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Research Risks, NIH, 6100 Executive Boulevard, Suite 3B01, MSC 7507, Rockville, MD 20852-7507 (telephone 301-496-7005; not a toll-free number).).

(6) "Public Health Service Policy on Humane Care and Use of Laboratory Animals." (Rev. Sept. 1986). Office for Protection from Research Risks, NIH (Note: To obtain copies of the policy, interested persons should contact the Office for Protection from Research Risks, NIH, 6100 Executive Boulevard, Suite 3B01, MSC 7507, Rockville, MD 20852-7507 (telephone 301-496-7005; not a toll-free number).).

(7) "Biosafety in Microbiological and Biomedical Laboratories." DHHS Publication No. (CDC) 88-8395 (1993). Centers for Disease Control and Prevention (CDC) (NOTE: To obtain copies of the policy, interested persons should contact the Division of Safety, Occupational Safety and Health Branch, NIH, 13 South Drive, Room 3K04, MSC 5760, Bethesda, MD 20892-5760 (telephone 301-496-2960; not a toll-free number).).

(8) "NIH Guidelines for the Laboratory Use of Chemical Carcinogens," DHHS Publication No. (NIH) 81-2385 (May 1981) (NOTE: To obtain copies of the policy, interested persons should contact the Division of Safety, Occupational Safety and Health Branch, NIH, 13 South Drive, Room 3K04, MSC 5760, Bethesda, MD 20892-5760 (telephone 301-496-2960; not a toll-free number).).

(9) "NIH Policy and Guidelines on the Inclusion of Children as Participants in Research Involving Human Subjects (March 6, 1998)." NIH Guide for Grants and Contracts (NOTE: To obtain copies of the policy, interested persons should contact the Office of Extramural Research, NIH, 6701 Rockledge Drive, Room 6208, MSC 7910, Bethesda, MD 20817-7910 (telephone 301-435-0714; not a toll-free number). Information may also be obtained by browsing the NIH Home Page site on the World Wide Web (<http://www.nih.gov>)).

[64 FR 63722, Nov. 22, 1999, as amended at 81 FR 3008, Jan. 20, 2016]

PART 52c—MINORITY BIOMEDICAL RESEARCH SUPPORT PROGRAM

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AUTHORITY: 42 U.S.C. 216, 241(a)(3).

SOURCE: 45 FR 12246, Feb. 25, 1980, unless otherwise noted.

§ 52c.1 Applicability.

The regulations in this part apply to grants (under the Minority Biomedical Research Support Program) awarded in accordance with section 301(a)(3) of the Public Health Service (PHS) Act (42 U.S.C. 241(a)(3)) to increase the numbers of ethnic minority faculty, students, and investigators engaged in biomedical research, and to broaden the opportunities for participation in biomedical research of ethnic minority faculty, students, and investigators, by providing general support for biomedical research programs at eligible institutions.

[58 FR 61030, Nov. 19, 1993]

§ 52c.2 Definitions.

As used in this part:

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

Ethnic minorities includes but is not limited to such groups as Black Americans, Hispanic Americans, Asian/Pacific Islanders, and American Indians/Native Alaskans (Native Americans).

HHS means the Department of Health and Human Services.

Nonprofit as applied to any institution means an institution which is a corporation or association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

Program director means a single individual, designated in the grant application, who is scientifically trained and has research experience and who is responsible for the overall execution of the program supported under this part at the grantee institution.

Secretary means the Secretary of Health and Human Services and any

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other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

[58 FR 61030, Nov. 19, 1993]

§ 52c.3 Eligibility.

