

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 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 activities receiving or benefiting from Federal financial assistance

## § 59a.11

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.

Underlined 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,

## 42 CFR Ch. I (10-1-02 Edition)

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.