

By the Office of Thrift Supervision.
Nadine Y. Washington,
Executive Secretary.
[FR Doc. 90-12172 Filed 5-24-90; 8:45 am]
BILLING CODE 6720-01-M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Cemeteries and Memorials; Meeting

The Department of Veterans Affairs gives notice that a meeting of the Secretary's Advisory Committee on Cemeteries and Memorials, authorized by 38 U.S.C. 1001, will be held at the Department of Veterans Affairs, Room 1010, 810 Vermont Avenue NW., Washington, DC 20420 on June 20, 1990 and at Quantico National Cemetery, Administration Building, Triangle, Virginia 22172 on June 21, 1990.

Both sessions will begin at 9 a.m. to conduct routine business. The meeting will be open to the public up to the seating capacity which is about twenty persons. Those wishing to attend should contact Mr. Sydney Farrar, Staff Assistant, National Cemetery System, (phone 202-233-7980) no later than 12 noon, EST June 14, 1990.

Agenda items will include: (1) Discussion of the overall operation of the National Cemetery System; (2) Volunteer initiatives; (3) Educational programs; (4) World War II and Eisenhower Centennial Celebrations.

Any interested person may attend, appear before, or file a statement with the Committee. Individuals wishing to appear before the Committee should indicate this in a letter to the Director, National Cemetery System (40) at 810 Vermont Avenue NW., Washington, DC 20420. In any such letters, the writers

must fully identify themselves and state the organization, association or person they represent. To the extent practicable, letters should indicate the subject matter they want to discuss. Oral presentations should be limited to 10 minutes in duration. Those wishing to file written statements to be submitted to the Committee must also mail, or otherwise deliver them to the Director, National Cemetery System. Letters and written statements as discussed must be mailed or delivered in time to reach the Director, National Cemetery System by 12 noon EST June 14, 1990. Oral statements will be heard only between 1:30 p.m. and 2 p.m.

Dated: May 18, 1990.

By direction of the Secretary:

Sylvia Chavez Long,

Committee Management Officer.

[FR Doc. 90-12147 Filed 5-24-90; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 55, No. 102

Friday, May 25, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, May 30, 1990.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

Summary Agenda

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Publication for comment of proposed amendments to Regulation H (Membership of State Banking Institutions in the Federal Reserve System) to clarify and simplify the calculation of dividend paying capacity.

Discussion Agenda

2. Publication for comment of proposed amendments to Subpart B of Regulation J (Collection of Checks and Other Items and Transfers of Funds) to conform with Article 4A of the Uniform Commercial Code regarding funds transfers.

3. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: May 23, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-12311 Filed 5-23-90; 11:38 am]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 10:30 a.m., Wednesday, May 30, 1990, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed

MATTERS TO BE CONSIDERED:

1. Proposals regarding a Federal Reserve Bank's building requirements.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 23, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-12312 Filed 5-23-90; 11:38 am]

BILLING CODE 6210-01-M

LEGAL SERVICES CORPORATION

Presidential Search Committee; Notice

TIME AND DATE: A meeting of the Presidential Search Committee will be held on June 4, 1990. The meeting will commence at 5:00 p.m. (EDT).

PLACE: Conference call originating from the Legal Services Corporation, 400

Virginia Ave., SW., Washington, DC 20024.

STATUS OF MEETING: The meeting has been closed subject to the recorded vote of a majority of the Board of Directors to discuss matters related to Presidential Search as authorized under The Government in the Sunshine Act [5 U.S.C. 552b(c)(2), (6), and (9)(B) and 45 CFR 1622.5 (a), (e), and (g)].

MATTERS TO BE CONSIDERED:

1. Matters Related to Presidential Search.
 - (a) Review of Resumes and Presidential Questionnaires, and Such Other Matters Relating to the Presidential Search as May Come Before the Committee.

CONTACT PERSON FOR MORE

INFORMATION: Maureen R. Bozell, Executive Office, (202) 863-1839.

Date Issued: May 23, 1990.

Maureen R. Bozell,

Corporation Secretary.

[FR Doc. 90-12385 Filed 5-23-90; 3:42 pm]

BILLING CODE 7050-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meeting

TIME AND DATE: 9:30 a.m., Wednesday, May 30, 1990.

PLACE: Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC 20456.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).
2. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT:

Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

Becky Baker,

Secretary of the Board.

[FR Doc. 90-12325 Filed 5-23-90; 12:20 pm]

BILLING CODE 7535-01-M

Corrections

Federal Register

Vol. 55, No. 102

Friday, May 25, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 90-050]

Mediterranean Fruit Fly; Addition to the Quarantined Areas

Correction

In rule document 90-10808 beginning on page 19241 in the issue of Wednesday, May 9, 1990, make the following correction:

§ 301.78-3 [Corrected]

On page 19242, in § 301.78-3(c), in the third column, in the 25th line, "northeasterly" should read "northwesterly".

BILLING CODE 1505-01-D

DEPARTMENT OF DEFENSE

48 CFR Part 237

Federal Acquisition Regulation Supplement; Master Agreements for Advisory and Assistance Services

Correction

In proposed rule document 90-11115 beginning on page 19967 in the issue of Monday, May 14, 1990, make the following correction:

237.270 [Corrected]

On page 19968, in the second column, in section 237.270(b)(2)(i), in the third line, "officers" should read "offers".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER90-346-000 et al.]

Tampa Electric Co. et al; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Correction

In notice document 90-11437 beginning on page 20514, in the issue of Thursday, May 17, 1990, make the following corrections:

1. On page 20514, in the second column, under 1. Tampa Electric Co., the docket line, should read "[Docket No. ER90-346-000]".

2. On the same page, in the third column, under 2. Southern California Edison Co., the docket line, should read "[Docket No. ER76-205-007]".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. 89C-0304]

Listing of Color Additives for Coloring Sutures: [Phthalocyaninato(2-)] Copper

Correction

In rule document 90-10911 beginning on page 19618, in the issue of Thursday, May 10, 1990, make the following correction:

On page 19618, in the third column, under DATES, in the first line, "May 11, 1990", should read "June 12, 1990".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6782

[MT-930-00-4214-10; SDM 76798]

Withdrawal of National Forest System Lands Near Jewel Cave National Monument; South Dakota

Correction

In rule document 90-11813 appearing on page 20766 in the issue of Friday, May 18, 1990, in the heading, the CFR citation should read as set forth above.

BILLING CODE 1505-01-D

NATIONAL CAPITAL PLANNING COMMISSION

Memorandum of Understanding With James T. Lewis Enterprises, Ltd.

Correction

In notice document 90-9035 beginning on page 14498 in the issue of Wednesday, April 18, 1990, make the following correction:

1. On page 14498, in the second column, in paragraph 10.A.(1)(d), in the third line, "generally" was misspelled.

2. On the same page, in the third column, paragraph 10.A.(2)(b), should read:

(b) The total combined area of penthouses (freestanding and incorporated within architectural features) and any architectural features shall not exceed 35% of the gross roof area of each building;

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-54-AD; Amdt. 39-6599]

Airworthiness Directives; Cessna Citation Model 550, 551, and S550 Series Airplanes, Equipped With Supplemental Type Certificate (STC) SA2698SW Freon Air Conditioners

Correction

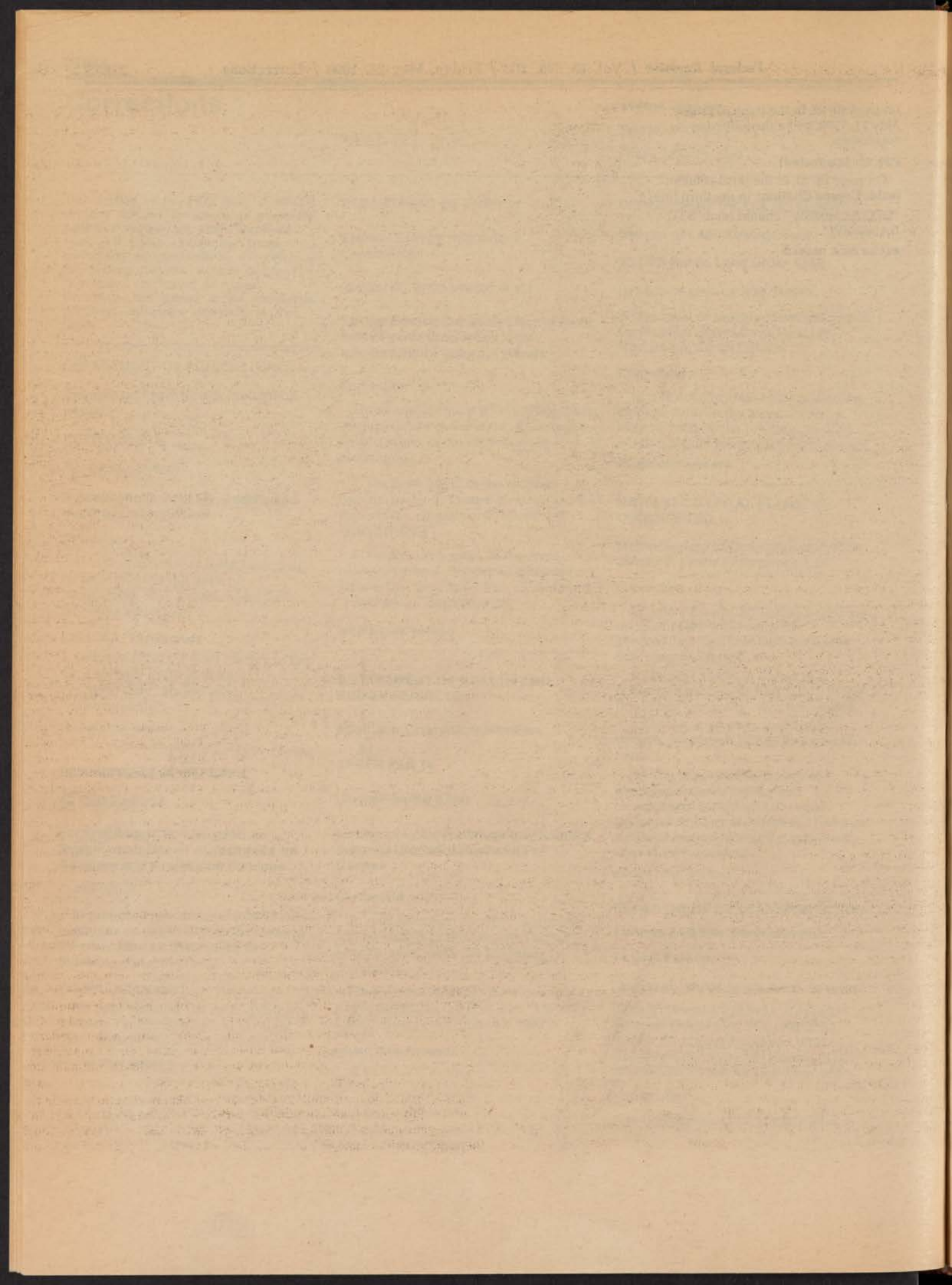
In rule document 90-11009 beginning

on page 19722, in the issue of Friday, May 11, 1990, make the following correction:

§ 39.13 [Corrected]

On page 19723, in the third column, under **Cessna Citation**, in the third line, "STC AS2698SW" should read "STC SA2698SW".

BILLING CODE 1505-01-D



Register Federal Register

Friday
May 25, 1990

Part II

Drug-Free Workplace Requirements; Notice and Final Rules

Office of Management and Budget

Department of Agriculture

Department of Commerce

Department of Defense

Department of Education

Department of Energy

Department of Health and Human Services

Department of Housing and Urban Development

Department of the Interior

Department of Justice

Department of Labor

Department of State

Department of Transportation

Department of the Treasury

Department of Veterans Affairs

ACTION

African Development Foundation
International Development Cooperation Agency
Agency for International Development
Commission on the Bicentennial of the United States Constitution
Environmental Protection Agency
Federal Emergency Management Agency
Federal Mediation and Conciliation Service
General Services Administration
Institute of Museum Services
Inter-American Foundation
National Aeronautics and Space Administration
National Archives and Records Administration
National Foundation on the Arts and the Humanities
National Endowment for the Arts
National Endowment for the Humanities
National Science Foundation
Peace Corps
Small Business Administration
United States Information Agency
Department of Defense/General Services Administration/National Aeronautics and Space Administration

OFFICE OF MANAGEMENT AND BUDGET**Governmentwide Implementation of the Drug-Free Workplace Act of 1988**

AGENCY: Office of Management and Budget.

ACTION: Notice.

SUMMARY: This Notice provides information, in the form of nonbinding questions and answers, to assist the public in meeting the requirements of the Drug-Free Workplace Act of 1988. The Office of Management and Budget (OMB) coordinated regulatory development with over 30 Federal agencies to ensure uniform, governmentwide implementation of this Act. As a consequence, OMB is offering this governmentwide non-regulatory guidance.

Part of the omnibus drug legislation enacted November 18, 1988 is the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, title V, subtitle D). This statute requires contractors and grantees of Federal agencies to certify that they will provide drug-free workplaces. Making the required certification is a precondition of receiving a contract or grant from a Federal agency after March 18, 1989.

Regulatory requirements pertaining to contractors are detailed in a final rule appearing in today's *Federal Register*. This rule amends the Federal Acquisition Regulation (FAR). Regulatory requirements pertaining to grantees are detailed in a final common rule also appearing in today's *Federal Register*. The preamble to the grantee common rule answers questions pertaining to grants or to contracts-and-grants, but does not address questions pertaining only to contracts.

FOR FURTHER INFORMATION CONTACT: For grants, contact Barbara F. Kahlow, Financial Management Division, OMB, (telephone 202-395-3053). For contracts, contact Robert Neal, Office of Federal Procurement Policy, OMB, (telephone 202-395-6810).

SUPPLEMENTARY INFORMATION:**Response to Questions**

See the common preamble to the grantee final common rule for detailed response to most questions on requirements on contractors and grantees.

1. Question—What is a minimum set of components for an employer program to meet the requirements of the Drug-Free Workplace Act?

Answer—Each employer must meet the specific requirements of the Act with a good faith effort, including having a

policy statement and a drug awareness program. Neither the law nor the final rules require employers to establish an Employee Assistance Program (EAP), to conduct any drug testing, or to incorporate any particular component in an employer's program.

