

Authority: 42 U.S.C. 216, 285a-2, 285a-3, 285b-3, 285b-4, 285d-6, 285i, 285m-3, 285o-4, 287a-2, 287a-3, 300cc-41.

§ 52b.1 To what programs do these regulations apply?

The provisions of this part apply to grants authorized by: section 413(b)(6)(B) of the Act for construction or renovation of basic cancer research laboratory facilities, including clinical facilities; section 414(b) of the Act for the construction of centers for basic and clinical research into, training in, and demonstration of advanced diagnostic, prevention, control, and treatment methods for cancer; section 421(b)(2)(B) of the Act for the construction or renovation of heart, blood vessel, lung, and blood disease and blood resource laboratories, research, training, and other facilities as the Director determines necessary; section 422(c)(3) of the Act for the construction of centers for basic and clinical research into, training in, and demonstration of, the management of blood resources and advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, or blood diseases; section 441(a) of the Act for the modernization of existing buildings to serve as centers for basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of and rehabilitation from arthritis and musculoskeletal diseases, including research into implantable biomaterials and biomechanical and other orthopedic procedures; section 455 of the Act for the construction of vision research facilities; section 464C(a) for the modernization of existing buildings to serve as multipurpose centers for basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of disorders of hearing and other communication processes including research into rehabilitative aids, implantable biomaterials, auditory speech processors, speech production devices, and other otolaryngologic procedures; section 464P(b)(3) of the Act for the construction of pharmacotherapeutic research centers, laboratories, and other necessary facilities and equipment to conduct research on the development and use of medications to treat drug addiction; section 481A(a) of the Act for the expansion, remodeling or alteration of existing research facilities, or the construction of new research facilities; section 481B(a) of the Act for the construction or renovation of regional centers for research on primates; and section 2354(a)(5)(B) of the Act for the construction of facilities for acquired immunodeficiency syndrome (AIDS)

research. The provisions of this part do not apply to minor alteration and renovation that is included in the application for a research project grant. This type of alteration and renovation is covered under the regulations at 42 CFR part 52.

§ 52b.2 Definitions.

As used in this part:

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

Construction means the construction of new buildings or the modernization of, or the completion of shell space in, existing buildings (including the installation of fixed equipment), but excluding the cost of land acquisition and off-site improvements.

Construction grant means funds awarded for construction in accordance with the applicable provisions of the Act and with this part.

Director means the director of an NIH national research institute, center, or other component of NIH, authorized to award grants for construction under the applicable provisions of the Act, and any official to whom the authority involved is delegated.

Federal share with respect to any construction project means the proportion, expressed as a percentage, of the cost of the project to be paid by a grant award under the Act.

HHS, DHHS, and Department mean the Department of Health and Human Services.

Institute means any national research institute, center, or other agency of the National Institutes of Health as set forth in or established by the Secretary under section 401 of the Act.

Modernization means the alteration, renovation, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment necessary to make the building suitable for use for the purposes of the particular program.

NIH means the National Institutes of Health and its organizational components that award grants.

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

Project means the particular construction activity which is supported by a grant under this part.

Secretary means the Secretary of Health and Human Services and any official to whom the authority involved may be delegated.

§ 52b.3 Who is eligible to apply?

In order to be eligible for a construction grant under this part, the applicant must:

- (a) Be a public or private nonprofit agency or institution;
- (b) Be 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); and
- (c) Meet any additional eligibility criteria specified in the applicable provisions of the Act.

§ 52b.4 How to apply.

Applications for construction grants under this part shall be made in such form and at such times as the Secretary may specify.

§ 52b.5 How will NIH evaluate applications?

(a) In evaluating and approving applications for construction grants under this part, the Director shall take into account, among other pertinent factors, the following:

- (1) The priority score,
- (2) The relevance of the project for which construction is proposed to the objectives and priorities of the particular statutory program under the Act,
- (3) The scientific merit of the research program activities which will be carried out in the proposed facility,
- (4) The scientific or professional standing or reputation of the applicant and of its existing or proposed officers and research staff,
- (5) The availability, by affiliation, or other association, of other scientific or health personnel and facilities to the extent necessary to carry out effectively the program proposed for the facility, including the adequacy of an acceptable biohazard control and containment program when warranted,
- (6) The need for the facility and its total effects on similar or related facilities in the locale, and the need to accomplish appropriate geographic distribution of similar facilities, and
- (7) The financial need of the applicant.

(b) The priority score of the application shall be based, among other pertinent factors, on the following criteria:

- (1) The scientific merit of the total program and its component parts to be carried out in the facility,
- (2) The administrative and leadership capabilities of the applicant's officers and staff,