

USE OF HEW RESEARCH FACILITIES BY ACADEMIC
SCIENTISTS, ENGINEERS AND STUDENTS

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Title 45—PUBLIC WELFARE

Subtitle A-Department of **Health,**
Education, and Welfare, General
Administration

**PART 9—USE OF HEW RESEARCH FA-
CILITIES BY ACADEMIC SCIENTISTS,
ENGINEERS, AND STUDENTS**

Part 9 of Subtitle A of Title 45 of the
Code of Federal Regulations is revised to
read as follows :

- sec.
- 9.1 Purpose.
- 9.2 Policy.
- 9.3 Delegations of authority.
- 9.4 Criteria.
- 9.5 Restrictions.

AUTHORITY: The provisions of this Part 9
issued under 27 Stat. 395, as amended; 20
U.S.C. 91.

§ 9.1 Purpose.

To enhance the availability of **DHEW**
scientific research and study **facilities** to
academic scientists, **engineers,** and **qual-**
ified students.

§ 9.2 Policy.

It is the policy of the Department of
Health, Education, and Welfare in ac-
cordance with the policy of the President
announced on February 21, 1969, to make
research **and study** facilities of the De-
partment readily available to the **scien-**
tific community, especially qualified **aca-**
demic scientists and engineers. Unique,
unusual, and expensive-to-duplicate fa-
cilities at laboratories and other study
and research facilities of the Depart-
ment will be made available to the na-
tional scientific community, to the max-
imum extent practical without serious
detriment to the missions of those facili-
ties. It is also the policy of the Depart-
ment to permit qualified students and
graduates of institutions of learning in
the several States, and territories, as well
as the District of Columbia, to use study
and research facilities of the Depart-
ment. When **such facilities are used by**
academic scientists, engineers, and stu-
dents, the costs incurred for the opera-
tion of the unique or unusual research
facilities, as well as of the other facili-
ties, should be funded by the operating
agency responsible for the operation of
that **facility,** except for any significant
incremental **costs** incurred in support
of research not directly related to an
HEW mission.

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§ 9.3 Delegations of authority.

(a) The heads of operating agencies
are delegated authority for negotiations
and decisions as to the use of Depart-
ment facilities by qualified academic
scientists, engineers, and students.

(b) The heads of operating agencies
may (and are encouraged to) redelegate
to the heads of their respective compo-
nent organizations, with the power to
further redelegate to laboratory direc-
tors, the authority for negotiations and
decisions as to the use of departmental
facilities. Appropriate use shall be made
of advisory groups in formulating their
decisions.

§ 9.4 Criteria.

(a) The **official** permitting use of De-
partment facilities must determine that
it **would** be consistent with the programs
of his activity to participate. Facilities
may be made available provided the use
of such facilities will be of direct bene-
fit to the objectives of the academic
scientist, or engineer, or student, with
the prospect of fruitful interchange of
ideas and information between Depart-
ment personnel and the academic scien-
tist, or engineer, or student, and such
use will not interfere with the Depart-
ment program.

(b) The **official** permitting use of **De-**
partment facilities will furnish the **non-**
Government user with safety require-
ments or operating procedures to be **fol-**
lowed. Such requirements or procedures
are to include **the** requirement to report
to the **permitting** official any **accident**
involving the non-Government user.

(c) The **official** delegated authority
for approving the use of Department
facilities will not permit the use of lab-
oratory facilities **unless** he **determine:**

(1) That **facilities** are available **for**
the period desired; and

(2) That the proposed research will
not interfere with regular Department
functions or needs, nor require the subse-
quent acquisition of additional equipment
by the Department.

§ 9.5 Restrictions.

(a) Each individual authorized to use
Department facilities **will** be expected to
use the facilities and equipment with
customary care and **otherwise** conduct
himself in such manner as to complete
his research or study within any time
limits prescribed.

(9.5 continued/

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(b) Each individual authorized to use HEW facilities may not be authorized to sign requisitions for supplies and equipment.

(c) Any official approving the use of **HEW** facilities should seek an agreement, executed by non-Government users, absolving the Federal agency of liability in case of personal injury, death, and failure or damage to the non-Government user's experiments or equipment. The agreement must also contain a statement that the non-Government user will comply with all safety regulations and procedures while using such facilities.

Effective **date**. This amendment shall become effective on the **date** of its publication in the **FEDERAL REGISTER**.

Approved: November 20, 1969.