2. Question—What are examples of other possible components of an employer drug-free workplace program for contractors and grantees?

Answer—Here is a partial list of other possible components of an employer program. The list is provided for information only; there is no intention for the Federal Government to require any particular component.

Employee Education

- Conduct education/outreach of employees/families via:
 - Discussion groups on drug abuse/company policy
 - Videotapes/pamphlets on drugs in workplace
 - Brown bag lunch discussions
 - Communication of available employee assistance
 - Communication of available health benefits for drug/alcohol treatment

Employee Assistance

- Establish an EAP
- Identify treatment resources
- Assemble resource file on providers of assistance
 - Provide problem assessments
 - Provide confidential counselling
 - Provide referral to counselling and/or treatment
 - Provide crisis intervention
 - Establish hot-line
 - Provide family support services
 - Conduct followup during and after treatment
- Conduct evaluation of job performance pre- and post-program contact
 - Review insurance coverage (to include outpatient as well as inpatient treatment)
 - Institute mechanism to review employee complaints

Supervisory Training

- Conduct management/supervisory/union training on:
 - Drug Abuse education
 - Signs and symptoms of drug use
 - Company policy on drug use
 - Employee assistance resources
 - How to deal with an employee suspected of drug use
 - How and when to take disciplinary action

Drug Detection

- Institute a program of drug testing of:

- All employees—testing of applicants or pre-employment; testing of employees based on reasonable suspicion, post accident, during and after counselling and/or rehabilitation
- Employees in health and safety or national security sensitive positions—random unannounced testing

- Increase security

3. Question—What are examples of some model drug-free workplace programs?

Answer—Both the Department of Health and Human Services' National Institute on Drug Abuse (NIDA) and the U.S. Chamber of Commerce have identified several model programs. For further information on these or other models or on programs to combat drug abuse in the workplace, call the NIDA toll-free employer help-line on: 800-843-4971. NIDA also has a clearinghouse for general information on controlling alcohol and drug abuse. That number is 301-468-2600. The address of the National Clearinghouse for Alcohol and Drug Information is Box 2345, Rockville, MD 20852. Currently, the Federal Government does not have an example of a model program for a small employer.

Examples include the following:

A large chemical company—EAP contracted out, including: seminars, assessment, short-term counselling and referral, supervisory training, and followup monitoring; some local sites have drug testing for cause, post accident, and for safety-critical jobs.

A large automotive manufacturing company—EAP contracted out, including: crisis intervention and treatment for employees and immediate family, counselling, referral to counselors/therapists or inpatient/outpatient treatment; hotline; considering drug testing.

A major contractor—EAP for employees and their dependents, including: education, counselling, assessment, referral; hotline; management/supervisory training; alcohol/drug testing of applicants; alcohol/drug testing of employees based on reasonable suspicion or for cause; preventive alcohol/drug testing of corporate officers, employees in safety-sensitive or security-sensitive positions; inspections; trained dogs.

A mid-sized electrical company—EAP including counselling and management/supervisory training, drug testing of applicants and of employees for cause.

4. Question—Is the retail purchase of utility services by the Federal Government covered by the FAR and, therefore, subject to the Act?

Answer—Yes. Federal purchases of utility services are covered under subpart 8.3 of the FAR.

5. Question—Is an order issued pursuant to a basic ordering agreement covered by the FAR and, therefore, subject to the Act?

Answer—Yes. Basic ordering agreements are covered under subpart 16.7 of the FAR. Orders exceeding \$25,000 issued under basic ordering agreements are subject to the Act.

6. Question—What are examples of Federal contracts that are not "procurement contracts"?

Answer—Contracts not covered by the FAR, e.g., any other acquisition contract for real or personal property or services not subject to the FAR. An example is contracts for obtaining goods and services for post exchanges on military bases.

7. Question—Are oil and gas leases with the Federal Government covered by the FAR?

Answer—No. These types of contracts are not covered under the FAR.

8. Question—Are contracts to buy timber from the Federal Government covered by the FAR?

Answer—No. These types of contracts are not covered by the FAR.

9. Question—Are FSLIC and FDIC contracts for deposit insurance covered by the FAR?

Answer—No. These types of contracts are not covered by the FAR.

10. Question—Does selling U.S. savings bonds or acting as a depository for the Department of the Treasury constitute a procurement contract?

Answer—No.

11. Question—Is the receipt of funds by an individual pursuant to an imprest fund transaction covered by the FAR?

Answer—Yes; however, the Act is not applicable because imprest fund transactions do not exceed the \$25,000 threshold.

12. Question—Is an order issued against a requirements contract or an indefinite quantity contract covered by the Drug-Free Workplace Act when the order is reasonably expected to exceed \$25,000?

Answer—Yes.

13. Question—If a single firm has several contracts that when added together total \$25,000 or more, is the firm subject to the Act?

Answer—No. A firm would be subject to the Act only if the value of a single contract is \$25,000 or more.

14. Question—Does the FAR, which is issued jointly by three agencies (the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration), apply to contract awards by other executive agencies?

Answer—Yes.

15. Question—Do Drug-Free Workplace Act requirements apply to subcontracts?

Answer—No.

16. Question—Under the Act, can an agency impose any additional requirements, beyond those in the common rule, on grantees?

Answer—No. Both the January 31, 1989, grantee interim final common rule and the grantee final common rule indicate that the grantee common rule is the sole authority for implementing the Act and that no separate agency guidance is authorized under the Act.

17. Question—What is section 5301 of the omnibus drug legislation and how will it be implemented?

Answer—Section 5301 of the Anti-Drug Abuse Act of 1988, Pub. L. 100-690, 102 Stat. 4310 (codified at 21 U.S.C. section 853a) is another, separate part of the omnibus drug legislation that included the Drug-Free Workplace Act of 1988. Section 5301 deals with denial of certain Federal benefits for persons convicted of drug offenses. Denial decisions are made by Federal and State judges. The Department of Justice will be directing implementation. Questions should be addressed to: Director, Drug Offense/Denial of Federal Benefits Project, Office of Justice Programs, Department of Justice, 633 Indiana Avenue, NW., Washington, DC 20531; telephone: 202-307-0630.

18. Question—How will the Drug-Free Workplace Act be enforced?

Answer—Under the Act, certifications are required from contractors and grantees. Also, as part of normal Federal contract and grant administration, compliance will be checked. Additionally, as part of normal Federal auditing, compliance will be checked. And, lastly, as part of grantees' Single Audits, compliance checking will be required. OMB's compliance supplements for State and local governments and for other entities will include a requirement for such compliance checking.

Dated: May 20, 1990.

Frank Hodsoll,

Executive Associate Director.

[FR Doc. 90-12186 Filed 5-24-90; 8:45 am]

BILLING CODE 3110-01-M

Department of Agriculture	National Archives and Records Administration
7 CFR PART 3017	36 CFR PART 1209
Department of Energy	Department of Veterans Affairs
10 CFR PART 1036	38 CFR PART 44
Small Business Administration	Environmental Protection Agency
13 CFR PART 145	40 CFR PART 32
National Aeronautics and Space Administration	General Services Administration
14 CFR PART 1265	41 CFR PART 105-68
Department of Commerce	Department of the Interior
15 CFR PART 26	43 CFR PART 12
Department of State	Federal Emergency Management Agency
22 CFR PART 137	44 CFR PART 17
International Development Cooperation Agency	Department of Health and Human Services
Agency for International Development	45 CFR PART 76
22 CFR PART 208	National Science Foundation
Peace Corps	45 CFR PART 620
22 CFR PART 310	National Foundation on the Arts and the Humanities
United States Information Agency	National Endowment for the Arts
22 CFR PART 513	45 CFR PART 1154
Inter-American Foundation	National Endowment for the Humanities
22 CFR PART 1006	45 CFR PART 1169
African Development Foundation	Institute of Museum Services
22 CFR PART 1508	45 CFR PART 1185
Department of Housing and Urban Development	ACTION
24 CFR PART 24	45 CFR PART 1229
Department of Justice	Commission on the Bicentennial of the United States Constitution
28 CFR PART 67	45 CFR PART 2016
Department of Labor	Department of Transportation
29 CFR PART 98	49 CFR PART 29
Federal Mediation and Conciliation Service	Government-Wide Requirements for Drug-Free Workplace (Grants)
29 CFR PART 1471	AGENCIES: Department of Agriculture, Department of Commerce, Department of Defense, Department of Education, Department of Energy, Department of Health and Human Services, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department
Department of the Treasury	
31 CFR PART 19	
Department of Defense	
32 CFR PART 280	
Department of Education	
34 CFR PART 85	

of Veterans Affairs, ACTION, African Development Foundation, Agency for International Development, Commission on the Bicentennial of the United States Constitution, Environmental Protection Agency, Federal Emergency Management Agency, Federal Mediation and Conciliation Service, General Services Administration, Institute of Museum Services, Inter-American Foundation, National Aeronautics and Space Administration, National Archives and Records Administration, National Endowment for the Arts, National Endowment for the Humanities, National Science Foundation, Peace Corps, Small Business Administration, United States Information Agency.

ACTION: Final rule.

SUMMARY: The Drug-Free Workplace Act of 1988 requires that all grantees receiving grants from any Federal agency certify to that agency that they will maintain a drug-free workplace, or, in the case of a grantee who is an individual, certify to the agency that his or her conduct of grant activity will be drug-free. This government-wide rule is for the purpose of implementing the statutory requirements. It directs that grantees take steps to provide a drug-free workplace in accordance with the Act. The rule amends an interim final rule published January 31, 1989, in response to public comment.

DATES: This rule is effective July 24, 1990, except for the certification requirement of § _____.630 (c) and (d) for States and State agencies which is effective June 25, 1990. Compliance is authorized immediately. However, the Department of Education is required to submit the final rule to Congress for review. See Education's agency-specific preamble below.

FOR FURTHER INFORMATION CONTACT: See agency-specific preambles for the contact person for each agency.

SUPPLEMENTARY INFORMATION: As part of the omnibus drug legislation enacted November 18, 1988, Congress passed the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 *et seq.*). This statute requires contractors and grantees of Federal agencies to certify that they will provide drug-free workplaces; or, in the case of a grantee who is an individual, certify to the agency that his or her conduct of the grant will be drug-free. Making the required certification is a precondition for receiving a contract or grant from a Federal agency.

The Federal agencies published an interim final rule on this subject January

31, 1989 (53 FR 4946), requesting public comments on it. The requirements of the interim final rule became applicable on March 18, 1989. The agencies received 95 comments, which they have reviewed. The responses to the comments are discussed below.

Drug-free workplace requirements pertaining to contractors will be found in a separate final rule amending the Federal Acquisition Regulation (FAR; 48 CFR subparts 9.4, 23.5, and 52.2). This government-wide common rulemaking concerns only grants (including cooperative agreements). This common rule will be the sole authority for implementing the Act, i.e., there will be no separate agency guidance issued. Because the statute makes use of existing suspension and debarment remedies for noncompliance with drug-free workplace requirements, the agencies have determined to implement the statute through an amendment to the existing government-wide nonprocurement suspension and debarment common rule. Using this vehicle will allow the agencies to take advantage of existing administrative procedures and definitions, minimizing regulatory duplication.

Section-By-Section Analysis

This portion of the preamble discusses the amendments made by this rule to the interim final government-wide drug-free workplace common rule as published on January 31, 1989. This section-by-section analysis does not attempt to describe the entire drug-free workplace rule, only those portions added or changed by this final rule.

Section — 605 Definitions

In the definition of "controlled substance," citations to regulations implementing the Controlled Substances Act have been corrected to refer to 21 CFR part 1308.

The definition of "employee" has been made more specific. An employee now includes all "direct charge" employees (i.e., those whose services are directly and explicitly paid for by grant funds) and "indirect charge" employees (i.e., those members of the grantee's organization who perform support or overhead functions related to the grant and for which the Federal Government pays its share of expenses under the grant program). (The terms "direct charge and indirect charge" come from cost principles in OMB Circular A-21, A-87, and A-122). Among indirect charge employees, those whose impact or involvement is insignificant to the performance of the grant are exempted from coverage.

Any other person who is on the grantee's payroll and works in any activity under the grant, even if not paid from grant funds, is also considered to be an employee. Temporary personnel and consultants who are on the grantee's payroll are covered. Similar workers who are not on the grantee's own payroll (e.g., who are on the payroll of contractors working for the grantee) are not covered, even if their physical place of employment is in the grantee's covered workplace. Likewise, volunteers, even if used to help meet a matching requirement, are not employees for purposes of this rule.

In the definition of "grant," editorial changes to the reference to the common rule on grants management were made. The definition of "grantee" specifies that a Federal agency that received a grant from another Federal agency is not considered a grantee for purposes of this rule. For convenience of parties that may use this rule but not the entire nonprocurement suspension and debarment rule, the definition of "State" from the suspension and debarment rule is repeated in this section. It emphasizes that State-supported institutions of higher education are not considered part of a "State" for purposes of the rule.

Section — 610 Coverage

Paragraph (b) of this section now provides that the agency head or his/her designee can determine that the application of this rule should be negated on the basis of inconsistency with U.S. international obligations or foreign law.

Section — 615 Grounds for Suspension of Payments, Suspension or Termination of Grants, or Suspension or Debarment

Since grants are often made to individuals (e.g., Pell Grants), a new paragraph (c) has been added to this section to specify the conduct by an individual grantee that constitutes a violation of the rule. (There is no similar provision in the drug-free workplace rule for contracting.) This conduct includes failing to carry out the requirements of the individual grantee's certification (e.g., by unlawful possession or use of a controlled substance during the conduct of any grant activity) or conviction of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity. The sanctions, set forth in § — 620, are the same as for other grantees. Paragraph (a), now limited to making a false certification, applies both to individual and other grantees. The former subparagraphs (b) and (c), which concern grantees other

than individuals, are now subparagraphs (1) and (2) of a new paragraph (b) concerning grantees other than individuals.

Section — 630 Certification Requirements and Procedures

This new section replaces the former § — 630 (Grantees' responsibilities) in its entirety. Paragraph (a) states the general rule that grantees must make the appropriate drug-free workplace certification as a prior condition to being awarded a grant. They need not do so, however, for a grant awarded before March 18, 1989, or under a no-cost time extension for such a grant. If there is a non-automatic continuation of such a grant that occurs after March 18, 1989, a one time certification is necessary. Non-automatic continuations are equivalent to competing continuations for many agencies.

