

Subpart D—Responsibilities of HHS Awarding Officials

82.400 What are my responsibilities as an HHS awarding official?

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82.500 How are violations of this part determined for recipients other than individuals?

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82.605 Award.

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82.625 Criminal drug statute.

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82.635 Drug-free workplace.

82.640 Employee.

82.645 Federal agency or agency.

82.650 Grant.

82.655 Individual.

82.660 Recipient.

82.665 State.

82.670 Suspension.

Authority: 41 U.S.C. 701 *et seq.*

■ 10. Part 82 is further amended as set forth below.

■ a. “[Agency noun]” is removed and “HHS” is added in its place wherever it occurs.

■ b. “[Agency adjective]” is removed and “HHS” is added in its place wherever it occurs.

■ c. “[Agency head or designee]” is removed and “HHS Official or designee” is added in its place wherever it occurs.

■ d. “[Agency head]” is removed and “the Secretary of HHS” is added in its place wherever it occurs.

■ 11. Section 82.510(c) is further amended by removing “[CFR citation for the Federal Agency’s regulations implementing Executive Order 12549 and Executive Order 12689]” and adding “45 CFR Part 76” in its place.

■ 12. Section 82.605(a)(2) is further amended by removing “[Agency-specific CFR citation]” and adding “45 CFR Part 92” in its place.

NATIONAL SCIENCE FOUNDATION

45 CFR Parts 620 and 630

RIN 3145-AA41

FOR FURTHER INFORMATION CONTACT:

Anita Eisenstadt, Assistant General Counsel, National Science Foundation, 4201 Wilson Boulevard, Room 1265, Arlington, Virginia, 22230, (703) 292-8060; e-mail: aeisenst@nsf.gov.

List of Subjects

45 CFR Part 620

Administrative practice and procedure, Debarment and suspension, Grant programs, Reporting and recordkeeping requirements.

45 CFR Part 630

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

Dated: June 10, 2003.

Lawrence Rudolph,

General Counsel, National Science Foundation.

■ Accordingly, as set forth in the common preamble, the National Science Foundation amends 45 CFR Chapter VI, as follows:

■ 1. Part 620 is revised to read as set forth in instruction 1 at the end of the common preamble.

PART 620—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

620.25 How is this part organized?

620.50 How is this part written?

620.75 Do terms in this part have special meanings?

Subpart A—General

620.100 What does this part do?

620.105 Does this part apply to me?

620.110 What is the purpose of the nonprocurement debarment and suspension system?

620.115 How does an exclusion restrict a person’s involvement in covered transactions?

620.120 May we grant an exception to let an excluded person participate in a covered transaction?

620.125 Does an exclusion under the nonprocurement system affect a person’s eligibility for Federal procurement contracts?

620.130 Does exclusion under the Federal procurement system affect a person’s eligibility to participate in nonprocurement transactions?

620.135 May the National Science Foundation exclude a person who is not currently participating in a nonprocurement transaction?

620.140 How do I know if a person is excluded?

620.145 Does this part address persons who are disqualified, as well as those who are excluded from nonprocurement transactions?

Subpart B—Covered Transactions

620.200 What is a covered transaction?

620.205 Why is it important to know if a particular transaction is a covered transaction?

620.210 Which nonprocurement transactions are covered transactions?

620.215 Which nonprocurement transactions are not covered transactions?

620.215 Are any procurement contracts included as covered transactions?

620.225 How do I know if a transaction in which I may participate is a covered transaction?

Subpart C—Responsibilities of Participants Regarding Transactions**Doing Business With Other Persons**

620.300 What must I do before I enter into a covered transaction with another person at the next lower tier?

620.305 May I enter into a covered transaction with an excluded or disqualified person?

620.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?

620.315 May I use the services of an excluded person as a principal under a covered transaction?

620.320 Must I verify that principals of my covered transactions are eligible to participate?

620.325 What happens if I do business with an excluded person in a covered transaction?

620.330 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

Disclosing Information—Primary Tier Participants

620.335 What information must I provide before entering into a covered transaction with the National Science Foundation?

620.340 If I disclose unfavorable information required under § 620.335, will I be prevented from participating in the transaction?

