§ 1250.103–6 Medical emergencies.

Notwithstanding the provisions of §§1250.103 to 1250.103–5, a recipient of Federal financial assistance shall not be deemed to have failed to comply with §1250.103–1, if immediate provision of a service or other benefit to an individual is necessary to prevent his death or serious impairment of his health, and such service or other benefit cannot be provided except by or through a medical institution which refuses or fails to comply with §1250.103–1.

§ 1250.104 Assurances.

(a) General requirement. Every application for Federal financial assistance to which this part applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain, be accompanied by, or identify and make reference to, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. If the assurance is not made a part of the application, the application shall identify the assurance which is applicable to the application. One assurance shall suffice for all applications of an applicant if the assurance complies with the conditions made applicable by this part to each such application for Federal financial assistance. Every assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) Duration of assurances. The period of time to be covered by the assurances required under this §1250.104 shall be as follows:

(1) Real property. In the case of an application for Federal financial assistance for providing real property or structures thereon, the assurance shall obligate the recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) Personal property. In the case of an application for Federal financial assistance for providing personal property, the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property.

(3) Other kinds of Federal financial assistance. In the case of an application for any other kind of Federal financial assistance, the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application.

(c) Assurances for research, training, or educational programs. (1) In the case of application by an institution of higher education or any other organization for Federal financial assistance for a program or activity which involves participation by students, fellows or trainees, including but not limited to assistance for research, training, or the provision of facilities, the assurance required by this §1250.104 shall extend to admission practices and to all other practices relating to the treatment of students or other participants.

(2) The assurances from such an applicant shall be applicable to the entire organization of the applicant.

(d) Assurances for construction of facilities. In the case of assistance for the construction of a facility, or part thereof, the assurance shall extend to the entire facility and to facilities operated in connection therewith. In grants to assist in the construction of facilities for the provision of research, training, or educational services, assurances will be required that services will be provided without discrimination, to the same extent that discrimination would be forbidden as a condition of grants for the support of such services. Thus, as a condition of grants for the construction of academic, research or other facilities at institutions of higher education, assurances will be required that there will be no discrimination in the admission or treatment of students. Also, see paragraph (c) of this section for the requirement as to the applicability of the assurance to the applicant’s organization.

(e) Instrument effecting or recording transfers of real property. The instrument effecting or recording the transfer, shall contain a covenant running
with the land assuring nondiscrimina-
tion for the period during which the
real property is used for a purpose for
which the Federal financial assistance
is extended or for another purpose in-
volving the provision of similar serv-
ices or benefits. Where no transfer of
property is involved, but property is
improved with Federal financial assist-
ance, the recipient shall agree to in-
clude such a covenant in any subse-
quent transfer of such property. Where
the property is obtained from the Fed-
eral Government, such covenant may
also include a condition coupled with a
right to be reserved by NASA to revert
title to the property in the event of a
breach of the covenant where, in the
discretion of the responsible NASA of-
official, such a condition and right of re-
verter is appropriate to the statute
under which the real property is ob-
tained and to the nature of the grant
and the grantee.

(f) Assurances for transfer of surplus
real property. Transfers of surplus prop-
erty are subject to regulations issued
by the Administrator of General Ser-
vices (41 CFR 101–6.2).

(g) Form of assurances. The respon-
sible NASA officials shall specify the
form of assurances required by this
§ 1250.104 and the extent to which like assurances will be required by sub-
grantees, contractors and subcontract-
ors, transferees, successors in inter-
est, and other participants in the pro-
gram.

(h) Requests for proposals. Any request
for proposals issued by NASA which re-
lates to covered financial assistance
listed in appendix A shall have set
forth therein or have attached thereto
the assurance prescribed in accordance
with paragraph (g) of this section, and
shall require that the proposer either
include the assurance as a part of his
signed proposal or identify and refer to
an assurance already signed and sub-
mitted by the proposer.

§ 1250.105 Compliance information.

(a) Cooperation and assistance. Each
responsible NASA official shall to the
fullest extent practicable seek the co-
operation of recipients in obtaining
compliance with this part and shall
provide assistance and guidance to re-
cipients to help them comply volun-
tarily with this part.

(b) Compliance reports. Each recipient
shall keep such records and submit to
the Principal Compliance Officer or his
designee timely, complete and accurate
compliance reports at such times, and
in such form and containing such infor-
mation, as the Principal Compliance
Officer or his designee may determine
to be necessary to enable him to ascer-
tain whether the recipient has com-
plied or is complying with this part. In
the case in which a primary recipient
extends Federal financial assistance to
any other recipient, such other recipi-
ent shall also submit such compliance
reports to the primary recipient as
may be necessary to enable the pri-
mary recipient to carry out its obliga-
tions under this part.

(c) Access to sources of information.
Each recipient shall permit access by
the Principal Compliance Officer or his
designee during normal business hours
to such of its books, records, accounts
and other sources of information, and
its facilities as may be pertinent to as-
certain compliance with this part.
Where any information required of a
recipient is in the exclusive possession
of any other agency, institution or per-
son and that agency, institution or per-
son shall fail or refuse to furnish this
information, the recipient shall so cer-
tify in its report and shall set forth
what efforts it has made to obtain the
information.

(d) Information to beneficiaries and
participants. Each recipient shall make
available to participants, beneficiaries,
and other interested persons such in-
formation regarding the provisions of
this part and its applicability to the pro-
gram for which the recipient re-
ceives Federal financial assistance, and
make such information available to
them in such manner, as the Principal
Compliance Officer finds necessary to
apprise such persons of the protection
against discrimination assured them
by the Act and this part.

[30 FR 301, Jan. 9, 1965, as amended at 68 FR
51350, Aug. 26, 2003]

§ 1250.106 Conduct of investigations.

(a) Periodic compliance reviews. The re-
sponsible NASA official or his designee

[30 FR 301, Jan. 9, 1965, as amended at 68 FR
51350, Aug. 26, 2003]