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(iii) Any other amounts due pursuant to subparts F, M, and O of 45 CFR part 74.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

[36 FR 18465, Sept. 15, 1971, as amended at 38 FR 26199, Sept. 19, 1973]

**§ 59.213 [Reserved]**

**§ 59.214 Additional conditions.**

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

**§ 59.215 Applicability of 45 CFR part 74.**

The provisions of 45 CFR part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to State and local governments as those terms are defined in subpart A of that part 74. The relevant provisions of the following subparts of part 74 shall also apply to grants to all other grantee organizations under this subpart.

45 CFR PART 74

Subpart:

- A General.
- B Cash Depositories.
- C Bonding and Insurance.
- D Retention and Custodial Requirements for Records.
- F Grant-Related Income.
- G Matching and Cost Sharing.
- K Grant Payment Requirements.
- L Budget Revision Procedures.
- M Grant Closeout, Suspension, and Termination.
- O Property.
- Q Cost Principles.

[38 FR 26199, Sept. 19, 1973]

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**PART 59a—NATIONAL LIBRARY OF MEDICINE GRANTS**

**Subpart A—Grants for Establishing, Expanding, and Improving Basic Resources**

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SOURCE: 56 FR 29189, June 26, 1991, unless otherwise noted.

**Subpart A—Grants for Establishing, Expanding, and Improving Basic Resources**

AUTHORITY: 42 U.S.C. 286b-2, 286b-5.

**§ 59a.1 Programs to which these regulations apply.**

(a) The regulations of this subpart apply to grants of funds, materials, or both, for establishing, expanding, and improving basic medical library resources as authorized by section 474 of the Act (42 U.S.C. 286b-5).

(b) This subpart also applies to cooperative agreements awarded for this purpose. In these circumstances, references to “grant(s)” shall include “cooperative agreements(s).”

**§ 59a.2 Definitions.**

Undefined terms have the same meaning as provided in the Act. As used in this subpart:

*Act* means the Public Health Service Act, as amended (42 U.S.C. 201 *et seq.*).

*Project period*—See § 59a.5(c).

*Related instrumentality* means a public or private institution, organization, or agency, other than a medical library,

whose primary function is the acquisition, preservation, dissemination, and/or processing of information relating to the health sciences.

*Secretary* means the Secretary of Health and Human Services and any other official of the Department of Health and Human Services to whom the authority involved is delegated.

#### § 59a.3 Who is eligible for a grant?

Except as otherwise prohibited by law, any public or private nonprofit institution, organization, or agency authorized or qualified to carry on the functions of a medical library, and any public or private related instrumentality, is eligible for a grant under this subpart.

#### § 59a.4 How are grant applications evaluated?

The Secretary shall evaluate grant applications using the officers and employees, and experts, consultants, or groups engaged by the Secretary for that purpose. The Secretary's evaluation shall consider the scope of library or related services for the population and purposes served by the applicant. This evaluation shall include consideration of the following information which must be set forth in the grant application and such other information the Secretary considers pertinent:

- (a) Evidence of the applicant's efficiency in providing services,
- (b) Amount of available equipment and other resources on hand to satisfy the needs of the area served by the facility,
- (c) Extent of coordination with other libraries and related facilities, and
- (d) Potential for testing or demonstration of new or improved techniques in health-sciences informational services.

(Approved by the Office of Management and Budget under control number 0925-0276)

#### § 59a.5 Awards.

(a) *General.* Within the limits of funds available, the Secretary may award grants to those applicants whose proposals for establishments, expansion, or improvement will, in the Secretary's judgment, best promote the purposes of section 474 of the Act (42 U.S.C. 286b-5).

(b) *Determination of award amount.* An Award may not exceed \$1,000,000 or other amount established by law for any fiscal year.

(1) The scope of medical-library or related services provided by the applicant for the population and purposes it serves considering:

- (i) The number of graduate and undergraduate students, and physicians and other practitioners in health-related sciences making use of the applicant's library resources;
- (ii) The type and availability of library support staff;
- (iii) The type, size, and qualifications of the faculty of any school with which the applicant is affiliated;
- (iv) The staff of any hospitals or clinics with which the applicant's library is affiliated;
- (v) The geographic area served and, within that area, the medical-library or related services otherwise available; and

(2) The amount adequate to insure continuing financial support from non-Federal sources of the applicant's proposed activity during and after the period of award. The Secretary shall consider the level of non-Federal support for the proposed activity for periods prior to the fiscal year in which a grant is made. The Secretary shall require the applicant's assurance that non-Federal support will not be diminished as a result of the award and that adequate support for this activity will be continued during and after the period of Federal assistance.