To be eligible for a grant under this Program, an applicant must be:

- (a) One of the following:
 - (1) A public or private nonprofit university, four year college, or other institution offering undergraduate, graduate, or health professional degrees, with a traditionally high (more than 50 percent) minority student enrollment;
 - (2) A public or private nonprofit two year college with a traditionally high (more than 50 percent) minority student enrollment;
 - (3) A public or private nonprofit university, four year college, or other institution offering undergraduate, graduate, or health professional degrees, with a student enrollment a significant proportion (but not necessarily more than 50 percent) of which is derived from ethnic minorities, provided the Secretary determines that said institution has a demonstrated commitment to the special encouragement of and assistance to ethnic minority faculty, students, and investigators; or
 - (4) An Indian tribe which has a recognized governing body which performs substantial governmental functions, or an Alaska Regional Corporation as defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), and
- (b) Located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the successor States of the Trust Territory of the Pacific Islands (the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau).

[45 FR 12246, Feb. 25, 1980; 45 FR 20096, Mar. 27, 1980; 58 FR 61030, Nov. 19, 1993]

§ 52c.4 Application.

An institution interested in applying for a grant under this part must submit an application at the time and in the form and manner that the Secretary may prescribe.

[58 FR 61030, Nov. 19, 1993]

§ 52c.5 Grant awards.

(a) Within the limits of funds available, and upon such recommendation as may be required by law, the Secretary shall award grants to those applications with proposed biomedical research programs which will, in the Secretary's judgment, best promote the purposes of this part, taking into consideration among other pertinent factors:

- (1) The benefits that can be expected to accrue to the national effort in biomedical research and in increasing the pool of biomedical researchers;
- (2) The institution's capability, from a scientific and technical standpoint, to engage in biomedical research;
- (3) The benefits that can be expected to accrue to the institution and its students;
- (4) The administrative and managerial capability and competence of the applicant;
- (5) The availability of the facilities and resources (including where necessary collaborative arrangements with other institutions) to engage in biomedical research;
- (6) The applicant's relative need for funding; and
- (7) The overall significance of the proposal in terms of numbers of ethnic minority persons benefited thereby.

(b) The notice of grant award specifies how long HHS intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for 1-5 years.

(c) 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 such 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 HHS that continued funding is in the best interest of the government.

(d) Neither the approval of any application nor the award of any grant commits or obligates the United States in

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any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of an approved application.

[45 FR 12246, Feb. 25, 1980; 45 FR 20096, Mar. 27, 1980; 58 FR 61030, Nov. 19, 1993]

§ 52c.6 Expenditure of grant funds.

(a) Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed by 45 CFR part 75, subpart E.

(b) The Secretary may permit unobligated grant funds remaining in the grant account at the close of a budget period to be carried forward for obligation during a subsequent budget period, provided a continuation award is made for that period and the Secretary's written approval is obtained. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account.

[45 FR 12246, Feb. 25, 1980; 45 FR 20096, Mar. 27, 1980; 45 FR 68392, Oct. 15, 1980; 81 FR 3008, Jan. 20, 2016]

§ 52c.7 Other HHS regulations that apply.

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

37 CFR part 401—Rights to inventions made by nonprofit organizations and small business firms under government grants, contracts, and cooperative agreements

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 procedures

45 CFR part 16—Procedures of the Departmental Grant Appeals Board

45 CFR part 46—Protection of human subjects

45 CFR part 75—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards

45 CFR part 76—Governmentwide debarment and suspension (nonprocurement) and gov-

ernmentwide 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 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 and activities receiving Federal financial assistance

45 CFR part 93—New restrictions on lobbying
51 FR 16958, or successor—NIH Guidelines for Research Involving Recombinant DNA Molecules

“Public Health Service Policy on Humane Care and Use of Laboratory Animals,” Office for Protection from Research Risks, NIH (Revised September 1986), or successor

[58 FR 61030, Nov. 19, 1993, as amended at 81 FR 3008, Jan. 20, 2016]

§ 52c.8 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 the Secretary's judgment those conditions are necessary to assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

PART 52d—NATIONAL CANCER INSTITUTE CLINICAL CANCER EDUCATION PROGRAM

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AUTHORITY: Sec. 215, 58 Stat. 690, as amended, 63 Stat. 835 (42 U.S.C. 216); sec. 404(a)(4), 92 Stat. 3426 (42 U.S.C. 285).

SOURCE: 45 FR 12247, Feb. 25, 1980, unless otherwise noted.