

**Pt. 1267**

- (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)**

**Subpart A—Purpose and Coverage**

- Sec.
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- 1267.210 To whom must I distribute my drug-free workplace statement?
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- 1267.300 What must I do to comply with this part if I am an individual recipient?
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**Subpart D—Responsibilities of NASA Awarding Officials**

- 1267.400 What are my responsibilities as a NASA awarding official?

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

- 1267.500 How are violations of this part determined for recipients other than individuals?
- 1267.505 How are violations of this part determined for recipients who are individuals?
- 1267.510 What actions will the Federal Government take against a recipient determined to have violated this part?
- 1267.515 Are there any exceptions to those actions?

**Subpart F—Definitions**

- 1267.605 Award.
- 1267.610 Controlled substance.
- 1267.615 Conviction.
- 1267.620 Cooperative agreement.
- 1267.625 Criminal drug statute.
- 1267.630 Debarment.
- 1267.635 Drug-free workplace.
- 1267.640 Employee.
- 1267.645 Federal agency or agency.
- 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.)