620.345 What happens if I fail to disclose the information required under § 620.335?

620.350 What must I do if I learn of the information required under § 620.335 after entering into a covered transaction with the National Science Foundation?

Disclosing Information—Lower Tier Participants

620.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?

620.360 What happens if I fail to disclose the information required under § 620.355?

620.365 What must I do if I learn of information required under § 620.355 after entering into a covered transaction with a higher tier participant?

Subpart D—Responsibilities of National Science Foundation Officials Regarding Transactions

620.400 May I enter into a transaction with an excluded or disqualified person?

620.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?

620.410 May I approve a participant’s use of the services of an excluded person?

620.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?

620.420 May I approve a transaction with an excluded or disqualified person at a lower tier?

620.425 When do I check to see if a person is excluded or disqualified?

620.430 How do I check to see if a person is excluded or disqualified?

620.435 What must I require of a primary tier participant?

620.440 What method do I use to communicate those requirements to participants?

620.445 What action may I take if a primary tier participant knowingly does business with an excluded or disqualified person?

620.450 What action may I take if a primary tier participant fails to disclose the information required under § 620.335?

620.455 What may I do if a lower tier participant fails to disclose the information required under § 620.355 to the next higher tier?

Subpart E—Excluded Parties List System

620.500 What is the purpose of the Excluded Parties List System (EPLS)?

620.505 Who uses the EPLS?

620.510 Who maintains the EPLS?

620.515 What specific information is in the EPLS?

620.520 Who places the information into the EPLS?

620.525 Whom do I ask if I have questions about a person in the EPLS?

620.530 Where can I find the EPLS?

Subpart F—General Principles Relating to Suspension and Debarment Actions

620.600 How do suspension and debarment actions start?

620.605 How does suspension differ from debarment?

620.610 What procedures does the National Science Foundation use in suspension and debarment actions?

620.615 How does the National Science Foundation notify a person of a suspension and debarment action?

620.620 Do Federal agencies coordinate suspension and debarment actions?

620.625 What is the scope of a suspension or debarment action?

620.630 May the National Science Foundation impute the conduct of one person to another?

620.635 May the National Science Foundation settle a debarment or suspension action?

620.640 May a settlement include a voluntary exclusion?

620.645 Do other Federal agencies know if the National Science Foundation agrees to a voluntary exclusion?

Subpart G—Suspension

620.700 When may the suspending official issue a suspension?

620.705 What does the suspending official consider in issuing a suspension?

620.710 When does a suspension take effect?

620.715 What notice does the suspending official give me if I am suspended?

620.720 How may I contest a suspension?

620.725 How much time do I have to contest a suspension?

620.730 What information must I provide to the suspending official if I contest a suspension?

620.735 Under what conditions do I get an additional opportunity to challenge the facts on which the suspension is based?

620.740 Are suspension proceedings formal?

620.745 How is fact-finding conducted?

620.750 What does the suspending official consider in deciding whether to continue or terminate my suspension?

620.755 When will I know whether the suspension is continued or terminated?

620.760 How long may my suspension last?

Subpart H—Debarment

620.800 What are the causes for debarment?

620.805 What notice does the debarring official give me if I am proposed for debarment?

620.810 When does a debarment take effect?

620.815 How may I contest a proposed debarment?

620.820 How much time do I have to contest a proposed debarment?

620.825 What information must I provide to the debarring official if I contest a proposed debarment?

620.830 Under what conditions do I get an additional opportunity to challenge the facts on which the proposed debarment is based?

