

**PART 902—REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)**

- Sec.  
 902.10 What does this part do?  
 902.20 Does this part apply to me?  
 902.30 What policies and procedures must I follow?

**Subpart A—Purpose and Coverage [Reserved]**

**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.

Section of OMB guidance	Section in this part where supplemented	What the supplementation clarifies
(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”.

(c) *Sections of the OMB guidance that this part does not supplement.* For any section of OMB guidance in Subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, DOE policies and procedures are the same as those in the OMB guidance.

**Subpart A—Purpose and Coverage [Reserved]**

**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?**

A recipient other than an individual that is required under 2 CFR 182.225(a) to notify Federal agencies about an employee’s conviction for a criminal drug offense must notify each DOE office from which it currently has an award.

**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?**

A recipient who is an individual and is required under 2 CFR 182.300(b) to notify Federal agencies about a conviction for a criminal drug offense must notify each DOE office from which it currently has an award.

**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?**

To obtain a recipient’s agreement to comply with applicable requirements in the OMB guidance at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of Part 902, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

**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?**

The Secretary of the Department of Energy and the Secretary’s designee or designees are authorized to make the determinations under 2 CFR 182.500 for DOE, including NNSA.

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

The Secretary of the Department of Energy and the Secretary’s designee or designees are authorized to make the determinations under 2 CFR 182.500 for DOE, including NNSA.

## Department of Energy

§ 910.120

### Subpart F—Definitions

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

The term *award* also includes Technology Investment Agreements (TIA). A TIA is a special type of assistance instrument used to increase the involvement of commercial firms in the Department's RD&D programs. A TIA may be either a type of cooperative agreement or a type of assistance transaction other than a cooperative agreement, depending on the intellectual property provisions. A TIA may be either expenditure based or fixed support.

#### § 902.645 Federal agency or agency.

*Department of Energy* means the U.S. Department of Energy (DOE), including the National Nuclear Security Administration (NNSA).

### PARTS 903–909 [RESERVED]

## PART 910—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

### Subpart A [Reserved]

### Subpart B—General Provisions

Sec.	
910.120	Adoption of 2 CFR part 200.
910.122	Applicability.
910.124	Eligibility.
910.126	Competition.
910.127	Legal authority and effect.
910.128	Disputes and appeals.
910.130	Cost sharing (EPACT).
910.132	Research misconduct.

### Subpart C [Reserved]

### Subpart D—Post Award Federal Requirements for For-Profit Entities

910.350	Applicability of 2 CFR part 200.
910.352	Cost principles.
910.354	Payments.
910.356	Audits.
910.358	Profit or fee for SBIR/STTR.
910.360	Real property and equipment.
910.362	Intellectual property.
910.364	Reporting on utilization of subject inventions.
910.366	Export Control and U.S. Manufacturing and Competitiveness.

910.368	Change of control.
910.370	Novation of financial assistance agreements.
910.372	Special award conditions.

### APPENDIX A TO SUBPART D—PATENTS AND DATA PROVISIONS FOR FOR-PROFIT ORGANIZATIONS

### Subpart E—Cost Principles

910.401	Application to M&O's.
---------	-----------------------

### Subpart F—Audit Requirements for For-Profit Entities

#### GENERAL

910.500	Purpose.
---------	----------

#### AUDITS

910.501	Audit requirements.
910.502	Basis for determining DOE awards expended.
910.503	Relation to other audit requirements.
910.504	Frequency of audits.
910.505	Sanctions.
910.506	Audit costs.
910.507	Compliance audits.

#### AUDITEES

910.508	Auditee responsibilities.
910.509	Auditor selection.
910.510	Financial statements.
910.511	Audit findings follow-up.
910.512	Report submission.

#### FEDERAL AGENCIES

910.513	Responsibilities.
---------	-------------------

#### AUDITORS

910.514	Scope of audit.
910.515	Audit reporting.
910.516	Audit findings.
910.517	Audit documentation.
910.518	[Reserved]
910.519	Criteria for Federal program risk.
910.520	Criteria for a low-risk auditee.

#### MANAGEMENT DECISIONS

910.521	Management decision.
---------	----------------------

AUTHORITY: 42 U.S.C. 7101, *et seq.*; 31 U.S.C. 6301–6308; 50 U.S.C. 2401 *et seq.*; 2 CFR part 200.

SOURCE: 79 FR 76024, Dec. 19, 2014, unless otherwise noted.

### Subpart A [Reserved]

### Subpart B—General Provisions

#### § 910.120 Adoption of 2 CFR part 200.

(a) Under the authority listed above, the Department of Energy adopts the