(b) The number of convictions of the recipient’s employees for violating criminal drug statutes in the workplace is large enough to indicate that the recipient has failed to make a good faith effort to provide a drug-free workplace.

§ 1155.505 How are violations of this part determined for recipients who are individuals?

An individual recipient is in violation of the requirements of this part if the NEA Chairman determines, in writing, that—

(a) The recipient has violated the requirements of subpart C of this part; or

(b) The recipient is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.

§ 1155.510 What actions will the Federal Government take against a recipient determined to have violated this part?

If a recipient is determined to have violated this part, as described in § 1155.500 or § 1155.505, the National Endowment for the Arts may take one or more of the following actions—

(a) Suspension of payments under the award;

(b) Suspension or termination of the award; and

(c) Suspension or debarment of the recipient under 45 CFR Part 1154, for a period not to exceed five years.

§ 1155.515 Are there any exceptions to those actions?

The NEA Chairman may waive with respect to a particular award, in writing, a suspension of payments under an award, suspension or termination of an award, or suspension or debarment of a recipient if the NEA Chairman determines that such a waiver would be in the public interest. This exception authority cannot be delegated to any other official.

Subpart F—Definitions

§ 1155.605 Award.

Award means an award of financial assistance by the National Endowment for the Arts or other Federal agency directly to a recipient.