620.835 Are debarment proceedings formal?

620.840 How is fact-finding conducted?

620.845 What does the debarring official consider in deciding whether to debar me?

620.850 What is the standard of proof in a debarment action?

620.855 Who has the burden of proof in a debarment action?

620.860 What factors may influence the debarring official's decision?

620.865 How long may my debarment last?

620.870 When do I know if the debarring official debars me?

620.875 May I ask the debarring official to reconsider a decision to debar me?

620.880 What factors may influence the debarring official during reconsideration?

620.885 May the debarring official extend a debarment?

Subpart I—Definitions

620.900 Adequate evidence.

620.905 Affiliate.

620.910 Agency.

620.915 Agent or representative.

620.920 Civil judgment.

620.925 Conviction.

620.930 Debarment.

620.935 Debarring official.

620.940 Disqualified.

620.945 Excluded or exclusion.

620.950 Excluded Parties List System.

620.955 Indictment.

620.960 Ineligible or ineligibility.

620.965 Legal proceedings.

620.970 Nonprocurement transaction.

620.975 Notice.

620.980 Participant.

620.985 Person.

620.990 Preponderance of the evidence.

620.995 Principal.

620.1000 Respondent.

620.1005 State.

620.1010 Suspending official.

620.1015 Suspension.

620.1020 Voluntary exclusion or voluntarily excluded.

Subpart J—[Reserved]

Appendix to Part 620—Covered Transactions

Authority: 42 U.S.C. 1870(a); Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235).

■ 2. Part 620 is further amended as set forth below.

■ a. “[Agency noun]” is removed and “National Science Foundation” is added in its place wherever it occurs.

■ b. “[Agency adjective]” is removed and “National Science Foundation” is added in its place wherever it occurs.

■ c. “[Agency head or designee]” is removed and “Director or designee” is added in its place wherever it occurs.

■ 3. Section 620.440 is added to read as follows:

§ 620.440 What method do I use to communicate those requirements to participants?

To communicate the requirements to participants, you must include a term or condition in the transaction requiring the participant's compliance with subpart C of this part and requiring them to include a similar term or condition in lower tier covered transactions.

■ 4. Part 630 is added to read as set forth in instruction 2 at the end of the common preamble.

PART 630—GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

Subpart A—Purpose and Coverage

Sec.

630.100 What does this part do?

630.105 Does this part apply to me?

630.110 Are any of my Federal assistance awards exempt from this part?

630.115 Does this part affect the Federal contracts that I receive?

Subpart B—Requirements for Recipients Other Than Individuals

630.200 What must I do to comply with this part?

630.205 What must I include in my drug-free workplace statement?

630.210 To whom must I distribute my drug-free workplace statement?

630.215 What must I include in my drug-free awareness program?

630.220 By when must I publish my drug-free workplace statement and establish my drug-free awareness program?

630.225 What actions must I take concerning employees who are convicted of drug violations in the workplace?

630.230 How and when must I identify workplaces?

Subpart C—Requirements for Recipients Who Are Individuals

630.300 What must I do to comply with this part if I am an individual recipient?

630.301 [Reserved]

Subpart D—Responsibilities of National Science Foundation Awarding Officials

630.400 What are my responsibilities as a National Science Foundation awarding official?

Subpart E—Violations of This Part and Consequences

630.500 How are violations of this part determined for recipients other than individuals?

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

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

630.515 Are there any exceptions to those actions?

Subpart F—Definitions

630.605 Award.

630.610 Controlled substance.

630.615 Conviction.

630.620 Cooperative agreement.

630.625 Criminal drug statute.

630.630 Debarment.

630.635 Drug-free workplace.

630.640 Employee.

630.645 Federal agency or agency.

630.650 Grant.

630.655 Individual.

630.660 Recipient.

630.665 State.

630.670 Suspension.

Authority: 41 U.S.C. 701 *et seq.*

■ 5. Part 630 is further amended as set forth below.

■ a. “[Agency noun]” is removed and “National Science Foundation” is added in its place wherever it occurs.

■ b. “[Agency adjective]” is removed and “National Science Foundation” is added in its place wherever it occurs.

■ c. “[Agency head or designee]” is removed and “Director or designee” is added in its place wherever it occurs.