As provided in paragraph (b), grantees must make the required certification for each grant as part of the grant application or if there is no application, prior to award. (For mandatory formula grants and entitlements with no application process, a one-time certification is needed to continue receiving awards.)

Paragraph (c) provides an opportunity for grantees that are States to make the certification to each Federal agency on an annual (Federal fiscal year) basis starting in Fiscal Year 1990, rather than on a grant-by-grant basis. Except as provided in paragraph (d), an annual State certification must cover all Federal agency grants to all State agencies. The original certification must be retained in the Governor's office. A copy must be sent with each grant to each Federal agency providing a grant to the State. A Federal agency may designate a central location for submission. For States that previously submitted an annual certification, statewide certification for Fiscal Year 1990 is required to be provided to Federal agencies no later than June 30, 1990.

Paragraph (d) establishes a variation on the statewide annual certification procedure of paragraph (c). Under this variation, the Governor may exclude certain State agencies from the statewide certification. Such certification would identify the excluded agencies. Each of the excluded agencies would then have the option to submit a single State agency certification to each Federal grant agency covering a Federal fiscal year. A State agency could also submit a single State agency certification in a case where there is no statewide certification. Otherwise, State

agencies will have to submit grant-by-grant certifications.

The original State agency certification is retained in the State agency's central office; a copy is submitted with each grant, unless the Federal agency has designated a central location for submission. The State agency certification is deemed to apply to all State agencies involved with the grant. If State agency X receives the grant, and part of the work is subcontracted or subcontracted out to State agency Y, the workplaces and employees of the latter, as well as those of the former, are covered by the certification.

Paragraph (e) concerns the question of when the drug-free workplace policy statement and program promised in the certification must actually be in place. The certification promises that the policy statement and program will be in effect in the future; they do not need to be in place at the time of award. For a grant of 30 days or less in duration of performance, they must be in place as soon as possible, but in any case before performance is expected to be completed. For a grant of over 30 days in duration of performance, they must be in effect within 30 days of award. An agency may set a different compliance date where extraordinary circumstances warrant for a specific grant.

Section 635 Reporting and Employee Sanctions for Convictions of Criminal Drug Offenses

This new section concerns requirements of employers and grantees who are individuals to report criminal drug offense convictions and the actions that employers are required to take concerning employees who are convicted of a criminal drug offense occurring in the workplace.

When a grantee other than an individual is notified by an employee, or learns from another source, that the employee has been convicted of a criminal drug offense occurring in the workplace, the grantee must provide, within 10 calendar days, a written notice of the conviction (including the employee's position title and grant identification number(s)) to the appropriate person or office in the Federal agency for each grant on which the convicted employee was working.

As with certifications, it is up to each Federal agency whether such reports are made to each grant officer or other official or to a central point in the agency. A grantee who is an individual who is convicted of a criminal drug offense while conducting grant activity must also make a written report of the conviction within 10 calendar days to the appropriate Federal agency official

or office. Sanctions for the individual grantee are as provided in § 620.

When a grantee is notified that an employee has been convicted of a criminal drug offense for a violation occurring in the workplace, the grantee has 30 calendar days to take appropriate action. One type of action would be to require the employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program. Alternatively, the employer would take appropriate personnel action against the employee, up to and including termination. Terminating the employee is not mandatory under the rule; less stringent disciplinary action is permitted.

Whatever personnel action is taken must be consistent with section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). This statute prohibits discrimination on the basis of handicap in programs receiving Federal financial assistance. As a general matter, a person may be a handicapped person protected by the Act on the basis of a "physical or mental impairment" that substantially limits a major life activity, such as working, including drug addiction or alcoholism (see for example 43 Op. Atty. Gen. 12 (1977), Department of Transportation rules at 49 CFR 27.5).

Under case law interpreting the Rehabilitation Act, a recovering substance abuser who is rehabilitated or undergoing rehabilitation would fall within the definition of a handicapped individual. It should be pointed out, however, that under the Rehabilitation Act (29 U.S.C. 706(7)(B)), the definition of a handicapped individual, for purposes of employment, does not include someone

whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

Appendix C

Instructions

This rule adds three new paragraphs to the instructions for the certification for grantees other than individuals. Paragraph eight repeats certain key definitions from the regulation (controlled substance, conviction, criminal drug statute, and employee) for the convenience of grantees. Paragraphs five, six and seven relate to the identification of workplaces. Federal agencies, in order to audit grantee compliance, must have access to the addresses or locations of workplaces to which drug-free workplace requirements

apply. Consequently, grantees must identify workplaces in one of three ways: (1) On the certification document, (2) on the grant application or in signing the award if there is no application, or (3) in a document kept on file and available for inspection by Federal agencies. The choice among these options is the grantee's. The identifications must include the street address or location of the workplace, where work will take place at a specific site or sites. In other situations, it may be necessary to use a categorical identification instead. For example, a mass transit authority could identify covered workplaces as including all buses and subway trains while in operation.

Certification for Grantees Other Than Individuals

Paragraph A(b) of this certification has been amended to specify that the grantee's drug-free awareness program must be an "ongoing" program. This means that this program cannot be a one-time effort at the outset of the grant, but must continue throughout the life of the grant. In addition to editorial changes, paragraphs (A) (d), (e) and (f) have been amended to specify that notices must be provided in writing and that deadlines are determined in calendar days. Reference to the notification requirement of § 635(a)(1) has been added to paragraph A(e) and a reference to the Rehabilitation Act has been added to paragraph A(f)(1). Finally, paragraph B now says that the grantee "may" submit workplace identifications in the certification; the grantee, as explained in the instructions, may also do so at the time of grant application (or the time of award, if there is no application) or may keep the identifications on file.

Certification for Grantees Who Are Individuals

A new paragraph (b) has been added, incorporating the notice requirement of § 635(b).

Response to Comments

The following portion of the preamble lists the issues raised by public comments to the docket for the January 31, 1989, interim final rule. The statement of each issue is followed by the agencies' response.

The Certification Process

1. All grantees (not just States) should be allowed to certify on an annual basis, rather than on a grant-by-grant basis.

Response: Under principles of Federalism, States occupy a special

position in the Federal system. Moreover, States and State agencies receive substantial funding under many Federal programs, and have many continuing grant program relationships with Federal agencies. State governments are well situated to make comprehensive certifications for their State agencies. The Federal agencies have determined that annual certifications make sense as an option for the States. It is far less clear that such a system would be appropriate for other grantees. It should be noted that State-supported institutions of higher education are not considered to be "States" or State agencies for this or other purposes under the regulation. This means, for example, that a university could not submit a one-time certification for itself or for a particular agency or the entire State government.

2. The certification options available to grantees should be clarified.

Response: Section 630 of the common rule now provides that grantees shall make the required certification for each grant at the time of initial grant application or before award if there is no application. States may make a one-time annual certification; State agencies not covered by an annual statewide certification may make a one-time annual State agency-wide certification. However, a photocopy of the statewide or State agency-wide certification must accompany each grant, unless the Federal agency has established a central point for receiving certifications.

3. Add relevant definitions to the certification.

Response: Definitions of key terms, including controlled substance, conviction, criminal drug statute, and employee have been added to the certification. The definition of a controlled substance includes Schedule I-V substances under the Controlled Substances Act.

4. Work sites should not have to be identified in each certification, in order to reduce administrative burdens.

Response: The purpose of identification of work sites is to enable Federal agencies to determine whether grantees are complying with the regulation. To reduce administrative burdens, the revised rule allows grantees to choose whether to list work sites on the certification, in the grant application or award, or in a file maintained by the grantee available for Federal inspection.

5. Clarify that certification Alternate I is for grantees other than individuals and that Alternate II is for individuals.

Response: The titles of Alternates I and II now explicitly provide that they

are for grantees other than individuals and for grantees who are individuals, respectively.

6. Conditional certifications should be allowed.

Response: The Drug-Free Workplace Act does not allow for conditional certification. All grantees must certify that they will have a drug-free workplace.

7. Certifications should not be required for students in general, and recipients of Pell Grants in particular.

Response: The statute does not provide a basis on which student grantees can be exempted from the requirement that all grantees, including individuals, make a drug-free workplace certification. Making this certification will not add a significant burden to the student grant application process, and it is consistent with the intent of Congress that students, like other grantees, maintain a drug-free workplace.

8. Clarify whether certifications are needed for changes or modifications to grants awarded before March 18, 1989.

Response: In the case of a grant awarded prior to March 18, 1989, a certification is required only when there is a nonautomatic continuation award made after that date. That certification will be in effect through the end of the project period.

Scope of the Regulation

1. Requirements should not apply to local school districts or other educational organizations.

Response: The statute does not provide a basis on which school districts or other education-related grantees can be exempted from the requirements of the regulations.

2. Clarify whether any type of entity (e.g., banks, hospitals, institutions of higher education, local governments, utilities) is exempt from drug-free workplace requirements. What kind of grants do banks get that would be subject to these requirements?

Response: There are no exemptions for any type of organization. Banks may be more likely to get contracts (e.g., for debt collection, tax collection, or financial management services) than grants. Nevertheless, should a bank receive a grant, it would be subject to grant-related drug-free workplace requirements, whether or not it was also subject to these requirements as the result of having a contract with a Federal agency.

3. Clarify whether grants from such agencies as the U.S. Postal Service (USPS), the Tennessee Valley Authority (TVA), and the Legal Services

Corporation (LSC) trigger drug-free workplace requirements.

Response: Grants from TVA would do so; grants from USPS and LSC would not, because they are not executive branch agencies.

4. Clarify whether drug-free workplace requirements apply to subgrantees or contractors under grants, or to employees of contractors who work in a grantee's workplace.

Response: These requirements do not apply to subgrantees or contractors under grants, since the statute covers only parties who get grants directly from a Federal agency. For example, if a Federal agency provides grant funds to a State government, which in turn passes some of these funds to a local government, the State government is covered by these regulations and the local government is not. Employees of a subgrantee or contractor under a grant are not covered by the regulation, even if they work in a grantee's workplace. Of course, these rules do not preclude a grantee, acting on its own independent authority, from imposing additional requirements on subrecipients or contractors.

5. Clarify whether the receipt of free or subsidized space or utilities from a Federal agency is a grant subjecting the recipient to coverage under the regulation.

Response: Receipt of space or utilities (e.g., space used by enterprises operated by blind persons in Federal facilities) is not a grant subject to these regulations.

Drug-Free Policy Statement and Awareness Program

1. Grantees' drug-free awareness programs should be ongoing, not a one-time affair. Clarify whether employees need to be notified only once as part of the drug-free awareness program or with each grant.

Response: It is the intent of the regulations that the grantee's policy and program be a continuing effort. For clarity on this point, the regulation has been amended to specify that the grantee's program must be "ongoing." Consequently, while there is not a requirement that a grantee notify employees about their responsibilities each time a new grant is received, as such, the grantee's ongoing program must ensure that employees remain aware of their continuing responsibilities.

2. Clarify whether alcohol and nonprescription drug abuse must be a part of programs under this regulation.

Response: While grantees may include these subjects in their programs

at their own discretion, this regulation does not require their inclusion. For grantees' information, it is not essential to use the term "controlled substances" in the policy statement or program.

3. Clarify what responsibility employees or grantees have for reporting the use of controlled substances consistent with a legal prescription.

Response: Since the reporting requirements of the regulations pertain only to convictions for the unlawful use, possession, etc., of drugs occurring in the workplace, there is no reporting requirement in this situation.

4. The agencies should provide additional guidance or models for policy statements and drug awareness programs and sources of additional information about programs to combat drug abuse.

Response: The agencies believe that the requirements of the statute and regulation are very clear and explicit and that providing models is not necessary. It is preferable that individual grantees draft their own policies and create their own awareness programs, which can be better adapted to the needs of their workforces than any government-wide guidance. For grantees' information, the National Institute on Drug Abuse (NIDA) has a toll-free employer help-line for persons interested in programs to combat drug abuse in the workplace. The number is 800-843-4971. NIDA also has a clearinghouse for general information on controlling alcohol and drug abuse. That number is 301-468-2600. The address of the National Clearinghouse for Alcohol and Drug Information is Box 2345, Rockville, MD 20852.

5. Clarify whether grantees are required to establish an employee assistance program (EAP) or special training for supervisors.

Response: Nothing beyond the drug-free workplace policy statement and awareness program cited in the regulation is required. While grantees may voluntarily establish EAPs or special training for supervisors, doing so is not a requirement of this regulation.

6. The rules should define more specifically what constitutes a drug awareness program.

Response: The agencies believe that it is preferable to allow grantees to tailor programs to their needs. In addition, further specification could interfere with successful existing employer programs.

7. The regulation should allow the notice and policy statement to be given to a collective bargaining representative rather than to each employee individually.

Response: Under the statute and regulations, grantees are accountable for informing each employee of his or her responsibilities. This task cannot be delegated to a third party, such as a union. Nothing prevents the grantee from working cooperatively with a union to improve understanding of the grantee's policy and program among employees, however.

8. Clarify that employees are not required individually to verify receipt of the policy statement.

Response: We understand that some grantees have chosen to ask their employees to sign that they have received the statement. While grantees have the discretion to follow this practice, it is not required by the regulation.

9. Clarify whether drug testing is required or authorized under these regulations.

Response: The Act and these rules neither require nor authorize drug testing. The legislative history of the Drug-Free Workplace Act indicates that Congress did not intend to impose any additional requirements beyond those set forth in the Act. Specifically, the legislative history precludes the imposition of drug testing of employees as part of the implementation of the Act. At the same time, these rules in no way preclude employers from conducting drug testing programs in response to government requirements (e.g., Department of Transportation or Nuclear Regulatory Commission rules) or on their own independent legal authority.

10. Clarify when the drug-free awareness program required by the regulations must be in place.

Response: The statute and regulations do not require the program to be in place at the time of grant award. The certification is to the effect that such a program "will" be implemented (i.e., in the future). The agencies believe that grantees should have a reasonable time to get their program up and running. For a grant of 30 days or less duration, however, the program must be in place as soon as possible, but in any case before the performance of the grant is expected to be completed. To require less would be clearly contrary to the intent of Congress. Given that there is often some lag between the award of a grant and its performance, grantees for many short-duration grants should still have a reasonable amount of time after award to ensure that their program is in place. An agency may set a different compliance date where extraordinary circumstances warrant for a specific grant. For grants that will be performed

during a period of over 30 days, the program must be in place within 30 days of award.

