

or regulation applicable to the action involved.

(c) *Effects of suspension and termination.* Costs of grantee or subgrantee resulting from obligations incurred by the grantee or subgrantee during a suspension or after termination of an award are not allowable unless the awarding agency expressly authorizes them in the notice of suspension or termination or subsequently. Other grantee or subgrantee costs during suspension 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 effective 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 expired normally at the end of the funding period in which the termination takes effect.

(d) *Relationship to debarment and suspension.* The enforcement remedies identified in this section, including suspension and termination, do not preclude grantee or subgrantee from being subject to "Debarment and Suspension" under E.O. 12549 (see § 33.35).

[53 FR 8070 and 8087, Mar. 11, 1988. Redesignated and amended at 57 FR 6199 and 6201, Feb. 21, 1992]

#### § 33.44 Termination for convenience.

Except as provided in § 33.43 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, including 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 awarding agency, setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the awarding agency determines 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 § 33.43 or paragraph (a) of this section.

[53 FR 8070 and 8087, Mar. 11, 1988. Redesignated and amended at 57 FR 6199 and 6201, Feb. 21, 1992]

### Subpart D—After-The-Grant Requirements

#### § 33.50 Closeout.

(a) *General.* The Federal agency will close out the award when it determines that all applicable administrative actions 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 required 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 report.*

(2) *Financial Status Report (SF 269) or Outlay Report and Request for Reimbursement for Construction Programs (SF-271) (as applicable).*

(3) *Final request for payment (SF-270) (if applicable).*

(4) *Invention disclosure (if applicable).*

(5) *Federally-owned property report:*

In accordance with § 33.32(f), a grantee must submit an inventory of all federally owned property (as distinct from property acquired with grant funds) for which it is accountable and request disposition instructions from the Federal agency of property no longer needed.

(c) *Cost adjustment.* The Federal agency will, within 90 days after receipt of reports in paragraph (b) of this section, make upward or downward adjustments to the allowable costs.

(d) *Cash adjustments.* (1) The Federal agency will make prompt payment to the grantee for allowable reimbursable costs.

(2) The grantee must immediately refund to the Federal agency any balance of unobligated (unencumbered) cash

**§ 33.51**

advanced that is not authorized to be retained for use on other grants.

[53 FR 8070 and 8087, Mar. 11, 1988. Redesignated and amended at 57 FR 6199 and 6201, Feb. 21, 1992]

**§33.51 Later disallowances and adjustments.**

The closeout of a grant does not affect:

- (a) The Federal agency's right to disallow costs and recover funds on the basis of a later audit or other review;
- (b) The grantee's obligation to return any funds due as a result of later refunds, corrections, or other transactions;
- (c) Records retention as required in § 33.42;
- (d) Property management requirements in §§ 33.31 and 33.32; and
- (e) Audit requirements in § 33.26.

[53 FR 8070 and 8087, Mar. 11, 1988. Redesignated and amended at 57 FR 6199 and 6201, Feb. 21, 1992]

**§33.52 Collection of amounts due.**

(a) Any funds paid to a grantee in excess of the amount to which the grantee is finally determined to be entitled under the terms of the award constitute a debt to the Federal Government. If not paid within a reasonable period after demand, the Federal agency may reduce the debt by:

- (1) Making an administrative offset against other requests for reimbursements,
- (2) Withholding advance payments otherwise due to the grantee, or
- (3) Other action permitted by law.

(b) Except where otherwise provided by statutes or regulations, the Federal agency will charge interest on an overdue debt in accordance with the Federal Claims Collection Standards (4 CFR Ch. II). The date from which interest is computed is not extended by litigation or the filing of any form of appeal.

**32 CFR Ch. I (7-1-99 Edition)**

**Subpart E—Entitlement [Reserved]**

**PART 34—ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH FOR-PROFIT ORGANIZATIONS**

**Subpart A—General**

Sec.

- 34.1 Purpose.
- 34.2 Definitions.
- 34.3 Deviations.
- 34.4 Special award conditions.

**Subpart B—Post-Award Requirements**

**FINANCIAL AND PROGRAM MANAGEMENT**

- 34.10 Purpose of financial and program management.
- 34.11 Standards for financial management systems.
- 34.12 Payment.
- 34.13 Cost sharing or matching.
- 34.14 Program income.
- 34.15 Revision of budget and program plans.
- 34.16 Audits.
- 34.17 Allowable costs.
- 34.18 Fee and profit.

**PROPERTY STANDARDS**

- 34.20 Purpose of property standards.
- 34.21 Real property and equipment.
- 34.22 Federally owned property.
- 34.23 Property management system.
- 34.24 Supplies.
- 34.25 Intellectual property developed or produced under awards.

**PROCUREMENT STANDARDS**

- 34.30 Purpose of procurement standards.
- 34.31 Requirements.

**REPORTS AND RECORDS**

- 34.40 Purpose of reports and records.
- 34.41 Monitoring and reporting program and financial performance.
- 34.42 Retention and access requirements for records.

**TERMINATION AND ENFORCEMENT**

- 34.50 Purpose of termination and enforcement.
- 34.51 Termination.
- 34.52 Enforcement.
- 34.53 Disputes and appeals.

**Subpart C—After-the-Award Requirements**

- 34.60 Purpose.
- 34.61 Closeout procedures.
- 34.62 Subsequent adjustments and continuing responsibilities.
- 34.63 Collection of amounts due.