■ d. “[Agency head]” is removed and “Director, National Science Foundation” is added in its place wherever it occurs.

■ 6. Section 630.510(c) is further amended by removing “[CFR citation for the Federal Agency’s regulations implementing Executive Order 12549 and Executive Order 12689]” and adding “45 CFR Part 620” in its place.

■ 7. Section 630.605(a)(2) is further amended by removing “[Agency-specific

CFR citation]” and adding “45 CFR Part 602” in its place.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Arts

45 CFR Parts 1154 and 1155

RINS 3135-AA18 and 3135-AA19

FOR FURTHER INFORMATION CONTACT:

Karen Elias, Deputy General Counsel, National Endowment for the Arts, Room 518, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, (202) 682-5418, or by e-mail: eliask@arts.gov.

List of Subjects

45 CFR Part 1154

Administrative practice and procedure, Debarment and suspension, Government contracts, Grant programs, Loan programs, Reporting and recordkeeping requirements.

45 CFR Part 1155

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

Dated: July 15, 2003.

Karen L. Elias,

Deputy General Counsel, National Endowment for the Arts.

■ For the reasons stated in the common preamble, the National Endowment for the Arts amends 45 CFR chapter XI, as follows:

■ 1. Part 1154 is revised to read as set forth in instruction 1 at the end of the common preamble.

PART 1154—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

1154.25 How is this part organized?

1154.50 How is this part written?

1154.75 Do terms in this part have special meanings?

Subpart A—General

1154.100 What does this part do?

1154.105 Does this part apply to me?

1154.110 What is the purpose of the nonprocurement debarment and suspension system?

1154.115 How does an exclusion restrict a person’s involvement in covered transactions?

1154.120 May we grant an exception to let an excluded person participate in a covered transaction?

1154.125 Does an exclusion under the nonprocurement system affect a person’s eligibility for Federal procurement contracts?

1154.130 Does exclusion under the Federal procurement system affect a person’s

eligibility to participate in nonprocurement transactions?

1154.135 May the National Endowment for the Arts exclude a person who is not currently participating in a nonprocurement transaction?

1154.140 How do I know if a person is excluded?

1154.145 Does this part address persons who are disqualified, as well as those who are excluded from nonprocurement transactions?

Subpart B—Covered Transactions

1154.200 What is a covered transaction?

1154.205 Why is it important to know if a particular transaction is a covered transaction?

1154.210 Which nonprocurement transactions are covered transactions?

1154.215 Which nonprocurement transactions are not covered transactions?

1154.220 Are any procurement contracts included as covered transactions?

1154.225 How do I know if a transaction in which I may participate is a covered transaction?

Subpart C—Responsibilities of Participants Regarding Transactions

Doing Business With Other Persons

1154.300 What must I do before I enter into a covered transaction with another person at the next lower tier?

1154.305 May I enter into a covered transaction with an excluded or disqualified person?

1154.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?

1154.315 May I use the services of an excluded person as a principal under a covered transaction?

1154.320 Must I verify that principals of my covered transactions are eligible to participate?

1154.325 What happens if I do business with an excluded person in a covered transaction?

1154.330 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

Disclosing Information—Primary Tier Participants

1154.335 What information must I provide before entering into a covered transaction with the National Endowment for the Arts?

1154.340 If I disclose unfavorable information required under § 1154.335, will I be prevented from participating in the transaction?

1154.345 What happens if I fail to disclose the information required under § 1154.335?

1154.350 What must I do if I learn of the information required under § 1154.335 after entering into a covered transaction with the National Endowment for the Arts?

Disclosing Information—Lower Tier Participants

- 1154.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?
- 1154.360 What happens if I fail to disclose the information required under § 1154.355?
- 1154.365 What must I do if I learn of information required under § 1154.355 after entering into a covered transaction with a higher tier participant?