Employees

1. Clarify whether all employees of a grantee are covered if only a few of the grantee's several divisions are involved with the grant.

Response: As noted above, persons on the grantee's payroll who work on any activity under the grant are covered. This includes both so-called "direct charge" (i.e., those whose services are directly and explicitly paid for from grant funds) and "indirect charge" (i.e., those persons who perform support or overhead functions related to the grant and for which the Federal agency pays its share of expenses under the grant program) employees. If a grantee has four operating divisions and a headquarters unit, and one division receives a Federal grant, then the employees of the one division receiving the grant who are directly engaged in the performance of work under the grant are covered, as well as headquarters employees that support the division's operations. However, these rules in no way preclude a grantee from electing to cover employees of other divisions.

2. Clarify whether temporary employees or volunteers are covered.

Response: Any person who works on any activity under the grant, and who is on the grantee's payroll, is considered to be a covered employee (except for an indirect charge employee whose impact or involvement is insignificant to the performance of a grant), even if not paid from grant funds. A temporary employee is covered if he or she meets these criteria. A volunteer is someone who is not on the grantee's payroll, and hence is not covered under the rule, even if used to help meet a matching requirement.

3. If convicted of a criminal drug offense resulting from a violation occurring in the workplace, employees are obligated to report the conviction to the grantee. Clarify whether employees also have an obligation to report co-workers' convictions to the grantee.

Response: Employees are required to report only their own convictions. Reporting co-workers' convictions is not required.

4. Clarify whether a grantee is required to take action with respect to an employee who is convicted of a criminal drug offense resulting from a violation occurring in the workplace, even if the information about the conviction comes from a source other than the employee's self-report.

Response: Under § _____.635(a), the grantee's obligation to take action (either disciplinary action or referral for rehabilitation) arises when the grantee is "notified" of the conviction. This notification can come from any source (e.g., a newspaper report, contact from a probation officer, the employee's self-report).

5. The grantee's action with respect to a convicted employee should be determined on a case-by-case basis.

Response: The regulation requires only that, in case of a conviction for a criminal drug offense resulting from a violation occurring in the workplace, the grantee take one of two types of action. The grantee may take disciplinary action (which may be termination or a less severe sanction) or may refer the employee for a rehabilitation or drug abuse assistance program. The choice of which basic course to choose, as well as the specific discipline or treatment option, is left to the grantee's discretion and may be on a case-by-case basis.

6. Clarify that names of convicted employees need not be transmitted to the Federal agency.

Response: Notice is to be provided, including grant identification number(s) and position title, to the appropriate grant officer or office of the Federal agency. Language has been added to the certification for grantees other than individuals to make this point.

7. Clarify that employer obligations to inform employees of potential action against them include only those actions specified under this rule and not other Federal, State, or local laws.

Response: This statement is correct. While an employer may include other matters as part of the drug-free awareness policy, only the potential consequences of violations under this rule are required to be covered.

Enforcement and Sanctions

1. Clarify that agencies are not authorized to impose sanctions for employee convictions occurring before certifications are made.

Response: The grounds for sanctions under § _____.615 include false certification, violation of a certification, and failing to make a good faith effort to provide a drug-free workplace (i.e., in response to the certification). None of these grounds for a sanction arise in the absence of a certification. Consequently, convictions occurring before a grantee ever made a certification would not be relevant to a determination concerning sanctions.

2. Clarify whether, after closeout on a grant but before final audit resolution,

grantees must report convictions of covered employees.

Response: Reporting of convictions is not required in this period.

3. The rule should allow reporting of convictions to a single agency to provide government-wide compliance with this requirement for all grants.

Response: If a given agency wishes to establish a central point for the reporting of convictions, it may do so. Requiring a central point for reporting to each agency, let alone the entire government, would be too cumbersome administratively and would not be consistent with the requirements of the Act. The same point applies to the submission of certifications to one government-wide point, which some commenters also requested.

4. Clarify to which Federal agencies grantees must report convictions of covered employees.

Response: Grantees (both individuals and others) must notify every grant officer on whose grant activity the convicted employee was working. If the employee was working on grants from more than one agency, then grant officers at all applicable agencies must be notified. Alternatively, if one or more of the agencies involved has designated a central point for the receipt of such notices, the grantee would notify the central point rather than the grant officer(s) in these agencies.

5. The rule should indicate the percentage of a grantee's employees that need to be convicted of criminal drug offenses for violations occurring in the workplace in order to trigger a finding that a grantee has failed to make a good faith effort to maintain a drug-free workplace. In any case, more guidance on what constitutes a good faith effort should be provided.

Response: The legislative history of the Act indicates that Congress did not believe that such a percentage trigger is appropriate. In determining whether the rule has been violated, an agency will look at the convictions and the efforts the grantee has made to maintain a drug-free workplace, deciding on a case-by-case basis whether the grantee has made a good faith effort. A numerical or percentage cutoff would not permit agencies to do justice to the variety of situations that may occur. Likewise, guidance on what constitutes a good faith effort would either be so general as to be of little use in particular situations or so specific as to unreasonably limit the necessary case-by-case judgments that agencies have the responsibility to make.

6. The evidentiary standard for imposing sanctions should be one of "substantial" evidence.

Response: The drug-free workplace requirements pertaining to grants do not independently state any such standard. Since the rules are part of the government-wide common rule for nonprocurement suspension and debarment, they use the same standards for imposing sanctions applicable to other nonprocurement suspension and debarment actions. The agencies do not believe that adopting a separate standard for drug-free workplace actions is appropriate or necessary.

7. Responsibility for making determinations about lack of good faith or other grounds for violations of the rule should be delegated to agency suspension and debarment officials.

Response: Section _____.615 authorizes agency heads or their official designees to make determinations of violations. This language permits agency heads to delegate this responsibility. The regulation should not constrain the discretion of agency heads by automatically designating certain officials to perform this task.

8. Sanctions should be limited only to the transgressing workplace, not to other parts of the grantee's organization.

Response: The agencies do not believe that the regulation should contain such a limitation. If the grantee falsely certifies, fails to carry out the requirements of the certification, or fails to make a good faith effort to maintain a drug-free workplace, the grantee's overall management could be faulted for the violation, not only lower-level management at a particular site or facility. Responsibility for compliance goes all the way up an organization's chain of command, and agencies need to be able to apply sanctions accordingly.

9. The rule should provide that sanctions, and waivers of sanctions under § _____.625, must be granted consistently and fairly by agencies.

Response: The agencies do not believe that there is a practical way of implementing this request. Agencies must deal with sanction and waiver issues on a case-by-case basis. Meaningful regulatory guidelines for agency action to this end would be very difficult to draft and implement, and could lead to unnecessary litigation.

10. Clarify whether benefits can be withheld from individual grantees.

Response: Section _____.615 now specifies that individuals can violate the rule by falsely certifying, failing to carry out the requirements of the certification, or being convicted of a criminal drug

offense resulting from a violation occurring during the conduct of any grant activity. Like other grantees, grantees who are individuals are subject to sanctions (e.g., suspension or termination of the grant, debarment) if they violate the rule. As discussed in § 605(b), veterans' benefits are not subject to sanctions under this rule.

11. Clarify that a conviction includes acceptance of a guilty plea by a judicial body.

Response: It does.

12. The rule should make distinctions for severity of criminal statute violations.

Response: The Act, which speaks of convictions of a criminal drug offense, does not provide discretion to make such distinctions. However, grantees can take this information into account when developing their drug-free awareness programs or deciding on disciplinary actions.

13. Agencies should be permitted to grant a waiver of sanctions on the ground that sanctions would disrupt the operations of the agency.

Response: The rule permits waivers in the public interest, which is a sufficient basis for considering waivers. It is unlikely that there would be many circumstances in which sanctions to a grantee would disrupt the operations of the Federal agency making the grant, in any case.

14. The rule should delete the requirement to take corrective action for reported convictions within 30 days.

Response: This requirement is statutory and the rule cannot change it.

Relationship to Other Laws, Regulations and Agreements

1. Clarify whether the requirements of the Act and regulations preempt State and local laws.

Response: The requirements of the Act and regulations coexist with State and local law. We know of no conflicts with State or local law, so the question appears moot.

2. Clarify whether the requirements of the Act and regulations preempt collective bargaining agreements and inform grantees what to do about negotiations with unions about drug-free workplace requirements.

Response: These requirements coexist with the collective bargaining process. Compliance with the requirements of the Act and regulations is a condition of receiving a Federal grant. Preemption is not an issue. The Act and regulations do not purport to compel any change in existing labor-management agreements. Of course, labor and management cannot, via a collective bargaining

agreement, nullify a grant condition based on Federal law. Federal agencies are not compelled to provide grants to organizations that fail to comply with a statutorily-imposed grant condition, for whatever reason. However, where the regulations provide discretion to grantees about the mode of compliance with the regulations (e.g., a grantee may either take disciplinary action against an employee convicted of a criminal drug offense resulting from a violation occurring in the workplace or refer the employee for rehabilitation), labor and management may determine the mode of compliance through collective bargaining.

3. Clarify the relationship of the Act and regulations to tenure policies of institutions of higher education.

Response: There is no relationship between university tenure policies and these requirements. If a tenured faculty member is convicted of a criminal drug offense resulting from a violation occurring in the workplace, the university would be required to take disciplinary action against the faculty member or refer her or him for rehabilitation. Given the range of choice which the university has under this provision, nothing in the rule requires the university to take action inconsistent with its tenure policies.

4. Either agency heads or their designees should be able to make the determination concerning whether application of these rules would be inconsistent with international law or the laws of a foreign nation.

Response: The rule has been changed so that the designee of an agency head, as well as the agency head, may make this determination.

5. Clarify whether the rule is intended to preempt laws of other nations or international law, including with respect to privacy and confidentiality matters. There should be prior consultation with foreign governments about any regulatory requirements before the rules are applied to grants that may be performed abroad.

Response: For this Act, it has been determined that Federal law does not preempt the laws of other nations or international law, including with respect to employee confidentiality. Concerning prior consultation, neither the Act nor the Administrative Procedure Act allows special treatment for foreign governments in rulemaking.

6. The rule should provide protection to grantees from employee lawsuits or provide for Federal reimbursement from costs incurred in defending against such litigation.

Response: The statute does not immunize grantees from employee litigation and the agencies could not effectually create such protection in a regulation. Nor does the statute authorize the expenditure of Federal funds to reimburse grantees for the cost of defending such lawsuits.

7. Clarify the relationship between this rule and drug testing programs of the Department of Defense, Department of Transportation, and the Nuclear Regulatory Commission.

Response: The Department of Defense requires drug testing for certain employees of some defense contractors. If such a defense contractor also receives a grant from the Department of Defense or another Federal agency, the contractor would have to comply with both the Department of Defense requirements and these drug-free workplace rules.

The Department of Transportation and the Nuclear Regulatory Commission require drug testing for certain employees of employers in the industries they regulate. If one of these employers is also a grantee of a Federal agency, the employer would have to comply with both the Department of Transportation or Nuclear Regulatory Commission requirements and these drug-free workplace rules. Finally, various Federal agencies, including the Departments of Defense, Treasury and Transportation, require some of their own Federal employees (e.g., air traffic controllers) to be tested for drug use. These requirements are unrelated to any requirements for grantees under the Drug-Free Workplace Act.

Other Issues

1. Clarify what the "place of performance" of a grant means, particularly for activities that have no fixed location e.g., buses in a mass transit system).

Response: The place of performance is wherever activity under a grant occurs. It can be in a fixed location, a variety of locations, or no fixed location. For mass transit buses, for instance, the place of performance may be the transit authority's buses, wherever they are in operation. For grants for the arts, the places of performance may be the various concert halls, theaters, galleries, etc. at which the public views the performance or art work. General categorical descriptions of such workplaces may be listed by grantees.

2. Clarify whether the number of days employees and grantees have to make various notifications are calendar days or working days.

Response: The certification now specifies calendar days.

3. The notice of conviction from an employee to a grantee and a grantee to an agency should be in writing.

Response: The certification now so specifies.

4. The regulation should have more specific language concerning which costs related to a drug-free awareness program are allowable under a grant.

Response: Grantees should refer to applicable OMB Circulars A-21, A-87, and A-122 and Federal agency regulations for information on the allowability of costs. Cost allowability principles are the same for activities under these regulations as they are for expenditures needed to meet other grant conditions.

5. Clarify whether the rehabilitation of employees is an allowable cost under grants.

Response: Only the fair Federal share of the reasonable and necessary expenses for the rehabilitation or other treatment for covered employees would be allowable, consistent with OMB Circulars A-21, A-87, and A-122 and Federal agency regulations.

6. There should be a second opportunity for public comments after more experience under the rules.

Response: This suggestion, essentially a recommendation that the agencies issue another interim final rule, has not been adopted. The comments received in response to the interim final rule covered virtually all aspects of the rule, and the agencies have considered them fully and carefully. A second round of public comment would be likely to generate little additional useful comment and would only prolong uncertainty about the final shape of the regulations.

Regulatory Process Matters

This rule is a non-major rule under Executive Order 12291. The agencies have evaluated the rule under Executive Order 12612, pertaining to Federalism. The statute requires drug-free workplace certifications to be made by all grantees, including State agencies. The rule does reduce burdens on State grantees by allowing State agencies to elect an annual certification to each Federal grantor agency in lieu of a certification for every grant. For these reasons, the agencies have determined that the rule will not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

As a statutory matter, this rule must apply to all grantees, regardless of size. (The statute does provide a shorter, less burdensome certification to be made by

grantees who are individuals, however.) Costs incurred by grantees to implement drug-free workplace programs are directly mandated by statute; the agencies have minimal regulatory discretion in designing this regulation.

This rule contains information collection requirements subject to the Paperwork Reduction Act. The information collection requirements concern employees reporting drug offense convictions to grantees, grantees reporting these convictions to the agencies, and grantees listing the location(s) of their workplace(s) as part of the certification. These requirements have been reviewed and approved by the Office of Management and Budget, with OMB Control Number 0991-0002.