(c) *Project period.* (1) the notice of grant award specifies how long the Secretary intends to support the project without requiring the project to re-compete for funds. This period, called the project period, will usually be for one to five years.

(2) Generally, the grant will initially be for one year at a time and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of these awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In

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all cases, continuation awards require a determination by the Secretary that continued funding is in the best interest of the Federal Government.

(3) Neither the approval of any application nor the award of any grant commits or obligates the Federal Government in any way to make any additional, supplemental, continuation, or other award for any approved application or portion of an approved application.

[56 FR 29189, June 26, 1991, as amended at 59 FR 59168, Nov. 16, 1994]

### § 59a.6 How may funds or materials be used?

The grantee shall expend funds or use materials provided by a grant under this subpart solely for the purposes for which the funds or materials were granted, in accordance with the pertinent provisions of the approved application and budget, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles in subpart Q of 45 CFR part 74.

### § 59a.7 Other HHS regulations that apply.

Several other regulations apply to grants under this subpart. These include, but are not necessarily limited to:

- 42 CFR part 50, subpart D—Public Health Service grant appeals procedure
- 45 CFR parts 6 and 8—Inventions and patents
- 45 CFR part 16—Procedures of the Departmental Grant Appeals Board
- 45 CFR part 74—Administration of grants
- 45 CFR part 75—Informal grant appeals procedures
- 45 CFR part 76 subparts A–F—Government-wide debarment and suspension (non-procurement) and requirements for drug-free workplace (grants)
- 45 CFR part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services—effectuation of title VI of the Civil Rights Act of 1964
- 45 CFR part 81—Practice and procedure for hearings under part 80 of this title
- 45 CFR part 84—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance
- 45 CFR part 86—Nondiscrimination on the basis of sex in education programs and ac-

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- activities receiving or benefiting from Federal financial assistance
- 45 CFR part 91—Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance
- 45 CFR part 92—Uniform administrative requirements for grants and cooperative agreements to state and local governments

### Subpart B—Establishment of Regional Medical Libraries

AUTHORITY: 42 U.S.C. 286b–2, 286b–6.

#### § 59a.11 Programs to which these regulations apply.

(a) This subpart applies to grants made under section 475 of the Act (42 U.S.C. 286b–6). Grants are awarded to medical libraries to enable them to serve as regional medical libraries for their geographic areas. The purpose of the program is to develop a national system of regional medical libraries, each of which would have sufficient facilities to supplement the services of other medical libraries in its region.

(b) The purpose of the program may also be supported by contracts. Since the primary purpose of these contracts is to assist regional libraries and is not for the purpose of acquiring supplies or services for use of the Federal Government, the provisions of the Federal Acquisition Regulation (48 CFR chapter 1) do not apply. Any contract awarded pursuant to section 475 of the Act shall be subject to the applicable provisions of this subpart.

#### § 59a.12 Definitions.

Underfined terms have the same meaning as provided in the Act.

As used in this subpart:

*Act* means the Public Health Service Act, as amended (42 U.S.C. 201 *et seq.*).

*Annual operating expenses* means the average annual operating expenses for the actual years of operation or an estimated amount based on the expenses of libraries or institutions of similar size and function.

*Board* means the Board of Regents of the National Library of Medicine established by section 466 of the Act (42 U.S.C. 286a).

*Geographic area* means an area that forms an academically and professionally integrated region. Factors

considered are location and extent of communication facilities and systems, presence and distribution of educational and medical and health facilities and programs and other activities which, in the Secretary's opinion, justify the establishment and operation of a regional medical library.

*Modify and increase* means the use of Federal funds or materials to supplement rather than supplant non-Federal funds available for library resources and services.

*Project period*—See § 59a.15(b).

*Secretary* means the Secretary of Health and Human Services and any other official of the Department of Health and Human Services to whom the authority involved is delegated.