Subpart D—Responsibilities of NEA Officials Regarding Transactions

- 1154.400 May I enter into a transaction with an excluded or disqualified person?
- 1154.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?
- 1154.410 May I approve a participant's use of the services of an excluded person?
- 1154.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?
- 1154.420 May I approve a transaction with an excluded or disqualified person at a lower tier?
- 1154.425 When do I check to see if a person is excluded or disqualified?
- 1154.430 How do I check to see if a person is excluded or disqualified?
- 1154.435 What must I require of a primary tier participant?
- 1154.440 What method do I use to communicate those requirements to participants?
- 1154.445 What action may I take if a primary tier participant knowingly does business with an excluded or disqualified person?
- 1154.450 What action may I take if a primary tier participant fails to disclose the information required under § 1154.335?
- 1154.455 What may I do if a lower tier participant fails to disclose the information required under § 1154.355 to the next higher tier?

Subpart E—Excluded Parties List System

- 1154.500 What is the purpose of the Excluded Parties List System (EPLS)?
- 1154.505 Who uses the EPLS?
- 1154.510 Who maintains the EPLS?
- 1154.515 What specific information is in the EPLS?
- 1154.520 Who places the information into the EPLS?
- 1154.525 Whom do I ask if I have questions about a person in the EPLS?
- 1154.530 Where can I find the EPLS?

Subpart F—General Principles Relating to Suspension and Debarment Actions

- 1154.600 How do suspension and debarment actions start?
- 1154.605 How does suspension differ from debarment?
- 1154.610 What procedures does the National Endowment for the Arts use in suspension and debarment actions?
- 1154.615 How does the National Endowment for the Arts notify a person of a suspension and debarment action?

- 1154.620 Do Federal agencies coordinate suspension and debarment actions?
- 1154.625 What is the scope of a suspension or debarment action?
- 1154.630 May the National Endowment for the Arts impute the conduct of one person to another?
- 1154.635 May the National Endowment for the Arts settle a debarment or suspension action?
- 1154.640 May a settlement include a voluntary exclusion?
- 1154.645 Do other Federal agencies know if the National Endowment for the Arts agrees to a voluntary exclusion?

Subpart G—Suspension

- 1154.700 When may the suspending official issue a suspension?
- 1154.705 What does the suspending official consider in issuing a suspension?
- 1154.710 When does a suspension take effect?
- 1154.715 What notice does the suspending official give me if I am suspended?
- 1154.720 How may I contest a suspension?
- 1154.725 How much time do I have to contest a suspension?
- 1154.730 What information must I provide to the suspending official if I contest a suspension?
- 1154.735 Under what conditions do I get an additional opportunity to challenge the facts on which the suspension is based?
- 1154.740 Are suspension proceedings formal?
- 1154.745 How is fact-finding conducted?
- 1154.750 What does the suspending official consider in deciding whether to continue or terminate my suspension?
- 1154.755 When will I know whether the suspension is continued or terminated?
- 1154.760 How long may my suspension last?

Subpart H—Debarment

- 1154.800 What are the causes for debarment?
- 1154.805 What notice does the debarring official give me if I am proposed for debarment?
- 1154.810 When does a debarment take effect?
- 1154.815 How may I contest a proposed debarment?
- 1154.820 How much time do I have to contest a proposed debarment?
- 1154.825 What information must I provide to the debarring official if I contest a proposed debarment?
- 1154.830 Under what conditions do I get an additional opportunity to challenge the facts on which the proposed debarment is based?
- 1154.835 Are debarment proceedings formal?
- 1154.840 How is fact-finding conducted?
- 1154.845 What does the debarring official consider in deciding whether to debar me?
- 1154.850 What is the standard of proof in a debarment action?
- 1154.855 Who has the burden of proof in a debarment action?
- 1154.860 What factors may influence the debarring official's decision?

- 1154.865 How long may my debarment last?
- 1154.870 When do I know if the debarring official debars me?
- 1154.875 May I ask the debarring official to reconsider a decision to debar me?
- 1154.880 What factors may influence the debarring official during reconsideration?
- 1154.885 May the debarring official extend a debarment?