SOL ELSON,
*Acting Deputy Assistant Secretary
for Administration.*

(F.R. Doc. 69-14103; Filed, Nov. 26, 1969;
8:48 a.m.]

CHAPTER 13-20
USE OF DEPARTMENT FACILITIES FOR
NONOFFICIAL PURPOSES

- 13-20-00 Purpose
 - 10 Background
 - 20 Policy

13-20-00 PURPOSE

This chapter establishes the Department's policy on the public use of conference rooms, auditoriums, classrooms, and similar space within buildings assigned to HEW by the General Services Administration (GSA) and in buildings for which **the** Department has custody and responsibility.

13-20-10 BACKGROUND

With the implementation of the Public Buildings Cooperative Use Act of 1976, Public Law 94-541 **dated October** 18, 1976, GSA's goals have been broadened to make "public buildings"* (as the term is used in that Act) accessible to the general public wherever and whenever possible. The "occasional use" part of the Act encourages use of Federally-occupied buildings by a variety of cultural, educational or recreational groups. The buildings in question are all Federally occupied buildings in both large and small cities. Occasional use is defined as temporary use, 48 hours or less, on a one-time or intermittent basis.

13-20-20 POLICY

- A. In all buildings assigned to HEW by GSA, the following policies will **apply:**
1. The Department's official who has been designated the HEW facilities manager in the Office of the Secretary (OS), Regional Office (RO), Principal Operating Component (POC), Agencies within the POCs, bureaus, installations, etc., shall ensure that assignments of "**occasional**" use space are not adverse to HEW's mission, and are consistent with the public interest.
 2. Other HEW officials who receive requests from public groups for use of conference rooms, classrooms, auditoriums, or similar facilities should refer such requests to their respective HEW facilities manager. The HEW facilities manager will review each request with the appropriate GSA buildings manager to assure that there will be minimal interference with the conduct of Government business. The GSA buildings manager is responsible for approving the request and for the administration and management of each request.
 3. No costs will be borne by HEW. This applies to costs for physical protection, cleaning, overtime for labor, utilities, and similar purposes.

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4. All persons attending meetings or performances will be subject to GSA's rules and regulations governing conduct in public buildings and grounds. Such rules and regulations shall be stipulated to the prospective user by GSA prior to an agreement for use of the facilities.
 5. There will be no alterations to space in a public building solely for occasional use unless the Regional GSA Administrator determines that such alterations are necessary to encourage and facilitate occasional use. Costs of such alterations will be borne by GSA and not HEW.
 6. Floor space made available for occasional use shall be as isolated as possible from the working office area of the building.
- B. In the Social Security Administration and Public Health Service, buildings for which the Department has custody and responsibility, the following policies will apply to approving requests for "occasional use" of space by employee groups, community service organizations or similar organizations engaged in cultural, educational, or recreational activities. Authority to approve such requests has been delegated from the Assistant Secretary for Management and Budget to the heads of the POCs. (See Memorandum, Subject-- Delegation of Authority for Approving the Temporary Use of HEW Facilities for Nonofficial Purposes dated Way 16, 1979.)
1. Upon approval by the POC official, conference rooms, auditoriums, cafeterias, etc., may be used by employee groups and community service organizations or similar type activities for meetings and related activities on an occasional use basis.
 2. It shall be the duty of the approving official in the Social Security Administration and Public Health Service to ensure that such assignments are not adverse to HEW's mission, and are consistent with the interests of the Government.
 3. Generally, such use shall not be scheduled beyond normal building operating hours such as Saturdays, Sundays, holidays or other times when the facility is normally closed.
 4. Organizations using such property on an occasional use basis are to reimburse HEW for the use of the space at a rate comparable to the SLUC charge that would be applied if it were a building under the control of GSA, including any costs for utilities, maintenance, protection, and other provided services expected to be incurred as a result of the organization's use of the property.
 5. Unless otherwise provided by law, revenues collected from nonfederal activities for the occasional use of HEW-owned or leased property shall be deposited in the miscellaneous receipts of the Treasury. The responsible official may at his discretion, take into consideration any benefits which may occur to HEW and the community from such occasional use of space and reduce or waive all charges.

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6. **All** persons attending meetings and performances will be subject to the rules and regulations of conduct governing such buildings and grounds, including those instituted by the responsible official of the HEW activity. Such rules and regulations shall be stipulated to the prospective users by the responsible official prior to an agreement to use the facility.