Text of the Common Rule

The text of the common rule, as adopted by the agencies in this document, appears below:

PART _____—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

* * * * *

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

- _____.600 Purpose.
- _____.605 Definitions.
- _____.610 Coverage.
- _____.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- _____.620 Effect of violation.
- _____.625 Exception provision.
- _____.630 Certification requirements and procedures.
- _____.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

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Appendix C to Part _____ Certification Regarding Drug-Free Workplace Requirements

* * * * *

Subpart F—Drug-Free Workplace Requirements (Grants)

§ _____600 Purpose.

(a) The purpose of this subpart is to carry out the Drug-Free Workplace Act of 1988 by requiring that—

(1) A grantee, other than an individual, shall certify to the agency that it will provide a drug-free workplace;

(2) A grantee who is an individual shall certify to the agency that, as a condition of the grant, he or she will not

engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting any activity with the grant.

(b) Requirements implementing the Drug-Free Workplace Act of 1988 for contractors with the agency are found at 48 CFR subparts 9.4, 23.5, and 52.2.

§ _____605 Definitions.

(a) Except as amended in this section, the definitions of § _____105 apply to this subpart.

(b) For purposes of this subpart—

(1) *Controlled substance* means a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR 1308.11 through 1308.15;

(2) *Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

(3) *Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

(4) *Drug-free workplace* means a site for the performance of work done in connection with a specific grant at which employees of the grantee are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance;

(5) *Employee* means the employee of a grantee directly engaged in the performance of work under the grant, including:

- (i) All "direct charge" employees;
- (ii) All "indirect charge" employees, unless their impact or involvement is insignificant to the performance of the grant; and,

(iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll.

This definition does not include workers not on the payroll of the grantee (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);

(6) *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;

(7) *Grant* means an award of financial assistance, including a cooperative agreement, in the form of money, or property in lieu of money, by a Federal agency directly to a grantee. The term grant includes block grant and entitlement grant programs, whether or not exempted from coverage under the grants management government-wide common rule on uniform administrative requirements for grants and cooperative agreements. The term does not include technical assistance that provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance, or direct appropriations; or any veterans' benefits to individuals, i.e., any benefit to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States;

(8) *Grantee* means a person who applies for or receives a grant directly from a Federal agency (except another Federal agency);

(9) *Individual* means a natural person;

(10) *State* means any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency of a State, exclusive of institutions of higher education, hospitals, and units of local government. A State instrumentality will be considered part of the State government if it has a written determination from a State government that such State considers the instrumentality to be an agency of the State government.

§ _____.610 Coverage.

(a) This subpart applies to any grantee of the agency.

(b) This subpart applies to any grant, except where application of this subpart would be inconsistent with the international obligations of the United States or the laws or regulations of a foreign government. A determination of such inconsistency may be made only by the agency head or his/her designee.

(c) The provisions of subparts A, B, C, D and E of this part apply to matters covered by this subpart, except where specifically modified by this subpart. In the event of any conflict between provisions of this subpart and other provisions of this part, the provisions of this subpart are deemed to control with respect to the implementation of drug-free workplace requirements concerning grants.

§ _____.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.

A grantee shall be deemed in violation of the requirements of this subpart if the agency head or his or her official designee determines, in writing, that—

(a) The grantee has made a false certification under § _____.630;

(b) With respect to a grantee other than an individual—

(1) The grantee has violated the certification by failing to carry out the requirements of subparagraphs (A.) (a)-(g) and/or (B.) of the certification (Alternate I to Appendix C) or

(2) Such a number of employees of the grantee have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the grantee has failed to make a good faith effort to provide a drug-free workplace.

(c) With respect to a grantee who is an individual—

(1) The grantee has violated the certification by failing to carry out its requirements (Alternate II to Appendix C); or

(2) The grantee is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity.

§ _____.620 Effect of violation.

(a) In the event of a violation of this subpart as provided in § _____.615, and in accordance with applicable law, the grantee shall be subject to one or more of the following actions:

(1) Suspension of payments under the grant;

(2) Suspension or termination of the grant; and

(3) Suspension or debarment of the grantee under the provisions of this part.

(b) Upon issuance of any final decision under this part requiring debarment of a grantee, the debarred grantee shall be ineligible for award of any grant from any Federal agency for a period specified in the decision, not to exceed five years (see § _____.320(a)(2) of this part).

§ _____.625 Exception provision.

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

§ _____.630 Certification requirements and procedures.

(a)(1) As a prior condition of being awarded a grant, each grantee shall make the appropriate certification to the Federal agency providing the grant, as provided in Appendix C to this part.

(2) Grantees are not required to make a certification in order to continue receiving funds under a grant awarded before March 18, 1989, or under a no-cost time extension of such a grant. However, the grantee shall make a one-time drug-free workplace certification for a non-automatic continuation of such a grant made on or after March 18, 1989.

(b) Except as provided in this section, all grantees shall make the required certification for each grant. For mandatory formula grants and entitlements that have no application process, grantees shall submit a one-time certification in order to continue receiving awards.

(c) A grantee that is a State may elect to make one certification in each Federal fiscal year. States that previously submitted an annual certification are not required to make a certification for Fiscal Year 1990 until June 30, 1990. Except as provided in paragraph (d) of this section, this certification shall cover all grants to all State agencies from any Federal agency. The State shall retain the original of this statewide certification in its Governor's office and, prior to grant award, shall ensure that a copy is submitted individually with respect to each grant, unless the Federal agency has designated a central location for submission.

(d)(1) The Governor of a State may exclude certain State agencies from the statewide certification and authorize these agencies to submit their own certifications to Federal agencies. The statewide certification shall name any State agencies so excluded.

(2) A State agency to which the statewide certification does not apply, or a State agency in a State that does not have a statewide certification, may elect to make one certification in each Federal fiscal year. State agencies that previously submitted a State agency certification are not required to make a certification for Fiscal Year 1990 until June 30, 1990. The State agency shall retain the original of this State agency-wide certification in its central office and, prior to grant award, shall ensure that a copy is submitted individually with respect to each grant, unless the Federal agency designates a central location for submission.

(3) When the work of a grant is done by more than one State agency, the

certification of the State agency directly receiving the grant shall be deemed to certify compliance for all workplaces, including those located in other State agencies.

(e)(1) For a grant of less than 30 days performance duration, grantees shall have this policy statement and program in place as soon as possible, but in any case by a date prior to the date on which performance is expected to be completed.

(2) For a grant of 30 days or more performance duration, grantees shall have this policy statement and program in place within 30 days after award.

(3) Where extraordinary circumstances warrant for a specific grant, the grant officer may determine a different date on which the policy statement and program shall be in place.

§ 635 Reporting of and employee sanctions for convictions of criminal drug offenses.

(a) When a grantee other than an individual is notified that an employee has been convicted for a violation of a criminal drug statute occurring in the workplace, it shall take the following actions:

(1) Within 10 calendar days of receiving notice of the conviction, the grantee shall provide written notice, including the convicted employee's position title, to every grant officer, or other designee on whose grant activity the convicted employee was working, unless a Federal agency has designated a central point for the receipt of such notifications. Notification shall include the identification number(s) for each of the Federal agency's affected grants.

(2) Within 30 calendar days of receiving notice of the conviction, the grantee shall do the following with respect to the employee who was convicted.

(i) Take appropriate personnel action against the employee, up to and including termination, consistent with requirements of the Rehabilitation Act of 1973, as amended; or

(ii) Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(b) A grantee who is an individual who is convicted for a violation of a criminal drug statute occurring during the conduct of any grant activity shall report the conviction, in writing, within 10 calendar days, to his or her Federal agency grant officer, or other designee, unless the Federal agency has designated a central point for the receipt

of such notices. Notification shall include the identification number(s) for each of the Federal agency's affected grants.

(Approved by the Office of Management and Budget under control number 0991-0002.)

Appendix C to Part — Certification Regarding Drug-Free Workplace Requirements

Instructions for Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

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

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall

include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

Adoption of the Common Rule

The text of the common rule, as adopted by the agencies in this document, appears below.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 3017

RIN 0505-AA06

FOR FURTHER INFORMATION CONTACT:

Juliette Bethea, Chief, Federal Assistance and Fiscal Policy Division, Office of Finance and Management, (202) 382-1204.

ADDITIONAL SUPPLEMENTARY

INFORMATION: Any State or State Agency electing to submit an annual drug-free workplace certification to the U.S. Department of Agriculture (USDA),

as specified in paragraphs (c) and (d) of section 3017.630, should forward its certification to: U.S. Department of Agriculture, Office of Finance and Management, Federal Assistance and Fiscal Policy Division, Federal Assistance Team, Room 1369, South Building, Washington, DC 20250.

Under § 3017.635(a)(1), grantees who are not individuals shall provide written notice of employee convictions for violations of a criminal drug statute occurring in the workplace to every USDA granting agency on whose grant activity the convicted employee was working. Under § 3017.635(b), grantees who are individuals shall provide written notice to every USDA granting agency of their convictions for violations of criminal drug statutes occurring during the conduct of any grant activity. Grantees may contact the USDA granting agency for the appropriate mailing address. USDA agencies shall give the Office of Finance and Management a copy of any such conviction notices they receive.

List of Subjects in 7 CFR Part 3017

Debarment and suspension (nonprocurement), Drug abuse, Grant programs (Agriculture).

Title 7 of the Code of Federal Regulations is amended as set forth below.

Dated: May 11, 1990.

Clayton Yeutter,
Secretary.

Accordingly, the interim final rule amending 7 CFR part 3017 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 3017—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 3017 continues to read as follows:

Authority: E.O. 12549; Sec. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); 5 U.S.C. 301.

2. Subpart F and Appendix C to part 3017 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.	
3017.600	Purpose.
3017.605	Definitions.
3017.610	Coverage.

Sec.	
3017.615	Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
3017.620	Effect of violation.
3017.625	Exception provision.
3017.630	Certification requirements and procedures.
3017.635	Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 3017—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR _____, May 25, 1990.

DEPARTMENT OF ENERGY

10 CFR Part 1036

RIN 1991-AA71

FOR FURTHER INFORMATION CONTACT:

Howard K. Mitchell, (202) 586-8190.

List of Subjects in 10 CFR Part 1036

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 10 of the Code of Federal Regulations is amended as set forth below.

Berton J. Roth,

Deputy Director, Office of Procurement and Assistance Management.

Accordingly, the interim final rule amending 10 CFR part 1036, which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the final changes:

PART 1036—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 1036 continues to read as follows:

Authority: E.O. 12549; Sec. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); Secs. 644 and 646, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254 and 7256); Pub. L. 97-258, 98 Stat. 1003-1005 (31 U.S.C. 6301-6308).

2. Subpart F and Appendix C to part 1036 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.	
1036.600	Purpose.
1036.605	Definitions.
1036.610	Coverage.

- Sec.
 1036.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
 1036.620 Effect of violation.
 1036.625 Exception provision.
 1036.630 Certification requirements and procedures.
 1036.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 1036—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 145

RIN 3245-AC08

FOR FURTHER INFORMATION CONTACT:

Christopher Holleman, Attorney-Advisor, U.S. Small Business Administration, 1441 L Street NW., Room 706, Washington, DC 20416, (202) 653-6169.

List of Subjects in 13 CFR Part 145

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 13 of the Code of Federal Regulations is amended as set forth below.

Katherine Bulow,
Deputy Administrator.
 Susan Engeleiter,
Administrator.

Accordingly, the interim final rule amending 13 CFR part 145 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 145—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 145 continues to read as follows:

Authority: E.O. 12549; Secs. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); 15 U.S.C. 634(b)(6).

2. Subpart F and Appendix C to part 145 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

- Sec.
 145.600 Purpose.
 145.605 Definitions.
 145.610 Coverage.
 145.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
 145.620 Effect of violation.
 145.625 Exception provision.
 145.630 Certification requirements and procedures.
 145.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 145—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice at 55 FR —, May 25, 1990.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1265

RIN 2700-AA81

FOR FURTHER INFORMATION CONTACT:

David K. Beck, (202) 453-8250.

List of Subjects in 14 CFR Part 1265

Administrative practice and procedure, Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 14 of the Code of Federal Regulations is amended as set forth below.

S. J. Evans,
Assistant Administrator for Procurement.

Accordingly, the interim final rule amending 14 CFR part 1265 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 1265—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 1265 continues to read as follows:

Authority: E.O. 12549; Secs. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); National Aeronautics and Space Act, Pub. L. 85-568, July 29, 1958, as amended, sec. 203(c)(1).

2. Subpart F and Appendix C to part 1265 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

- Sec.
 1265.600 Purpose.
 1265.605 Definitions.
 1265.610 Coverage.
 1265.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
 1265.620 Effect of violation.
 1265.625 Exception provision.
 1265.630 Certification requirements and procedures.
 1265.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 1265—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

DEPARTMENT OF COMMERCE

15 CFR Part 26

RIN 0605-AA05

FOR FURTHER INFORMATION CONTACT:

Diane C. Haeger, (202) 377-5817.

ADDITIONAL SUPPLEMENTARY

INFORMATION: As provided under §§ 26.630 (c) and (d)(2) and 26.635 (a)(1) and (b), a central point of contact may be designated for submission of annual State and State agency certifications and notices of conviction. The Office of Federal Assistance serves as the central point for the Department of Commerce. State and State agency certifications and notices of conviction should be forwarded to: Barbara L. Spithas, Director, Office of Federal Assistance, HCHB Room 6204, U.S. Department of Commerce, Washington, DC 20230.

List of Subjects in 15 CFR Part 26

Administrative practice and procedures, Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 15 of the Code of Federal Regulations is amended as set forth below.

Sonya G. Stewart,
Director for Finance and Federal Assistance.

Accordingly, the interim final rule amending 15 CFR part 26 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 26—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 26 continues to read as follows:

Authority: Executive Order 12549; Secs. 5151–5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); 5 U.S.C. 301.

2. Subpart F and Appendix C to part 26 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

- 26.600 Purpose.
- 26.605 Definitions.
- 26.610 Coverage.
- 26.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 26.620 Effect of violation.
- 26.625 Exception provision.
- 26.630 Certification requirements and procedures.
- 26.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 26—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

3. Part 26, subpart F is further amended as follows:

a. Section 26.630 is amended by adding paragraphs (c)(1) and (d)(2)(i) to read as follows:

§ 26.630 Certification requirements and procedures.