Subpart I—Definitions

- 1154.900 Adequate evidence.
- 1154.905 Affiliate.
- 1154.910 Agency.
- 1154.915 Agent or representative.
- 1154.920 Civil judgment.
- 1154.925 Conviction.
- 1154.930 Debarment.
- 1154.935 Debarring official.
- 1154.940 Disqualified.
- 1154.945 Excluded or exclusion.
- 1154.950 Excluded Parties List System.
- 1154.955 Indictment.
- 1154.960 Ineligible or ineligibility.
- 1154.965 Legal proceedings.
- 1154.970 Nonprocurement transaction.
- 1154.975 Notice.
- 1154.980 Participant.
- 1154.985 Person.
- 1154.990 Preponderance of the evidence.
- 1154.995 Principal.
- 1154.1000 Respondent.
- 1154.1005 State.
- 1154.1010 Suspending official.
- 1154.1015 Suspension.
- 1154.1020 Voluntary exclusion or voluntarily excluded.

Subpart J—[Reserved]**Appendix to Part 1154—Covered Transactions**

Authority: Sec. 2455, Pub. L. 103-355, 108 Stat. 3327; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 3 CFR, 1989 Comp., p. 235.

■ 2. Part 1154 is further amended as set forth below.

■ a. “[Agency noun]” is removed and “National Endowment for the Arts” is added in its place wherever it occurs.

■ b. “[Agency adjective]” is removed and “NEA” is added in its place wherever it occurs.

■ c. “[Agency head or designee]” is removed and “NEA Chairman” is added in its place wherever it occurs.

■ 3. Section 1154.440 is added to read as follows:

§ 1154.440 What method do I use to communicate those requirements to participants?

To communicate the requirements to participants, you must include a term or condition in the transaction requiring the participant's compliance with subpart C of this part, and requiring them to include a similar term or condition in lower tier covered transactions.

■ 4. Part 1155 is added to read as set forth in instruction 2 at the end of the common preamble.

PART 1155—GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

Subpart A—Purpose and Coverage

Sec.
1155.100 What does this part do?
1155.105 Does this part apply to me?
1155.110 Are any of my Federal assistance awards exempt from this part?
1155.115 Does this part affect the Federal contracts that I receive?

Subpart B—Requirements for Recipients Other Than Individuals

1155.200 What must I do to comply with this part?
1155.205 What must I include in my drug-free workplace statement?
1155.210 To whom must I distribute my drug-free workplace statement?
1155.215 What must I include in my drug-free awareness program?
1155.220 By when must I publish my drug-free workplace statement and establish my drug-free awareness program?
1155.225 What actions must I take concerning employees who are convicted of drug violations in the workplace?
1155.230 How and when must I identify workplaces?

Subpart C—Requirements for Recipients Who Are Individuals

1155.300 What must I do to comply with this part if I am an individual recipient?
1155.301 [Reserved]

Subpart D—Responsibilities of NEA Awarding Officials

1155.400 What are my responsibilities as an NEA awarding official?

Subpart E—Violations of This Part and Consequences

1155.500 How are violations of this part determined for recipients other than individuals?
1155.505 How are violations of this part determined for recipients who are individuals?
1155.510 What actions will the Federal Government take against a recipient determined to have violated this part?
1155.515 Are there any exceptions to those actions?

Subpart F—Definitions

1155.605 Award.
1155.610 Controlled substance.
1155.615 Conviction.
1155.620 Cooperative agreement.
1155.625 Criminal drug statute.
1155.630 Debarment.
1155.635 Drug-free workplace.
1155.640 Employee.
1155.645 Federal agency or agency.
1155.650 Grant.
1155.655 Individual.
1155.660 Recipient.
1155.665 State.

1155.670 Suspension.

Authority: 41 U.S.C. 701 *et seq.*

■ 5. Part 1155 is further amended as set forth below.

