Office of the Secretary, Commerce § 24.50

not required to permit public access to
their records.

§ 24.43 Enforcement.

(a) Remedies for noncompliance. If a
grantee or subgrantee materially fails
to comply with any term of an award,
whether stated in a Federal statute or
regulation, an assurance, in a State
plan or application, a notice of award,
or elsewhere, the awarding agency may
take one or more of the following ac-
tions, as appropriate in the cir-
cumstances:

(1) Temporarily withhold cash pay-
ments pending correction of the defi-
cency by the grantee or subgrantee or
more severe enforcement action by the
awarding agency,

(2) Disallow (that is, deny both use of
funds and matching credit for) all or
part of the cost of the activity or ac-
tion not in compliance,

(3) Wholly or partly suspend or ter-
minate the current award for the
grantee’s or subgrantee’s program,

(4) Withhold further awards for the
program, or

(5) Take other remedies that may be
legally available.

(b) Hearings, appeals. In taking an en-
forcement action, the awarding agency
will provide the grantee or subgrantee
an opportunity for such hearing, ap-
peal, or other administrative pro-
ceeding to which the grantee or sub-
grantee is entitled under any statute
or regulation applicable to the action
involved.

(c) Effects of suspension and termi-
nation. Costs of grantee or subgrantee
resulting from obligations incurred by
the grantee or subgrantee during a sus-
pension or after termination of an
award are not allowable unless the
awarding agency expressly authorizes
them in the notice of suspension or ter-
mination or subsequently. Other grant-
ee or subgrantee costs during suspen-
sion or after termination which are
necessary and not reasonably avoidable
are allowable if:

(1) The costs result from obligations
which were properly incurred by the
grantee or subgrantee before the effec-
tive date of suspension or termination,
are not in anticipation of it, and, in the
case of a termination, are
noncancellable, and,

(2) The costs would be allowable if
the award were not suspended or ex-
pired normally at the end of the fund-
ing period in which the termination
takes effect.

(d) Relationship to debarment and sus-
pension. The enforcement remedies
identified in this section, including
suspension and termination, do not
preclude grantee or subgrantee from
being subject to “Debarment and Sus-
pension” under E.O. 12549 (see § 24.35).

§ 24.44 Termination for convenience.

Except as provided in §24.43 awards
may be terminated in whole or in part
only as follows:

(a) By the awarding agency with the
consent of the grantee or subgrantee in
which case the two parties shall agree
upon the termination conditions, in-
cluding the effective date and in the
case of partial termination, the portion
to be terminated, or

(b) By the grantee or subgrantee
upon written notification to the award-
ing agency, setting forth the reasons
for such termination, the effective
date, and in the case of partial termi-
nation, the portion to be terminated.

However, if, in the case of a partial ter-
mination, the awarding agency deter-
mines that the remaining portion of
the award will not accomplish the pur-
poses for which the award was made,
the awarding agency may terminate
the award in its entirety under either
§24.43 or paragraph (a) of this section.

Subpart D—After-the-Grant
Requirements

§ 24.50 Closeout.

(a) General. The Federal agency will
close out the award when it determines
that all applicable administrative ac-
tions and all required work of the
grant has been completed.

(b) Reports. Within 90 days after the
expiration or termination of the grant,
the grantee must submit all financial,
performance, and other reports re-
quired as a condition of the grant.

Upon request by the grantee, Federal
agencies may extend this timeframe.
These may include but are not limited to:

(1) Final performance or progress re-
port.