(c) * * *

(1) The Office of Federal Assistance serves as the central location for submission of State and State agency certifications. Certifications should be sent to: Director, Office of Federal Assistance, HCHB Room 6204, Washington, DC 20230.

(d) * * *

(2) * * *

(i) The Office of Federal Assistance serves as the central location for submission of should be sent to: Director, Office of Federal Assistance, HCHB Room 6204, Washington, DC 20230.

b. Section 26.635 is amended by adding paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 26.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

(a) * * *

(1) * * *

(i) The Office of Federal Assistance serves as the central location for submission of notices of conviction. Notices should be sent to: Director, Office of Federal Assistance, HCHB Room 6204, Washington, DC 20230.

(b) * * *

(1) The Office of Federal Assistance serves as the central location for submission of notices of conviction. Notices should be sent to: Director, Office of Federal Assistance, HCHB Room 6204, Washington, DC 20230.

DEPARTMENT OF STATE

22 CFR Part 137

RIN 1400-AA21

FOR FURTHER INFORMATION CONTACT: James Tyckoski, Office of the Procurement Executive (703) 875-7046.

List of Subjects in 22 CFR Part 137

Administrative practice and procedure, Controlled substances, Debarment and suspension (nonprocurement), Drug abuse, Fraud, Grant programs-foreign relations, Grants administration, Reporting and recordkeeping requirements.

Title 22 of the Code of Federal Regulations is amended as set forth below.

John J. Conway,
Procurement Executive.

Accordingly, the interim final rule amending 22 CFR part 137 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 137—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 137 continues to read as follows:

Authority: Executive Order 12549; Sec. 5151–5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); 22 U.S.C. 2658.

2. Subpart F and Appendix C to part 137 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

- 137.600 Purpose.
- 137.605 Definitions.
- 137.610 Coverage.
- 137.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 137.620 Effect of violation.
- 137.625 Exception provision.
- 137.630 Certification requirements and procedures.
- 137.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 137—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 208

RIN 0412-AA14

FOR FURTHER INFORMATION CONTACT: Kathleen O'Hara, (703) 875-1534.

List of Subjects in 22 CFR Part 208

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 22 of the Code of Federal Regulations is amended as set forth below.

John F. Owens,
Deputy Assistant to the Administrator for Management.

Accordingly, the interim final rule amending 22 CFR part 208 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 208—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 208 continues to read as follows:

Authority: Executive Order 12549; Sec. 5151–5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); Sec. 621, Foreign Assistance Act of 1961, 22 U.S.C. 2381.

2. Subpart F and Appendix C to part 208 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

- Sec.
- 208.600 Purpose.
- 208.605 Definitions.
- 208.610 Coverage.
- 208.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 208.620 Effect of violation.
- 208.625 Exception provision.
- 208.630 Certification requirements and procedures.
- 208.635 Reporting of and employee sanctions for convictions of criminal drug offenses.
- * * *

Appendix C to Part 208—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

PEACE CORPS**22 CFR Part 310**

RIN 0420-AA05

FOR FURTHER INFORMATION CONTACT: John K. Scales, General Counsel, 202-606-3114.

List of Subjects in 22 CFR Part 310

Cooperative agreements, Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 22 of the Code of Federal Regulations is amended as set forth below.

Paul D. Coverdell,
Director.

Accordingly, the interim final rule amending 22 CFR part 310 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 310—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 310 continues to read as follows:

Authority: Executive Order 12549; Sec. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D); 22 U.S.C. 2503.

2. Subpart F and Appendix C to part 310 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

- Sec.
- 310.600 Purpose.
- 310.605 Definitions.
- 310.610 Coverage.
- 310.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 310.620 Effect of violation.
- 310.625 Exception provision.
- 310.630 Certification requirements and procedures.
- 310.635 Reporting of and employee sanctions for convictions of criminal drug offenses.
- * * *

Appendix C to Part 310—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

UNITED STATES INFORMATION AGENCY**22 CFR Part 513****FOR FURTHER INFORMATION CONTACT:**

Darwin Roberts, United States Information Agency, Office of Contracts, Policy and Procedures Staff, Room 1611, 330 C Street, SW., Washington, DC 20547, Telephone (202) 485-6410.

List of Subjects in 22 CFR Part 513

Administrative practice and procedure, Controlled substances, Debarment and suspension (nonprocurement), Drug abuse, Grant monitoring, Grant programs, Grants administration, Ineligible grantees.

Title 22 of the Code of Federal Regulations is amended as set forth below.

Henry E. Hockeimer,
Associate Director for Management.

Accordingly, the interim final rule amending 22 CFR part 513 which was published at 54 FR 4947 on January 31, 1989, is adopted as final rule with the following changes.

PART 513—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 513 continues to read as follows:

Authority: E.O. 12549; 40 U.S.C. 486(c); Sec. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.)

2. Subpart F and Appendix C to part 513 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

- Sec.
- 513.600 Purpose.
- 513.605 Definitions.
- 513.610 Coverage.
- 513.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 513.620 Effect of violation.
- 513.625 Exception provision.
- 513.630 Certification requirements and procedures.
- 513.635 Reporting of and employee sanctions for convictions of criminal drug offenses.
- * * *

Appendix C to Part 513—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

INTER-AMERICAN FOUNDATION**22 CFR Part 1006**

FOR FURTHER INFORMATION CONTACT: Charles M. Berk, (703) 841-3812.

List of Subjects in 22 CFR Part 1006

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 22 of the Code of Federal Regulations is amended as set forth below.

Charles M. Berk,
General Counsel.

Accordingly, the interim final rule amending 22 CFR part 1006 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 1006—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 1006 continues to read as follows:

Authority: E.O. 12549; Sec. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); 22 U.S.C. 290f.

2. Subpart F and Appendix C to part 1006 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

- Sec.
- 1006.600 Purpose.
- 1006.605 Definitions.
- 1006.610 Coverage.
- 1006.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 1006.620 Effect of violation.
- 1006.625 Exception provision.
- 1006.630 Certification requirements and procedures.
- 1006.635 Reporting of and employee sanctions for convictions of criminal drug offenses.
- * * *

Appendix C to Part 1006—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

AFRICAN DEVELOPMENT FOUNDATION**22 CFR Part 1508**

FOR FURTHER INFORMATION CONTACT: Paul S. Magid, General Counsel at (202) 673-3916.

List of Subjects in 22 CFR Part 1508

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 22 of the Code of Federal Regulations is amended as set forth below.

Leonard H. Robinson, Jr.,
President.

Accordingly, the interim final rule amending 22 CFR part 1508 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 1508—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 1508 is revised to read as follows:

Authority: Sec. 506(a)(4) of Title V of the International Security and Development Cooperation Act of 1980 (Pub. L. 96-533).

2. Subpart F and Appendix C to part 1508 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

- Sec.
- 1508.600 Purpose.
- 1508.605 Definitions.
- 1508.610 Coverage.
- 1508.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 1508.620 Effect of violation.
- 1508.625 Exception provision.
- 1508.630 Certification requirements and procedures.
- 1508.635 Reporting of and employee sanctions for convictions of criminal drug offenses.
- * * *

Appendix C to Part 1508—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**24 CFR Part 24****RIN 2501-AA78**

FOR FURTHER INFORMATION CONTACT: Marylea W. Byrd, Office of General Counsel, Department of Housing and Urban Development, Room 10266, 451 Seventh Street, SW., Washington, DC 20410. (202) 755-9886 (This is not a toll-free number.)

ADDITIONAL SUPPLEMENTARY

INFORMATION: The provisions of this subpart apply to recipients of all HUD grants including CDBG formula grant recipients not otherwise subject to sanctions under part 24. Certifications required under this subpart should be submitted by formula grant recipients in conjunction with other required certifications.

Additionally, public housing authorities (PHAs) that receive HUD grants through annual contributions contracts are grantees who are subject to the requirements in this subpart. The certification required by this subpart is in addition to the requirement that PHAs include a provision in tenant's leases making drug-related criminal activity grounds for terminating the lease.

On November 3, 1989, the Department published, at 54 FR 46566, a final rule implementing the requirements of the Comprehensive Homeless Assistance Plan (CHAP), as authorized by Subtitle A of Title IV of the Stewart B. McKinney Homeless Assistance Act (the "McKinney Act") (42 U.S.C. 11361). One of the provisions of November 3, 1989 final rule requires all applicants for assistance under the McKinney Act—including applicants for (1) the

Emergency Shelter Grants program, (2) the Supportive Housing Demonstration program (both the Transitional Housing and Permanent Housing for the Handicapped Homeless programs), (3) the Supplemental Assistance for Facilities to Assist the Homeless program, and (4) the section 8 Housing Assistance Payments program for the Moderate Rehabilitation of Single Room Occupancy Units for the Homeless—to include in their CHAPs an assurance that the homeless facility will be drug- and alcohol-free. Applicants should note that they must comply both with the requirements of this common rule and with the certification requirements set forth under the November 3, 1989 final rule regarding CHAPs.

List of Subjects in 24 CFR Part 24

Administrative practice and procedure, Debarment and suspension (nonprocurement), Drug abuse, Government contracts, Organization and functions (Government Agencies), Government procurement, Grant programs: housing and community development, Loan programs: housing and community development.

Title 24 of the Code of Federal Regulations is amended as set forth below.

Alfred A. DelliBovi,

Acting Secretary, Department of Housing and Urban Development.

Accordingly, the interim final rule amending 24 CFR part 24 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 24—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 24 continues to read as follows:

Authority: E.O. 12549; secs. 5151-5160, Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D, 41 U.S.C. 701 *et seq.*); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Subpart F and Appendix C to part 24 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

- Sec.
- 24.600 Purpose.
- 24.605 Definitions.
- 24.610 Coverage.

Sec.

- 24.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 24.620 Effect of violation.
- 24.625 Exception provision.
- 24.630 Certification requirements and procedures.
- 24.635 Reporting of and employee sanctions for convictions of criminal drug offenses.
- * * *

Appendix C to Part 24—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR—, May 25, 1990.

DEPARTMENT OF JUSTICE

28 CFR Part 67

[Atty. Gen. Order No. 1416-90]

RIN 1121-AA14

FOR FURTHER INFORMATION CONTACT: Cynthia J. Schwimer (202) 307-3186.

ADDITIONAL SUPPLEMENTARY

INFORMATION: Notices of convictions as described in § 67.635 (a) and (b), should be sent to the Department of Justice, Office of Justice Programs, ATTN: Control Desk, 833 Indiana Avenue NW., Washington, DC 20531. The Department of Justice has adopted a uniform system of implementing the Drug-Free Workplace common rule that will be applicable to the nonprocurement assistance activities of the offices, bureaus, and divisions of the Department of Justice which have grantmaking authority. These include: The Office of Justice Programs (including the Office for Victims of Crime, the National Institute of Justice, the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, and the Bureau of Justice Statistics), the Bureau of Prisons, the U.S. Marshals Service, the Immigration and Naturalization Service, the Federal Bureau of Investigation, the Drug Enforcement Administration and the Community Relations Service.

List of Subjects in 28 CFR Part 67

Administrative practice and procedures, Controlled substances, Debarment and suspension (nonprocurement), Drug abuse, Fraud, Grant programs—Law, Grants administration, Reporting and recordkeeping requirements.

Title 28 of the Code of Federal Regulations is amended as set forth below.

Dick Thornburgh,
Attorney General.

PART 67—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 67 continues to read as follows:

Authority: Executive Order 12549; Sec. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 *et seq.*), Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, *et seq.* (as amended), Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601, *et seq.* (as amended), Victims of Crime Act of 1984, 42 U.S.C. 10601, *et seq.* (as amended); 18 U.S.C. 4042; and 18 U.S.C. 4351-4353.

2. Subpart F and Appendix C to part 67 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

- 67.600 Purpose.
- 67.605 Definitions.
- 67.610 Coverage.
- 67.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 67.620 Effect of violation.
- 67.625 Exception provision.
- 67.630 Certification requirements and procedures.
- 67.635 Reporting of and employee sanctions for convictions of criminal drug offenses.
- * * *

Appendix C to Part 67—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR—, May 25, 1990.

DEPARTMENT OF LABOR

29 CFR Part 98

RIN 1291-AA17

FOR FURTHER INFORMATION CONTACT: Richard W. Strom on (202) 523-9174.

List of Subjects in 29 CFR Part 98

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 29 of the Code of Federal Regulations is amended as set forth below.

Elizabeth Dole,
Secretary of Labor.

Accordingly, the interim final rule amending 29 CFR part 98 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 98—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 98 continues to read as follows:

Authority: E.O. 12549; Sec. 5151 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 *et seq.*); 5 U.S.C. 552-556.

2. Subpart F and Appendix C to part 98 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

- 98.600 Purpose.
- 98.605 Definitions.
- 98.610 Coverage.
- 98.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 98.620 Effect of violation.
- 98.625 Exception provision.
- 98.630 Certification requirements and procedures.
- 98.635 Reporting of and employee sanctions for convictions of criminal drug offenses.
- * * *

Appendix C to Part 98—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR—, May 25, 1990.

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1471

RIN 3076-AA02

FOR FURTHER INFORMATION CONTACT: Lee A. Buddendeck, 202/653-5320.

List of Subjects in 29 CFR Part 1471

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 29 of the Code of Federal Regulations is amended as set forth below.

Bernard E. DeLury,
Director.

Accordingly, the interim final rule amending 29 CFR part 1471 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 1471—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 1471 continues to read as follows:

Authority: Executive Order 12549; Sec. 5151–5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); P.L. 95–524, Oct 27, 1978, 29 USC 175a.

2. Subpart F and Appendix C to part 1471 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

- 1471.600 Purpose.
- 1471.605 Definitions.
- 1471.610 Coverage.
- 1471.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 1471.620 Effect of violation.
- 1471.625 Exception provision.
- 1471.630 Certification requirements and procedures.
- 1471.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

* * *

Appendix C to Part 1471—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

DEPARTMENT OF THE TREASURY

31 CFR Part 19

RIN 1505-AA40

FOR FURTHER INFORMATION CONTACT: Charles Schaefer (202) 566-9616.

