§ 600.160 Purpose of termination and enforcement.

Sections 600.161 and 600.162 set forth uniform suspension, termination and enforcement procedures.

§ 600.161 Termination.

(a) Awards may be terminated in whole or in part only if paragraph (a) (1), (2) or (3) of this section apply.

(1) By DOE, if a recipient materially fails to comply with the terms and conditions of an award.

(2) By DOE with the consent of the recipient, 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.

(3) By the recipient upon sending to DOE written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if DOE determines in the case of partial termination that the reduced or modified portion of the award will not accomplish the purposes for which the award was made, it may terminate the award in its entirety under either paragraph (a) (1) or (2) of this section.

(b) If costs are allowed under an award, the responsibilities of the recipient referred to in §600.171(a), including those for property management as applicable, shall be considered in the

(1) Is accountable for program income earned or received after the end of the project period or after the termination of an award or subaward, or

(2) If program income earned during the project period is required to be applied to costs incurred after the end of the project period or after termination of an award or subaward, the record retention period shall start on the last day of the recipient’s or subrecipient’s fiscal year in which such income was earned or received or such costs were incurred. All other program income records shall be retained in accordance with §600.153(b).
termination of the award, and provi-
sion shall be made for continuing re-
sponsibilities of the recipient after ter-
mination, as appropriate.

§ 600.162 Enforcement.
(a) Remedies for noncompliance. If a re-
cipient materially fails to comply with
the terms and conditions of an award,
whether stated in a Federal statute,
regulation, assurance, application, or
notice of award, DOE may, in addition
to imposing any of the special condi-
tions outlined in §600.114, take one or
more of the following actions, as appro-
piate in the circumstances.
(1) Temporarily withhold cash pay-
ments pending correction of the defi-
ciency by the recipient or more severe
enforcement action by DOE.
(2) Disallow (that is, deny both use of
funds and any applicable matching
credit for) all or part of the cost of the
activity or action not in compliance.
(3) Wholly or partly suspend or ter-
minate the current award.
(4) Withhold further awards for the
project or program.
(5) Take other remedies that may be
legally available.
(b) Hearings and appeals. In taking an
enforcement action, DOE shall provide
the recipient an opportunity for hear-
ing, appeal, or other administrative
proceeding to which the recipient is en-
titled under any statute or regulation
applicable to the action involved.
(c) Effects of suspension and termi-
nation. Costs of a recipient resulting
from obligations incurred by the re-
cipient during a suspension or after
termination of an award are not allow-
able unless the awarding agency ex-
pressly authorizes them in the notice of
suspension or termination or subse-
quently. Other recipient costs during
suspension or after termination which
are necessary and not reasonably
avoidable are allowable if paragraph (c)
(1) and (2) of this section apply.
(1) The costs result from obligations
which were properly incurred by the re-
cipient before the effective date of sus-
penion or termination, are not in an-
ticipation of it, and in the case of a ter-
mination, are noncancellable.
(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 a recipient from being subject
to debarment and suspension under 10
CFR part 1036.

AFTER-THE-AWARD REQUIREMENTS

§ 600.170 Purpose.
Sections 600.171 through 600.173 con-
tain closeout procedures and other pro-
cedures for subsequent disallowances
and adjustments.

§ 600.171 Closeout procedures.
(a) Recipients shall submit, within 90
calendar days after the date of comple-
tion of the award, all financial, per-
formance, and other reports as required
by the terms and conditions of the
award. DOE may approve extensions
when requested by the recipient.
(b) Unless DOE authorizes an exten-
sion, a recipient shall liquidate all ob-
ligations incurred under the award not
later than 90 calendar days after the
funding period or the date of comple-
tion as specified in the terms and con-
ditions of the award or in agency im-
plementing instructions.
(c) DOE shall make prompt payments
to a recipient for allowable reimburs-
able costs under the award being closed
out.
(d) The recipient shall promptly re-
fund any balances of unbudgeted cash
that DOE has advanced or paid and
that is not authorized to be retained by
the recipient for use in other projects.
OMB Circular A-129 governs
unreturned amounts that become de-
linquent debts.
(e) When authorized by the terms and
conditions of the award, DOE shall
make a settlement for any upward or
downward adjustments to the Federal
share of costs after closeout reports are
received.
(f) The recipient shall account for
any real and personal property ac-
cquired with Federal funds or received
from the Federal Government in ac-
cordance with §§600.131 through 600.137.
(g) In the event a final audit has not
been performed prior to the closeout of