- a. “[Agency noun]” is removed and “National Endowment for the Arts” is added in its place wherever it occurs.
- b. “[Agency adjective]” is removed and “NEA” is added in its place wherever it occurs.
- c. “[Agency head or designee]” is removed and “NEA Chairman” is added in its place wherever it occurs.
- d. “[Agency head]” is removed and “NEA Chairman” is added in its place wherever it occurs.
- 6. Section 1155.510(c) is further amended by removing “[CFR citation for the Federal Agency’s regulations implementing Executive Order 12549 and Executive Order 12689]” and adding “45 CFR Part 1154” in its place.
- 7. Section 1155.605(a)(2) is further amended by removing “[Agency-specific CFR citation]” and adding “45 CFR Part 1157” in its place.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Humanities

45 CFR Part 1169 and 1173

RIN 3136-AA25

FOR FURTHER INFORMATION CONTACT:

Heather C. Gottry, Assistant General Counsel, National Endowment for the Humanities, (202) 606-8300.

List of Subjects

45 CFR Part 1169

Administrative practice and procedure, Debarment and suspension, Grant programs, Reporting and recordkeeping requirements.

45 CFR Part 1173

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

Dated: January 30, 2003.

Michael McDonald,

Deputy General Counsel,

National Endowment for the Humanities.

Accordingly, as set forth in the common preamble, 45 CFR chapter XI is amended as follow:

■ 1. Part 1169 is revised to read as set forth in instruction 1 at the end of the common preamble.

PART 1169—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

1169.25 How is this part organized?
1169.50 How is this part written?
1169.75 Do terms in this part have special meanings?

Subpart A—General

1169.100 What does this part do?
1169.105 Does this part apply to me?
1169.110 What is the purpose of the nonprocurement debarment and suspension system?
1169.115 How does an exclusion restrict a person’s involvement in covered transactions?
1169.120 May we grant an exception to let an excluded person participate in a covered transaction?
1169.125 Does an exclusion under the nonprocurement system affect a person’s eligibility for Federal procurement contracts?
1169.130 Does exclusion under the Federal procurement system affect a person’s eligibility to participate in nonprocurement transactions?
1169.135 May the NEH exclude a person who is not currently participating in a nonprocurement transaction?
1169.140 How do I know if a person is excluded?
1169.145 Does this part address persons who are disqualified, as well as those who are excluded from nonprocurement transactions?

Subpart B—Covered Transactions

1169.200 What is a covered transaction?
1169.205 Why is it important to know if a particular transaction is a covered transaction?
1169.210 Which nonprocurement transactions are covered transactions?
1169.215 Which nonprocurement transactions are not covered transactions?
1169.220 Are any procurement contracts included as covered transactions?
1169.225 How do I know if a transaction in which I may participate is a covered transaction?

Subpart C—Responsibilities of Participants Regarding Transactions

Doing Business With Other Persons

1169.300 What must I do before I enter into a covered transaction with another person at the next lower tier?
1169.305 May I enter into a covered transaction with an excluded or disqualified person?
1169.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?
1169.315 May I use the services of an excluded person as a principal under a covered transaction?
1169.320 Must I verify that principals of my covered transactions are eligible to participate?

1169.325 What happens if I do business with an excluded person in a covered transaction?

1169.330 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

Disclosing Information—Primary Tier Participants

1169.335 What information must I provide before entering into a covered transaction with the NEH?

1169.340 If I disclose unfavorable information required under § 1169.335, will I be prevented from participating in the transaction?

1169.345 What happens if I fail to disclose the information required under § 1169.335?

1169.350 What must I do if I learn of the information required under § 1169.335 after entering into a covered transaction with the NEH?

Disclosing Information—Lower Tier Participants

1169.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?

1169.360 What happens if I fail to disclose the information required under § 1169.355?

1169.365 What must I do if I learn of information required under § 1169.355 after entering into a covered transaction with a higher tier participant?

Subpart D—Responsibilities of NEH Officials Regarding Transactions

1169.400 May I enter into a transaction with an excluded or disqualified person?

1169.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?

1169.410 May I approve a participant's use of the services of an excluded person?

1169.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?

