§ 59.207 Payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the performance of the project to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 59.208 Use of project funds.

(a) Any funds granted pursuant to this subpart as well as other funds to be used in performance of the approved project shall be expended solely for carrying out the approved project in accordance with the statute, the regulations of this subpart, the terms and conditions of the award, and, except as may otherwise be provided in this subpart, the applicable cost principles prescribed by subpart Q of 45 CFR part 74.

(b) Prior approval by the Secretary of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

(c) The Secretary may approve the payment of grant funds to trainees for:

1. Return travel to the trainee’s point of origin.

2. Per diem during the training program, and during travel to and from the program, at the prevailing institutional or governmental rate, whichever is lower.

[37 FR 7063, Apr. 8, 1972, as amended at 38 FR 26199, Sept. 19, 1973]

§ 59.209 Civil rights.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in,
be denied the benefits of, or be sub-
icted to discrimination under any pro-
gram or activity receiving Federal fi-
nancial assistance. A regulation imple-menting such title VI, which ap-
pplies to grants made under this part, has been issued by the Secretary of
Health and Human Services with the
approval of the President (45 CFR part
80).

§ 59.210 Inventions or discoveries.

Any grant award pursuant to § 59.206
is subject to the regulations of the De-
partment of Health and Human Serv-
ices as set forth in 45 CFR parts 6 and
8, as amended. Such regulations shall
apply to any activity for which grant
funds are in fact used whether within
the scope of the project as approved or
otherwise. Appropriate measures shall
be taken by the grantee and by the
Secretary to assure that no contracts,
assignments or other arrangements in-
consistent with the grant obligation
are continued or entered into and that
all personnel involved in the supported
activity are aware of and comply with
such obligations. Laboratory notes, re-
lated technical data, and information
pertaining to inventions and discov-
eries shall be maintained for such peri-
ods, and filed with or otherwise made
available to the Secretary, or those he
may designate at such times and in
such manner, as he may determine nec-
essary to carry out such Department
regulations.

§ 59.211 Publications and copyright.

Except as may otherwise be provided
under the terms and conditions of the
award, the grantee may copyright
without prior approval any publica-
tions, films or similar materials devel-
oped or resulting from a project sup-
ported by a grant under this part, sub-
ject, however, to a royalty-free, non-
exclusive, and irrevocable license or
right in the Government to reproduce,
translate, publish, use, disseminate,
and dispose of such materials and to
authorize others to do so.

§ 59.212 Grantee accountability.

(a) Accounting for grant award pay-
ments. All payments made by the Sec-
retary shall be recorded by the grantee
in accounting records separate from
the records of all other grant funds, in-
cluding funds derived from other grant
awards. With respect to each approved
project the grantee shall account for
the sum total of all amounts paid by
presenting or otherwise making avail-
able evidence satisfactory to the Sec-
retary of expenditures for direct and
indirect costs meeting the require-
ments of this part: Provided, however,
That when the amount awarded for in-
direct costs was based on a predeter-
mined fixed-percentage of estimated di-
rect costs, the amount allowed for indi-
rect costs shall be computed on the
basis of such predetermined fixed-per-
centage rates applied to the total, or a
selected element thereof, of the reim-
burseable direct costs incurred.

(b) [Reserved]

(c) Accounting for grant-related in-
come—(1) Interest. Pursuant to section
203 of the Intergovernmental Coopera-
tion Act of 1968 (42 U.S.C. 4213), a State
will not be held accountable for inter-
est earned on grant funds, pending
their disbursement for grant purposes.
A State, as defined in section 102 of the
Intergovernmental Cooperation Act,
means any one of the several States,
the District of Columbia, Puerto Rico,
any territory or possession of the
United States, or any agency or instru-
mentality of a State, but does not in-
clude the governments of the political
subdivisions of the State. All grantees
other than a State, as defined in this
subsection, must return all interest
earned on grant funds to the Federal
Government.

(2) Final settlement. There shall be
payable to the Federal Government as
final settlement with respect to each
approved project the total sum of:

(i) Any amount not accounted for
pursuant to paragraph (a) of this sec-
tion;

(ii) Any credits for earned interest
pursuant to paragraph (c)(1) of this sec-
tion;