

Office of the Secretary, HUD

§ 21.670

§ 21.625 Criminal drug statute.

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

§ 21.630 Debarment.

Debarment means an action taken by a Federal agency to prohibit a recipient from participating in Federal Government procurement contracts and covered nonprocurement transactions. A recipient so prohibited is debarred, in accordance with the Federal Acquisition Regulation for procurement contracts (48 CFR part 9, subpart 9.4) and the common rule, Government-wide Debarment and Suspension (Nonprocurement), that implements Executive Order 12549 and Executive Order 12689.

§ 21.635 Drug-free workplace.

Drug-free workplace means a site for the performance of work done in connection with a specific award at which employees of the recipient are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

§ 21.640 Employee.

(a) *Employee* means the employee of a recipient directly engaged in the performance of work under the award, including—

- (1) All direct charge employees;
- (2) All indirect charge employees, unless their impact or involvement in the performance of work under the award is insignificant to the performance of the award; and
- (3) Temporary personnel and consultants who are directly engaged in the performance of work under the award and who are on the recipient's payroll.

(b) This definition does not include workers not on the payroll of the recipient (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the payroll; or employees of subrecipients or subcontractors in covered workplaces).

§ 21.645 Federal agency or agency.

Federal agency or agency means any United States executive department, military department, government corporation, government controlled corporation, any other establishment in the executive branch (including the Executive Office of the President), or any independent regulatory agency.

§ 21.650 Grant.

Grant means an award of financial assistance that, consistent with 31 U.S.C. 6304, is used to enter into a relationship—

(a) The principal purpose of which is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, rather than to acquire property or services for the Federal Government's direct benefit or use; and

(b) In which substantial involvement is not expected between the Federal agency and the recipient when carrying out the activity contemplated by the award.

§ 21.655 Individual.

Individual means a natural person.

§ 21.660 Recipient.

Recipient means any individual, corporation, partnership, association, unit of government (except a Federal agency) or legal entity, however organized, that receives an award directly from a Federal agency.

§ 21.665 State.

State means any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

§ 21.670 Suspension.

Suspension means an action taken by a Federal agency that immediately prohibits a recipient from participating in Federal Government procurement contracts and covered nonprocurement transactions for a temporary period, pending completion of an investigation and any judicial or administrative proceedings that may

Pt. 24

ensure. A recipient so prohibited is suspended, in accordance with the Federal Acquisition Regulation for procurement contracts (48 CFR part 9, subpart 9.4) and the common rule, Governmentwide Debarment and Suspension (Nonprocurement), that implements Executive Order 12549 and Executive Order 12689. Suspension of a recipient is a distinct and separate action from suspension of an award or suspension of payments under an award.

PART 24—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

- 24.25 How is this part organized?
- 24.50 How is this part written?
- 24.75 Do terms in this part have special meanings?

Subpart A—General

- 24.100 What does this part do?
- 24.105 Does this part apply to me?
- 24.110 What is the purpose of the nonprocurement debarment and suspension system?
- 24.115 How does an exclusion restrict a person's involvement in covered transactions?
- 24.120 May we grant an exception to let an excluded person participate in a covered transaction?
- 24.125 Does an exclusion under the nonprocurement system affect a person's eligibility for federal procurement contracts?
- 24.130 Does exclusion under the federal procurement system affect a person's eligibility to participate in nonprocurement transactions?
- 24.135 May the Department of Housing and Urban Development exclude a person who is not currently participating in a nonprocurement transaction?
- 24.140 How do I know if a person is excluded?
- 24.145 Does this part address persons who are disqualified, as well as those who are excluded from nonprocurement transactions?

Subpart B—Covered Transactions

- 24.200 What is a covered transaction?
- 24.205 Why is it important to know if a particular transaction is a covered transaction?
- 24.210 Which nonprocurement transactions are covered transactions?
- 24.215 Which nonprocurement transactions are not covered transactions?

24 CFR Subtitle A (4-1-04 Edition)

- 24.220 Are any procurement contracts included as covered transactions?
- 24.225 How do I know if a transaction in which I may participate is a covered transaction?

Subpart C—Responsibilities of Participants Regarding Transactions

DOING BUSINESS WITH OTHER PERSONS

- 24.300 What must I do before I enter into a covered transaction with another person at the next lower tier?
- 24.305 May I enter into a covered transaction with an excluded or disqualified person?
- 24.310 What must I do if a federal agency excludes a person with whom I am already doing business in a covered transaction?
- 24.315 May I use the services of an excluded person as a principal under a covered transaction?
- 24.320 Must I verify that principals of my covered transactions are eligible to participate?
- 24.325 What happens if I do business with an excluded person in a covered transaction?
- 24.330 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

DISCLOSING INFORMATION—PRIMARY TIER PARTICIPANTS

- 24.335 What information must I provide before entering into a covered transaction with the Department of Housing and Urban Development?
- 24.340 If I disclose unfavorable information required under §24.335, will I be prevented from entering into the transaction?
- 24.345 What happens if I fail to disclose the information required under §24.335?
- 24.350 What must I do if I learn of the information required under §24.335 after entering into a covered transaction with the Department of Housing and Urban Development?

DISCLOSING INFORMATION—LOWER TIER PARTICIPANTS

- 24.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?
- 24.360 What happens if I fail to disclose the information required under §24.355?
- 24.365 What must I do if I learn of information required under §24.355 after entering into a covered transaction with a higher tier participant?