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- (iii) Claims for damage caused by willful misconduct;
- (iv) Intellectual property claims;
- (v) Claims for damages resulting from a failure of a Party to extend the cross-waiver of liability to its related entities, pursuant to paragraph (c)(2) of this section; or

(vi) Claims by a Party arising out of or relating to another Party's failure to perform its obligations under the agreement.

(5) Nothing in this section shall be construed to create the basis for a claim or suit where none would otherwise exist.

(6) This cross-waiver shall not be applicable when 49 U.S.C. Subtitle IX, Chapter 701 is applicable.

PART 1267—GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

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- 1267.650 Grant.
- 1267.655 Individual.
- 1267.660 Recipient.
- 1267.665 State.
- 1267.670 Suspension.

AUTHORITY: 41 U.S.C. 701 *et seq.*; 42 U.S.C. 2473c.

SOURCE: 68 FR 66557, 66575, Nov. 26, 2003, unless otherwise noted.

Subpart A—Purpose and Coverage

§ 1267.100 What does this part do?

This part carries out the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*, as amended) that applies to grants. It also applies the provisions of the Act to cooperative agreements and other financial assistance awards, as a matter of Federal Government policy.

§ 1267.105 Does this part apply to me?

- (a) Portions of this part apply to you if you are either—
 - (1) A recipient of an assistance award from NASA; or
 - (2) A(n) NASA awarding official. (See definitions of award and recipient in §§ 1267.605 and 1267.660, respectively.)