both the competitive and excepted services, regardless of the authorities under which they are appointed:
 - NIH employees who are candidates for formal fellowship programs affiliated with a recognized academic institution or professional organization,
 - Legislative Fellows (i.e., Brookings Fellows),
 - Presidential Management Fellows (PMFs),
 - Emerging Leaders Program (ELP) participants, or

- other HHS/NIH formal training program participants with certain exceptions.
2. Details of U.S. Public Health Service Commissioned Corps Officers or contractors are not covered.

E. Policy and Procedures

1. Length of Detail:

- a. **Congressional Committee:** Initial details are limited to 6 months (180 days) with one 6-month extension. The total length of the detail may not exceed a 12-month period or the end of a congress.
- b. **Legislative Offices:** There are no time limits on details to Legislative Offices.
- c. **Interagency Task Force:** There are no time limits on details to Interagency Task Forces.
- d. **Executive Offices of the President:** Initial details are limited to 6 months (180 days) with one 6-month extension. The total length of the detail may not exceed a 12-month period.
- e. **Official Personnel Folder Documentation:** If the detail extends beyond 30 days, NIH Institutes, Centers and Offices (ICOs) will submit a [Request for Personnel Action, SF-52](#), along with the following information:
 - name of detailee;
 - organization to which detailed;
 - period of detail;
 - whether or not the detail is reimbursable;
 - duties to be performed during the detail;
 - the name of the individual who will be responsible for providing time and attendance information to the detailee's supervisor of record.

OHR will file the SF-52 documenting the detail along with supporting information in the employee's Official Personnel File (OPF).

2. Initial Detail Approval: Approvals must be obtained prior to the start of the detail.

- a. An approval package must contain:
 - 1. Letter of Invitation from either the Congressional Committee, Legislative Office, Interagency Task Force or the EOP asking for the service of the employee.
 - 2. The employee's resume/CV.
 - 3. A request memorandum (additional details below).
 - 4. A memorandum of understanding (MOU) signed by either the Congressional Committee, Legislative Office, Interagency Task Force or the EOP and the NIH outlining the terms of the detail, including each

parties' requirements and responsibilities.

5. [Interagency Agreement](#) form if the detail is reimbursable.

b. Congressional Committee:

1. **Request Memo Requirements:** A request memorandum to the Assistant Secretary for Administration (ASA), HHS from the Principal Deputy Director, NIH. The Request Memo must contain a through line for the Assistant Secretary for Legislation (ASL), as their concurrence is required and a signature line of the ASA. The request memo must include: proposed duration of the detail; an explanation of the nature of the relationship that the duties of the detail have to those of HHS; the impact on HHS, and therefore, the extent to which the detail will further the purpose for which appropriations are made to HHS, NIH, and/or the IC and a statement that the employee has consulted with the IC's Deputy Ethics Counselor on Conflict of Interest issues and has received a formal clearance to proceed.

c. Legislative Offices:

1. **Request Memo Requirements:** A request memorandum to the Assistant Secretary for Administration (ASA), HHS from the Principal Deputy Director, NIH. The memo must contain a through line for the Assistant Secretary for Legislation (ASL), as their concurrence is required and a signature line of the ASA. The request memo must include: proposed duration of the detail; an explanation of the nature of the relationship that the duties of the detail have to those of HHS; the impact on HHS, and therefore, the extent to which the detail will further the purpose for which appropriations are made to HHS, NIH, and/or the ICO and a statement that the employee has consulted with the ICO's Deputy Ethics Counselor on Conflict of Interest issues and has received a formal clearance to proceed.

d. Interagency Task Force:

1. **Request Memo Requirements:** A request memorandum to the Assistant Secretary for Administration (ASA), HHS from the Principal Deputy Director, NIH. The memo must contain a decision line for the signature of the ASA and specify the proposed duration of the detail. Include a statement that the employee has consulted with the ICO's Deputy Ethics Counselor on Conflict-of-Interest issues and has received a formal clearance to proceed.

e. Executive Offices of the President:

1. **Request Memo Requirements:** A request memorandum to the Assistant Secretary for Administration (ASA), HHS from the Principal Deputy Director, NIH. The memo must contain a decision line for the signature of the ASA and specify the proposed duration of the detail. Details may be

made to EOP organizations that are not subject to 3 U.S.C. 112 without any (or with only partial) reimbursement when the work involves matters similar or related to those of HHS/NIH, will have a direct impact on HHS/NIH, and will further the purpose for which HHS/NIH appropriations were made. Such details may be made only when the services of current employees can be provided without hindering the work of the ICO. If the proposed detail will exceed 180 days and the EOP has indicated that they will reimburse the ICO for the employee's service in excess of 180 days, the ICO should include a statement to that effect. The memo should also include a statement that the employee has consulted with the ICO's Deputy Ethics Counselor on Conflict of Interest issues and has received a formal clearance to proceed.

