

Department of Energy

§ 902.30

Subpart B—Requirements for Recipients Other Than Individuals

902.225 Whom in the DOE does a recipient other than an individual notify about a criminal drug conviction?

Subpart C—Requirements for Recipients Who Are Individuals

902.300 Whom in the DOE does a recipient who is an individual notify about a criminal drug conviction?

Subpart D—Responsibilities of Agency Awarding Officials

902.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB guidance?

Subpart E—Violations of this Part and Consequences

902.500 Who in the DOE determines that a recipient other than an individual violated the requirements of this part?

902.505 Who in the DOE determines that a recipient who is an individual violated the requirements of this part?

Subpart F—Definitions

902.605 Award (DOE supplement to Governmentwide definition at 2 CFR 182.605).

902.645 Federal agency or agency.

AUTHORITY: 41 U.S.C. 701; 42 U.S.C. 7101 *et seq.*; 50 U.S.C. 2401 *et seq.*

SOURCE: 75 FR 39444, July 9, 2010, unless otherwise noted.

§ 902.10 What does this part do?

This part requires that the award and administration of DOE grants and cooperative agreements comply with Office of Management and Budget (OMB)

guidance implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereafter referred to as “the Act”) that applies to grants. It thereby—

(a) Gives regulatory effect to the OMB guidance (Subparts A through F of 2 CFR part 182) for the DOE's grants and cooperative agreements; and

(b) Establishes DOE policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Governmentwide implementing regulations.

§ 902.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB guidance in Subparts A through F of 2 CFR part 182 (see table at 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of a DOE grant or cooperative agreement; or

(b) DOE awarding official.

§ 902.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB guidance in Subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB guidance that this part supplements.* In implementing the OMB guidance in 2 CFR part 182, this part supplements four sections of the guidance, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB guidance, as supplemented by this part.

| Section of OMB guidance | Section in this part where supplemented | What the supplementation clarifies |
|----------------------------|---|--|
| (1) 2 CFR 182.225(a) | § 902.225 | Whom in the DOE a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace. |
| (2) 2 CFR 182.300(b) | § 902.300 | Whom in the DOE a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity. |
| (3) 2 CFR 182.500 | § 902.500 | Who in the DOE is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part. |
| (4) 2 CFR 182.505 | § 902.505 | Who in the DOE is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this part. |
| (5) 2 CFR 182.605 | § 902.605 | Definition of “Award”. |
| (6) 2 CFR 182.645 | § 902.645 | Definition of “Federal agency or agency”. |