List of Subjects in 31 CFR Part 19

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 31 of the Code of Federal Regulations is amended as set forth below.

Linda M. Combs,
Assistant Secretary (Management).

Accordingly, the interim final rule amending 31 CFR part 19 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 19—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 19 continues to read as follows:

Authority: Executive Order 12549; Sec. 5151–5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); 31 U.S.C. 32.

2. Subpart F and Appendix C to part 19 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

- 19.600 Purpose.
- 19.605 Definitions.
- 19.610 Coverage.
- 19.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 19.620 Effect of violation.
- 19.625 Exception provision.
- 19.630 Certification requirements and procedures.
- 19.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

* * *

Appendix C to Part 19—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 280

RIN 0790-AC53

FOR FURTHER INFORMATION CONTACT: Dr. Mark Herbst, telephone (202) 694-0205.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Defense is adopting the following final rule establishing requirements for a drug-free workplace for DoD grantees. In adopting this rule, DoD is establishing uniform practices within the Office of the Secretary of Defense, the Military

Departments and the Defense Agencies that are consistent with those being established by other Executive Departments and Agencies.

List of Subjects in 32 CFR Part 280

Debarment and suspension (Nonprocurement), Drug abuse, Grant programs.

Title 32 of the Code of Federal Regulations is amended as set forth below.

Linda M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

Accordingly, the interim final rule amending 32 CFR Part 280 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 280—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 280 continues to read as follows:

Authority: Executive Order 12549; Sec. 5151–5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); 5 U.S.C. 301.

2. Subpart F and Appendix C to part 280 are revised to read as follows:

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

- 280.600 Purpose.
- 280.605 Definitions.
- 280.610 Coverage.
- 280.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 280.620 Effect of violation.
- 280.625 Exception provision.
- 280.630 Certification requirements and procedures.
- 280.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

* * *

Appendix C to Part 280—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

DEPARTMENT OF EDUCATION

34 CFR Part 85

RIN 1880-AA39

EFFECTIVE DATE: These regulations take effect either 45 days after publication in

the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A notice announcing the effective date will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Mary Jane Kane, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue SW. (Room 3636, GSA Regional Office Building No. 3), Washington, DC 20202-4700, 202-732-7400 (FTS 732-7400), 202-708-5580 (FTS 458-5580) after May 6, 1990.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Education has designated central locations for submission of annual statewide or State agency drug-free workplace certifications and for receipt of notifications of convictions of criminal drug offenses. States and State agencies that previously submitted an annual certification are not required to make a certification for Federal Fiscal year 1990 until July 31, 1990. Any State or State agency electing to submit an annual drug-free workplace certification to the Department of Education must forward its certification to: Office of Intergovernmental and Interagency Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 3073, Federal Office Building No. 6), Washington, DC 20202-3500. Grantees reporting convictions of criminal drug offenses must forward reports to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue SW. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571.

Analysis of Comments and Changes

In response to the invitation to comment in the interim final regulations published in the Federal Register on January 31, 1989 (54 FR 4947), a number of comments and questions were received regarding the applicability and effect of the regulations on the Pell Grant and campus-based student financial assistance programs authorized by Title IV of the Higher Education Act of 1965 (HEA), as amended. The campus-based student financial assistance program include the Perkins Loan (formerly National Direct Student Loan (NDSL)), College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG) programs.

An analysis of the comments follows. Major issues are grouped according to subject. Technical and other minor changes—and suggested changes the

Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Pell Grant Program

Comment: Commenters asked what is required under the provisions of the Drug-Free Workplace Act of students who receive a grant under the Pell Grant Program.

Discussion: These grants are considered direct grants to individuals and thus the certification requirements are applicable. To receive a Pell grant, a student must certify that, as a condition of receiving a Pell grant, he or she will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during the period covered by his or her Pell grant.

Change: None.

Comment: Commenters asked if Pell grant recipients must sign the certification statement annually.

Discussion: Each student must sign the certification for any year in which he or she receives a Pell grant.

Change: None.

Comment: Commenters asked if a student who refuses to sign the certification required under the Drug-Free Workplace regulations in order to receive a Pell grant would still be eligible for other Title IV, HEA programs.

Discussion: If a student does not sign the certification, he or she may not receive a Pell grant. However, the student could still be eligible for other Federal student assistance. The amount of the Pell grant that the student would have been eligible to receive would still be counted as (1) estimated financial assistance for the Stafford Loan, Supplemental Loans for Students (SLS), and PLUS programs and (2) as a resource under the campus-based programs and the Income Contingent Loan (ICL) Program.

Change: None.

Comment: Commenters asked if by signing the certification statement required for the Pell Grant Program, a student is agreeing not to engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during the period covered by his or her Pell grant at all times, or just when he or she is attending classes.

Discussion: By signing the certification required for eligibility under the Pell Grant Program, a student is agreeing not to engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during the period covered by his or her Pell grant at all times. For example, even if the student is off

campus, away for the weekend, or on a school break, the student has agreed that he or she will be drug-free during the period of time covered by his or her Pell grant.

Change: None.

Comment: Commenters asked what happens if a Pell grant recipient who has signed the certification is convicted of the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during the period of enrollment covered by the Pell grant.

Discussion: A Pell grant recipient convicted of a criminal drug offense resulting from a violation occurring during the period of enrollment covered by the Pell grant must report the conviction, in writing, within 10 calendar days of the conviction, to the Director, Grants and Contracts Service, U.S. Department of Education. If the Department determines, in writing, that the reported conviction constitutes a violation of the Requirements for Drug-Free Workplace regulations, the Pell grant recipient shall be subject to suspension of payments under the grant, suspension or termination of the grant, or suspension or debarment. Failure of a Pell grant recipient to report the conviction constitutes a violation of these regulations and is subject to suspension of payments under the grant, suspension or termination of the grant, or suspension or debarment. If debarred, the student shall be ineligible for award of any grant from any Federal agency, for a period of up to five years.

Change: None.

Campus-Based Programs

Comment: Commenters asked how the Drug-Free Workplace Act of 1988 affects institutions participating in the campus-based student financial assistance programs.

Discussion: For purposes of the Act, institutions of postsecondary education participating in the campus-based programs are deemed to be "grantees" and the program allocations are deemed to be "grants." Therefore, as of March 18, 1989, as a precondition to receiving a grant, institutions of postsecondary education must certify annually (on a form provided by the Department) that they will provide a drug-free workplace. Individual recipients of funds under the campus-based student financial assistance programs are not required to sign a certification.

Change: None.

Comment: Commenters asked if institutions of postsecondary education participating in the campus-based programs are required to certify

annually that they provide a drug-free workplace.

Discussion: Yes. Institutions are required to certify annually that they will provide a drug-free workplace and to submit that certification as part of the Fiscal Operations Report and Application to Participate (FISAP) process.

Change: None.

Comment: Commenters asked if students employed under the College Work-Study (CWS) Program are considered to be employees of the institution for purposes of the Drug-Free Workplace requirements.

Discussion: Students employed under the CWS Program are considered to be employees of the institution if the work is performed for the institution in which the student is enrolled. For work performed for (a) a Federal, State, or local public agency, or (b) a private nonprofit or a private for-profit organization, students are also considered to be employees of the institution unless the agreement between the institution and organization specifies that the organization is considered to be the employer. (Reference: Appendix B—Model Off-Campus Agreement of the regulations for the College Work-Study Program, 34 CFR part 674).

Change: None.

Comment: Commenters questioned the necessity of having the Chief Executive Officer sign the "Certification Regarding Drug-Free Workplace Requirements—Grantees Other Than Individuals" required of institutions of postsecondary education participating in the campus-based programs. A few commenters also asked what the policy is if the institution's Chief Executive Officer claims that he or she cannot sign a certification because the institution uses a private servicer to administer Title IV, HEA programs under a contractual arrangement and the institution has no employees directly engaged in the administration of the programs other than a limited number of its personnel who function in a contract monitoring role.

Discussion: Under the Student Assistance General Provisions regulations in 34 CFR 668.12(a)(2), the institution enters into a written participation agreement with the Secretary in order to participate in the Title IV, HEA programs. Funds provided under the campus-based programs are considered to be "grants" awarded to postsecondary institutions as "grantees" directly rather than to a subordinate administrative component such as the financial aid office or student service division. Therefore, the Chief Executive

Officer is responsible for the proper administration of the Title IV, HEA programs and for compliance with all statutory and regulatory requirements. Correspondingly, regardless of the institution's relationship with a private servicer, the Chief Executive Officer must certify that the institution maintains a drug-free workplace on behalf of the entire grantee organization (i.e., all departments, divisions, or other units of the institution) and is responsible for the implementation of the drug-free workplace requirements as specified in the Drug-Free Workplace regulations. The institution is not responsible for ensuring that the servicer as a subrecipient maintains a drug-free workplace.

Change: None.

List of Subjects in 34 CFR Part 85

Debarment and suspension (nonprocurement), Drug abuse, Grant programs, Title 34 of the Code of Federal Regulations is amended as set forth below.

Dated: May 10, 1990.

Lauro F. Cavazos,

Secretary of Education.

Accordingly, the interim final rule amending 34 CFR part 85 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 85—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 85 continues to read as follows:

Authority: Executive Order 12549; Sec. 5151–5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D 41 U.S.C. 701 et seq.); 20 U.S.C. 3474, 1221e–3(a)(1).

2. Subpart F and Appendix C of part 85 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

85.600 Purpose.

85.605 Definitions.

85.610 Coverage.

85.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.

85.620 Effect of violation.

85.625 Exception provision.

Sec.

85.630 Certification requirements and procedures.

85.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 85—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

3. Part 85 is further amended as follows:

a. Section 85.630 is amended by: amending paragraph (c) introductory text by removing "June 30, 1990" and adding "July 31, 1990"; adding paragraph (c)(1); amending paragraph (d)(2) by removing "June 30, 1990" and adding "July 31, 1990"; and adding paragraph (d)(2)(i) to read as follows:

§ 85.630 Certification requirements and procedures.

(c) * * *

(1) If a State elects to make one certification in each Federal fiscal year as specified in paragraph (c) of this section it must forward its certification to: Office of Intergovernmental and Interagency Affairs.

(d) * * *

(2) * * *

(i) If a State agency elects to make one certification in each Federal fiscal year as specified in paragraph (d) of this section it must forward its certification to: Office of Intergovernmental and Interagency Affairs.

b. Section 85.635 is amended by adding paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 85.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

(a) * * *

(1) * * *

(i) A grantee must report convictions as specified in paragraph (a)(1) of this section to the Director, Grants and Contracts Service, Office of Management.

(b) * * *

(1) A grantee must report convictions as specified in paragraph (b) of this section to the Director, Grants and Contracts Service, Office of Management.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1209

RIN 3095-AA44

FOR FURTHER INFORMATION CONTACT: John Constance or Nancy Allard at 202-501-5110 (FTS 241-5110).

List of Subjects in 36 CFR Part 1209

Debarment and suspension (nonprocurement), Drug abuse, Grant programs—Archives and records.

Title 36 of the Code of Federal Regulations is amended as set forth below:

Don W. Wilson:

Archivist of the United States.

Accordingly, the interim final rule amending 36 CFR part 1209 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 1209—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 1209 continues to read as follows:

Authority: E.O. 12549; sec. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, title V, subtitle D; 41 U.S.C. 701 et seq.); 44 U.S.C. 2104(a).

2. Subpart F and Appendix C to part 1209 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

- 1209.600 Purpose.
- 1209.605 Definitions.
- 1209.610 Coverage.
- 1209.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 1209.620 Effect of violation.
- 1209.625 Exception provision.
- 1209.630 Certification requirements and procedures.
- 1209.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

* * *

Appendix C to Part 1209—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 44

RIN 2900-AE66

FOR FURTHER INFORMATION CONTACT:

Mr. B. Michael Berger, Director, Records Management Service (723), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-6232.

List of Subjects in 38 CFR Part 44

Accounting, Administrative practice and procedures, Agreements, Debarment and suspension (nonprocurement), Drug abuse, Drug-free workplace, Grant programs—State cemetery and State veterans homes, Insurance, Loan guaranty, Reporting and recordkeeping requirements, Scholarships, Veterans, Vocational rehabilitation and education.

Title 38 of the Code of Federal Regulations is amended as set forth below:

Dated: May 11, 1990.

Edward J. Derwinski,
Secretary of Veterans Affairs.

Accordingly, the interim final rule amending 38 CFR part 44 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 44—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 44 continues to read as follows:

Authority: E.O. 12549; sec. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, title V, subtitle D; 41 U.S.C. 701 et seq.); 38 U.S.C. 210(c).

2. Subpart F and Appendix C to part 44 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

- 44.600 Purpose.
- 44.605 Definitions.
- 44.610 Coverage.
- 44.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 44.620 Effect of violation.
- 44.625 Exception provision.
- 44.630 Certification requirements and procedures.
- 44.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

* * *

Appendix C to Part 44—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 32

RIN 2090-AA10

FOR FURTHER INFORMATION CONTACT: Corinne Allison at (202) 245-4077.

ADDITIONAL SUPPLEMENTARY INFORMATION:

The Environmental Protection Agency (EPA) is highly decentralized and delegates the administration of its financial assistance programs to various Regional and Headquarters offices. For this reason, the Agency will not establish a central office to receive (1) drug-free workplace certifications or (2) notifications of criminal convictions for drug offenses occurring during the conduct of grant activity in the recipient's workplace. Submitting those materials directly to the Regional or Headquarters office responsible for processing the application and administering the award is in the best interest of EPA's applicants/recipients.

List of Subjects in 40 CFR Part 32

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 40 of the Code of Federal Regulations is amended as set forth below.

Dated: May 3, 1990.

William K. Reilly,
Administrator.

Accordingly, the interim final rule amending 40 CFR part 32 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 32—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 32 continues to read as follows:

Authority: E.O. 12549; secs. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); 7 U.S.C. 136 et seq.; 15 U.S.C. 2601 et seq.; 20 U.S.C. 4011 et seq.; 33 U.S.C. 1251 et seq.; 42 U.S.C. 300f, 4901, 6901 et seq.