#### § 59a.13 Who is eligible for a grant?

Except as otherwise prohibited by law, any public or private nonprofit organization which is authorized and qualified to operate a medical library is eligible for a grant under this subpart.

#### § 59a.14 How to apply.

In addition to any other pertinent information which the Secretary may require, the applicant shall submit a grant application containing a detailed description of a program to provide health-sciences informational services for the geographic area in which it is located. The description shall include:

- (a) The need for services;
- (b) The adequacy of the applicant's existing or proposed facilities and resources to attain the purposes stated in the application;
- (c) The size and nature of the population to be served;
- (d) The region to be served;
- (e) Cooperative arrangements in effect, or proposed, with other qualified organizations; and
- (f) The justification for the funds requested.

(Approved by the Office of Management and Budget under control number 0925-0276)

#### § 59a.15 Awards.

(a) *General.* The Secretary, with the advice of the Board in each case, shall award grants to those applicants whose arrangements and proposed services will, in the Secretary's judgment, have

the greatest potential for fulfilling the need for a regional medical library. The Secretary, in determining the priority assigned an applicant, must consider:

(1) The adequacy of the applicant's library in terms of collections, personnel, equipment, and other facilities; and

(2) The size and nature of the population to be served in the applicant's region.

(b) *Project period.* (1) The notice of grant award specifies how long the Secretary intends to support the project without requiring the project to re-compete for funds. This period, called the project period, will usually be for one to five years.

(2) Generally, the grant will initially be for one year and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of these awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Secretary that continued funding is in the best interest of the Federal Government.

(3) Neither the approval of any application nor the award of any grant commits or obligates the Federal Government in any way to make any additional, supplemental, continuation, or other award for any approved application or portion of an approved application.

#### § 59a.16 What other conditions apply?

Although the Secretary may approve exceptions which are consistent with program purposes, in addition to other terms, conditions, and assurances required by law, each grantee must meet the following requirements:

(a) *Use of funds.* Any funds granted under this subpart shall be expended solely for the purpose for which the funds were granted in accordance with the approved application and budget, the regulations of this subpart, the terms and conditions of the award, and

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the applicable cost principles in subpart Q of 45 CFR part 74.

(b) *Library resources*—(1) *Provision of services.* The grantee shall modify and increase its library resources to provide supportive services to other health-sciences informational activities.

(2) *Access to and fees for services.* The grantee shall provide free loan services to qualified users or, in lieu of loans, make available photoduplicated or facsimile copies of biomedical materials which qualified requesters may retain. Reasonable fees may be charged for copies or other services (other than free loan services) provided by a grantee under this subpart: *Provided,* That equal access to the health-information resources of the region or of the national network is assured. These fees shall be designed to recover expenses. The grantee's access policies shall determine the qualifications of individuals or organizations for access to the services provided under the grant, so long as those policies are consistent with the mandatory service undertakings of the program. The Secretary may review the grantee's access policies to assure compliance with this requirement.

(Approved by the Office of Management and Budget under control number 0925-0276)

**§ 59a.17 Other HHS regulations that apply.**

Several other regulations apply to grants under this subpart. These include, but are not necessarily limited to:

- 42 CFR part 50, subpart A—Responsibilities of PHS awardee and applicant institutions for dealing with and reporting possible misconduct in science
- 42 CFR part 50, subpart D—Public Health Service grant appeals procedure
- 45 CFR parts 6 and 8—Inventions and patents
- 45 CFR part 16—Procedures of the Departmental Grant Appeals Board
- 45 CFR part 74—Administration of grants
- 45 CFR part 75—Informal grant appeals procedures
- 45 CFR part 76, subparts A-F—Government-wide debarment and suspension (non-procurement) and requirements for drug-free workplace (grants)
- 45 CFR part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and

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- Human Services—effectuation of title VI of the Civil Rights Act of 1964
- 45 CFR part 81—Practice and procedure for hearings under part 80 of this title
- 45 CFR part 84—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance
- 45 CFR part 86—Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance
- 45 CFR part 91—Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance
- 45 CFR part 92—Uniform administrative requirements for grants and cooperative agreements to state and local governments

**PART 60—HEALTH EDUCATION ASSISTANCE LOAN PROGRAM**

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