

**§ 82.301**

**§ 82.301 [Reserved]**

**Subpart D—Responsibilities of HHS Awarding Officials**

**§ 82.400 What are my responsibilities as a(n) HHS awarding official?**

As a(n) HHS awarding official, you must obtain each recipient's agreement, as a condition of the award, to comply with the requirements in—

- (a) Subpart B of this part, if the recipient is not an individual; or
- (b) Subpart C of this part, if the recipient is an individual.

**Subpart E—Violations of this Part and Consequences**

**§ 82.500 How are violations of this part determined for recipients other than individuals?**

A recipient other than an individual is in violation of the requirements of this part if the HHS Official or designee determines, in writing, that—

- (a) The recipient has violated the requirements of subpart B of this part; or
- (b) The number of convictions of the recipient's employees for violating criminal drug statutes in the workplace is large enough to indicate that the recipient has failed to make a good faith effort to provide a drug-free workplace.

**§ 82.505 How are violations of this part determined for recipients who are individuals?**

An individual recipient is in violation of the requirements of this part if the HHS Official or designee determines, in writing, that—

- (a) The recipient has violated the requirements of subpart C of this part; or
- (b) The recipient is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.

**§ 82.510 What actions will the Federal Government take against a recipient determined to have violated this part?**

If a recipient is determined to have violated this part, as described in § 82.500 or § 82.505, the HHS may take one or more of the following actions—

**45 CFR Subtitle A (10–1–06 Edition)**

- (a) Suspension of payments under the award;
- (b) Suspension or termination of the award; and
- (c) Suspension or debarment of the recipient under 45 CFR Part 76, for a period not to exceed five years.

[68 FR 66557, 66633, Nov. 26, 2003]

**§ 82.515 Are there any exceptions to those actions?**

The the Secretary of HHS may waive with respect to a particular award, in writing, a suspension of payments under an award, suspension or termination of an award, or suspension or debarment of a recipient if the Secretary of HHS determines that such a waiver would be in the public interest. This exception authority cannot be delegated to any other official.

**Subpart F—Definitions**

**§ 82.605 Award.**

*Award* means an award of financial assistance by the HHS or other Federal agency directly to a recipient.

(a) The term award includes:

- (1) A Federal grant or cooperative agreement, in the form of money or property in lieu of money.
- (2) A block grant or a grant in an entitlement program, whether or not the grant is exempted from coverage under the Governmentwide rule 45 CFR Part 92 that implements OMB Circular A–102 (for availability, see 5 CFR 1310.3) and specifies uniform administrative requirements.

(b) The term award does not include:

- (1) Technical assistance that provides services instead of money.
- (2) Loans.
- (3) Loan guarantees.
- (4) Interest subsidies.
- (5) Insurance.
- (6) Direct appropriations.
- (7) Veterans' benefits to individuals (*i.e.*, any benefit to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States).

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**§ 82.610 Controlled substance.**

*Controlled substance* means a controlled substance in schedules I