2. Subpart F and Appendix C to part 32 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

- 32.600 Purpose.
- 32.605 Definitions.
- 32.610 Coverage.
- 32.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 32.620 Effect of violation.
- 32.625 Exception provision.
- 32.630 Certification requirements and procedures.
- 32.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 32—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-68

RIN 3090-AE00

FOR FURTHER INFORMATION CONTACT: Ida M. Ustad (202) 501-1224.

List of Subjects in 41 CFR Part 105-68

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 41 of the Code of Federal Regulations is amended as set forth below.

Richard G. Austin,
Acting Administrator.

Accordingly, the interim final rule amending 41 CFR part 105-68 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 105-68—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 105-68 continues to read as follows:

Authority: Title V, Subtitle D; 41 U.S.C. 701 et seq.; 40 U.S.C. 486(c).

2. Subpart F and Appendix C to part 105-68 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug Free Workplace Requirements (Grants)

Sec.

- 105-68.600 Purpose.
- 105-68.605 Definitions.
- 105-68.610 Coverage.
- 105-68.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 105-68.620 Effect of violation.
- 105-68.625 Exception provision.
- 105-68.630 Certification requirements and procedures.
- 105-68.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 105-68—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

DEPARTMENT OF THE INTERIOR

43 CFR Part 12

RIN 1090-AA28

FOR FURTHER INFORMATION CONTACT: Ceceil Coleman, Phone (202) 208-6431.

Additional Supplementary Information: The Department of the Interior is not designating a central location for the receipt of the documents required by §§ 12.630 and 12.635.

List of Subjects in 43 CFR Part 12

Cooperative agreements, Debarment and suspension (nonprocurement), Drug abuse, Grant programs, Grants administration.

Title 43 of the Code of Federal Regulations is amended as set forth below.

Dated: May 11, 1990.

Lou Gallegos,
Assistant Secretary—Policy, Management and Budget.

Accordingly, the interim final rule amending 43 CFR part 12 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 12—ADMINISTRATIVE REQUIREMENTS AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS

1. The authority citation for part 12 continues to read as follows:

Authority: E.O. 12549; Sec. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); 5 U.S.C. 301; Pub. L. 98-502; OMB Circulars A-102 and A-110; and OMB Circular A-128.

Subpart D—Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)

2. In subpart D the heading preceding § 12.600, §§ 12.600, 12.605, 12.610, 12.615, 12.620, 12.625, 12.630, and Appendix C to subpart D are revised, and § 12.635 is added to read as set forth at the end of the common preamble.

Drug-Free Workplace Requirements (Grants)

Sec.

- 12.600 Purpose.
- 12.605 Definitions.
- 12.610 Coverage.
- 12.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
- 12.620 Effect of violation.
- 12.625 Exception provision.
- 12.630 Certification requirements and procedures.
- 12.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Subpart D—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

3. Subpart D is further amended as follows:

§ 12.610 [Amended]

a. Section 12.610(c) is amended by removing "subparts A, B, C, D, and E" and adding "subpart D."

b. Section 12.630 is amended by adding paragraphs (c)(1) and (d)(2)(i) to read as follows:

§ 12.630 Certification requirements and procedures.

(c) * * *

(1) The Department of the Interior is not designating a central location for the receipt of the statewide certifications from States. Therefore, each State shall ensure that a copy of their certification is submitted individually with respect to each grant application sent to the Bureau/Office within the Department.

(d) * * *

(2) * * *

(i) The Department of the Interior is not designating a central location for the receipt of State agency-wide certifications from State agencies. Therefore, each State agency shall ensure that a copy is submitted individually with respect to each grant application sent to the Bureau/Office within the Department.

c. Section 12.635 is amended by adding paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 12.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

(a) * * *

(1) * * *

(i) The Department of the Interior is not designating a central location for the receipt of these notices from grantees. Therefore, the grantee shall provide this written notice to every grant officer, or other designee within a Bureau/Office of the Department on whose grant activity the convicted employee was working.

(b) * * *

(1) The Department of the Interior is not designating a central location for the receipt of the notice from a grantee who is an individual. Therefore, the grantee who is an individual shall provide this written notice to the grant officer or other designee within the Bureau/Office within the Department.

§§ 12.600, 12.605, 12.610, 12.615, 12.620, 12.625, 12.630, and 12.635 [Amended]

d. Sections 12.600, 12.605, 12.610, 12.615, 12.620, 12.625, 12.630, and 12.635 are further amended by removing "this subpart" and adding "the drug-free workplace requirements for grants" wherever "this subpart" appears, by removing "this part" and adding "subpart D" wherever "this part" appears.

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 17

RIN 3067-AB58

FOR FURTHER INFORMATION CONTACT: Arthur E. Curry, Chief, Policy Division, Office of the Comptroller, (202) 646-3718.

List of Subjects in 44 CFR Part 17

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 44 of the Code of Federal Regulations is amended as set forth below.

Arthur E. Curry,
Chief, Policy Division, Office of the
Comptroller.

Accordingly, the interim final rule amending 44 CFR part 17 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 17—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 17 continues to read as follows:

Authority: E.O. 12549; Sec. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690), Title V, Subtitle D; 41 U.S.C. 701 *et seq.*

2. Subpart F and Appendix C to part 17 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

17.600 Purpose.

17.605 Definitions.

17.610 Coverage.

17.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.

17.620 Effect of violation.

17.625 Exception provision.

17.630 Certification requirements and procedures.

17.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

* * * * *

Appendix C to Part 17—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR—, May 25, 1990.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 76

RIN 0991-AA67

FOR FURTHER INFORMATION CONTACT: Beverly Cordova, 202-245-0377.

ADDITIONAL SUPPLEMENTARY INFORMATION: Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for State-wide and State agency-wide certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Ave., SW., Washington, DC 20201.

However, please note that § 76.630(b) now provides, "For mandatory formula grants and entitlements which have no application process, grantees shall submit a one-time certification in order to continue receiving awards."

List of Subjects in 45 CFR Part 76

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Dated: May 4, 1990.

Louis W. Sullivan,

Secretary, Department of Health and Human Services.

Accordingly, the interim final rule amending 45 CFR part 76 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 76—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 76 continues to read as follows:

Authority: E.O. 12549; Sec. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690), Title V, Subtitle D; 41 U.S.C. 701 *et seq.*; 5 U.S.C. 301.

2. Subpart F and Appendix C to part 76 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.

76.600 Purpose.

76.605 Definitions.

76.610 Coverage.

76.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.

76.620 Effect of violation.

76.625 Exception provisions.

76.630 Certification requirements and procedures.

76.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

* * * * *

Appendix C to Part 76—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR—, May 25, 1990.

National Science Foundation

45 CFR Part 620

RIN 3145-AA16

FOR FURTHER INFORMATION CONTACT: J. Rom, 357-7880.

List of Subjects in 45 CFR Part 620

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Jeff Fenstermacher,
Assistant Director for Administration.

Accordingly, the interim final rule amending 45 CFR part 620 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 620—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 620 continues to read as follows:

Authority: E.O. 12549; Sec. 5151–5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701 *et seq.*); Sec. 11(a) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1870(a)).

2. Subpart F and Appendix C to part 620 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.	Purpose.
620.600	Purpose.
620.605	Definitions.
620.610	Coverage.
620.615	Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
620.620	Effect of violation.
620.625	Exception provision.
620.630	Certification requirements and procedures.
620.635	Reporting of and employee sanctions for convictions of criminal drug offenses.

* * *

Appendix C to Part 620—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Part 1154

RIN 3135-AA05

FOR FURTHER INFORMATION CONTACT:
Larry Baden, Grants Officer, 202–682–5403.

ADDITIONAL SUPPLEMENTAL

INFORMATION: Given the frequency of touring, performances, and exhibition activity of organizational applicants to the Arts Endowment and given the fluidity of those types of activities, it is not practical for these applicants to list places of performance at the time of application. Therefore, the Arts Endowment believes that the Office of Management and Budget-approved alternative for maintaining workplace information on file is the most responsible and least burdensome option for Endowment organizational applicants.

List of Subjects in 45 CFR Part 1154

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Cynthia C. Rand,
Deputy Chairman for Management.

Accordingly, the interim final rule amending 45 CFR part 1154 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 1154—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 1154 continues to read as follows:

Authority: E.O. 12549; Secs. 5151–5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701 *et seq.*); 20 U.S.C. 959(a)(1).

2. Subpart F and Appendix C to part 1154 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.	Purpose.
1154.600	Purpose.
1154.605	Definitions.
1154.610	Coverage.
1154.615	Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
1154.620	Effect of violation.
1154.625	Exception provision.
1154.630	Certification requirements and procedures.
1154.635	Reporting of and employee sanctions for convictions of criminal drug offenses.

* * *

Appendix C to Part 1154—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

National Endowment for the Humanities

45 CFR Part 1169

RIN 3136-AA12

FOR FURTHER INFORMATION CONTACT:
David J. Wallace, (202) 786–0494.

List of Subjects in 45 CFR Part 1169

Debarment and suspension (nonprocurement), Drug abuse, Grant programs.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Lynne V. Cheney,
Chairman, National Endowment for the Humanities.

Accordingly, the interim final rule amending 45 CFR part 1169 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 1169—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 1169 continues to read as follows:

Authority: E.O. 12549; Secs. 5151–5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701 *et seq.*); 20 U.S.C. 959(a)(1).

2. Subpart F and Appendix C to part 1169 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.	Purpose.
1169.600	Purpose.
1169.605	Definitions.
1169.610	Coverage.
1169.615	Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
1169.620	Effect of violation.
1169.625	Exception provision.
1169.630	Certification requirements and procedures.
1169.635	Reporting of and employee sanctions for convictions of criminal drug offenses.

* * *

Appendix C to Part 1169—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

Institute of Museum Services

45 CFR Part 1185

RIN 3137-AA00

FOR FURTHER INFORMATION CONTACT: Rebecca Danvers, 786-0539.

List of Subjects in 45 CFR Part 1185

Debarment and suspension (nonprocurement), Drug abuse, Grant programs, Museums.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Daphne Wood Murray,

Director, Institute of Museum Services.

Accordingly, the interim final rule amending 45 CFR part 1185 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 1185—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 1185 continues to read as follows:

Authority: E.O. 12549; Section 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.); 20 U.S.C. 961-88, as amended.

2. Subpart F and Appendix C to part 1185 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.
1185.600 Purpose.
1185.605 Definitions.
1185.610 Coverage.
1185.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
1185.620 Effect of violation.
1185.625 Exception provision.
1185.630 Certification requirements and procedures.
1185.635 Report of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 1185—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

ACTION

45 CFR Part 1229

RIN 3001-AA16

FOR FURTHER INFORMATION CONTACT: Margaret M. McHale at 202-634-9150.

List of Subjects in 45 CFR Part 1229

Accounting, Administrative practice and procedures, Debarment and suspension (nonprocurement), Drug abuse, Grant programs—Volunteer services, Grants administration, insurance, Reporting and recordkeeping requirements.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Jane A. Kenny,

Director, ACTION.

Accordingly, the interim final rule amending 45 CFR part 1229 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 1229—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 1229 continues to read as follows:

Authority: E.O. 12549; Sec. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.; Pub. L. 93-113; 42 U.S.C. 4951, et seq.; 42 U.S.C. 5060.

2. Subpart F and Appendix C to part 1229 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.
1229.600 Purpose.
1229.605 Definitions.
1229.610 Coverage.
1229.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
1229.620 Effect of violation.
1229.625 Exception provision.
1229.630 Certification requirements and procedures.
1229.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 1229—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

45 CFR Part 2016

FOR FURTHER INFORMATION CONTACT: Jack McDade, Acting Director of Administration, (202) 653-5330.

List of Subjects in 45 CFR Part 2016

Debarment and suspension (nonprocurement), Drug abuse, Grant programs, Grants administration, Reporting and recordkeeping requirements.

Title 45 of the Code of Federal Regulations is amended as set forth below:

Dr. Herbert M. Atherton,

Staff Director and Director of Education.

Accordingly, the interim final rule amending 45 CFR part 2016 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 2016—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 2016 continues to read as follows:

Authority: Public Law 98-101, as amended; title V of Public Law 99-194; and title V of Public Law 101-62.

2. Subpart F and Appendix C to part 2016 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.
2016.600 Purpose.
2016.605 Definitions.
2016.610 Coverage.
2016.615 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
2016.620 Effect of violation.
2016.625 Exception provision.
2016.630 Certification requirements and procedures.
2016.635 Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 2016—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 55 FR —, May 25, 1990.

DEPARTMENT OF TRANSPORTATION

49 CFR Part 29

RIN 2105-AB64

FOR FURTHER INFORMATION CONTACT:
Robert C. Ashby, 202-366-9306.

List of Subjects in 49 CFR Part 29

Debarment and suspension
(nonprocurement), Drug abuse, Grant
programs.

Title 49 of the Code of Federal
Regulations is amended as set forth
below.

Samuel K. Skinner,
Secretary of Transportation.

Accordingly, the interim final rule
amending 49 CFR part 29 which was
published at 54 FR 4947 on January 31,
1989, is adopted as a final rule with the
following changes:

**PART 29—GOVERNMENT-WIDE
DEBARMENT AND SUSPENSION
(NONPROCUREMENT) AND
GOVERNMENT-WIDE REQUIREMENTS
FOR DRUG-FREE WORKPLACE
(GRANTS)**

1. The authority citation for part 29
continues to read as follows:

Authority: E.O. 12549; sec. 5151-5160 of the
Drug-Free Workplace Act of 1988 (Pub. L.
100-690, title V, subtitle D; 41 U.S.C. 701 et
seq.); 49 CFR part 322.

2. Subpart F and Appendix C to part
29 are revised to read as set forth at the
end of the common preamble.

**Subpart F—Drug-Free Workplace
Requirements (Grants)**

Sec.

- 29.600 Purpose.
29.605 Definitions.
29.610 Coverage.

Sec.

- 29.615 Grounds for suspension of payments,
suspension or termination of grants, or
suspension or debarment.
29.620 Effect of violation.
29.625 Exception provision.
29.630 Certification requirements and
procedures.
29.635 Reporting of and employee sanctions
for convictions of criminal drug offenses.

**Appendix C to Part 29—Certification
Regarding Drug-Free Workplace
Requirements**

Cross Reference: See also Office of
Management and Budget notice published at
55 FR —, May 25, 1990.

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