3. Extending a Detail:

- a. **Congressional Committee:** The same procedures followed to initiate a detail should be followed to extend a detail. Requests for extensions must be received by the highest approving official at least 30 days prior to the end of the initial detail. If the proposed detail will exceed 180 days and the Congressional Committee has indicated that they will reimburse the ICO for the employee's service in excess of 180 days, the ICO should include a statement to that effect.
- b. **Legislative Offices:** Extensions of details to the Legislative Branch must be approved by the ASL. Therefore, extensions to the Legislative Branch should be prepared per initial detail procedures but addressed to the ASL and with the decision line for the ASL. Requests for extensions must be received by the ASL at least 30 days prior to the end of the initial detail. *If the detailee is a fellow, the Deputy Assistant Secretary for Human Resources (DASHR) has authority to approve extension of details to legislative committees. Request for such extensions should be addressed to the DASHR with the decision line for the DASHR. Request for extensions must be received by the DASHR at least thirty (30) days prior to the end of the initial detail or assignment.
- c. **Interagency Task Force:** The same procedures followed to initiate a detail should be followed to extend a detail to an Interagency Task Force. Requests for extensions must be received by the ASA at least 30 days prior to the end of the initial detail.
- d. **Executive Offices of the President:** The same procedures followed to initiate a detail should be followed to extend a detail. Requests for extensions must be received by the ASA at least 30 days prior to the end of the initial detail. *If the detailee is a fellow, the Deputy Assistant Secretary for Human Resources (DASHR) has authority to approve extension of details to the EOP. Request for such extensions should be addressed to the DASHR with the decision line for the DASHR. Request for extensions must be received by the DASHR at least thirty (30) days prior to the end of the initial detail or assignment.

4. **Ending a Detail:** At least thirty (30) days prior to the end of the detail, the ICO will contact the detailee and the organization to confirm that the detail is ending and that the employee is returning to their position of record. Conclusion of the detail will be reported to the Compensation and Policy Division (CPD), OHR point of contact who services the ICO.

F. Roles and Responsibilities

1. The Office of Human Resources (OHR) is Responsible for:

- a. Serving in an advisory capacity to the ICO Program, assisting Program representatives with technical Human Resources (HR) functions.
- b. Ensuring that all applicable regulations and the provisions of this chapter are adhered to.
- c. Assembling final request package for submission for levels at or above the Principal Deputy Director, NIH.

2. Participating ICOs are Responsible for:

- a. Negotiating and managing the terms of the detail agreements.
- b. Completing and forwarding detail packages to the OHR for review and approval.

G. Annual Reporting

During the annual budget process, the Office of Management and Budget (OMB) requires certain detail information to be reported. Institutes and Centers (ICOs) should report the following information to the Office of Human Resources, Compensation and Policy Division (CPD), Building 31, Room 1B37 on or before July 31 of each calendar year:

- name,
- title,
- series and grade of the employee being detailed,
- the organization to which the employee is being detailed,
- the dates of the detail and
- the percent of the detail expenses that will be reimbursed by the gaining organization.

H. Internal Controls

1. Office Responsible for Reviewing Internal Controls Relative to this Chapter:

Through this issuance, the Office of Human Resources, Office of Management, Office of the Director, NIH is accountable for the method used to ensure that internal controls are implemented and working.

2. Frequency of Review: Once every five years.

3. Method of Review: OHR will provide oversight to assure that internal controls are in place and working effectively.

4. **Reports:** are made to the Principal Deputy Director, NIH.

I. Records Retention and Disposal

All records pertaining to this chapter must be retained and disposed of under the authority of [NIH Manual 1743](#), "Keeping and Destroying Records," Appendix 1, "NIH Records Control Schedules" (as amended). These records must be maintained in accordance with current NIH Records Management and Federal guidelines. Contact your [ICO Records Liaison](#) or the NIH Records Officer for additional information.