1169.420 May I approve a transaction with an excluded or disqualified person at a lower tier?

1169.425 When do I check to see if a person is excluded or disqualified?

1169.430 How do I check to see if a person is excluded or disqualified?

1169.435 What must I require of a primary tier participant?

1169.440 What method do I use to communicate those requirements to participants?

1169.445 What action may I take if a primary tier participant knowingly does business with an excluded or disqualified person?

1169.450 What action may I take if a primary tier participant fails to disclose the information required under § 1169.335?

1169.455 What may I do if a lower tier participant fails to disclose the information required under § 1169.355 to the next higher tier?

Subpart E—Excluded Parties List System

1169.500 What is the purpose of the Excluded Parties List System (EPLS)?

1169.505 Who uses the EPLS?

1169.510 Who maintains the EPLS?

1169.515 What specific information is in the EPLS?

1169.520 Who places the information into the EPLS?

1169.525 Whom do I ask if I have questions about a person in the EPLS?

1169.530 Where can I find the EPLS?

Subpart F—General Principles Relating to Suspension and Debarment Actions

1169.600 How do suspension and debarment actions start?

1169.605 How does suspension differ from debarment?

1169.610 What procedures does the NEH use in suspension and debarment actions?

1169.615 How does the NEH notify a person of a suspension and debarment action?

1169.620 Do Federal agencies coordinate suspension and debarment actions?

1169.625 What is the scope of a suspension or debarment action?

1169.630 May the NEH impute the conduct of one person to another?

1169.635 May the NEH settle a debarment or suspension action?

1169.640 May a settlement include a voluntary exclusion?

1169.645 Do other Federal agencies know if the NEH agrees to a voluntary exclusion?

Subpart G—Suspension

1169.700 When may the suspending official issue a suspension?

1169.705 What does the suspending official consider in issuing a suspension?

1169.710 When does a suspension take effect?

1169.715 What notice does the suspending official give me if I am suspended?

1169.720 How may I contest a suspension?

1169.725 How much time do I have to contest a suspension?

1169.730 What information must I provide to the suspending official if I contest a suspension?

1169.735 Under what conditions do I get an additional opportunity to challenge the facts on which the suspension is based?

1169.740 Are suspension proceedings formal?

1169.745 How is fact-finding conducted?

1169.750 What does the suspending official consider in deciding whether to continue or terminate my suspension?

1169.755 When will I know whether the suspension is continued or terminated?

1169.760 How long may my suspension last?

Subpart H—Debarment

1169.800 What are the causes for debarment?

1169.805 What notice does the debarring official give me if I am proposed for debarment?

1169.810 When does a debarment take effect?

1169.815 How may I contest a proposed debarment?

1169.820 How much time do I have to contest a proposed debarment?

1169.825 What information must I provide to the debarring official if I contest a proposed debarment?

1169.830 Under what conditions do I get an additional opportunity to challenge the facts on which the proposed debarment is based?

1169.835 Are debarment proceedings formal?

1169.840 How is fact-finding conducted?

1169.845 What does the debarring official consider in deciding whether to debar me?

1169.850 What is the standard of proof in a debarment action?

1169.855 Who has the burden of proof in a debarment action?

1169.860 What factors may influence the debarring official's decision?

1169.865 How long may my debarment last?

1169.870 When do I know if the debarring official debars me?

1169.875 May I ask the debarring official to reconsider a decision to debar me?

1169.880 What factors may influence the debarring official during reconsideration?

1169.885 May the debarring official extend a debarment?

Subpart I—Definitions

1169.900 Adequate evidence.

1169.905 Affiliate.

1169.910 Agency.

1169.915 Agent or representative.

1169.920 Civil judgment.

1169.925 Conviction.

1169.930 Debarment.

1169.935 Debarring official.

1169.940 Disqualified.

1169.945 Excluded or exclusion.

1169.950 Excluded Parties List System.

1169.955 Indictment.

1169.960 Ineligible or ineligibility.

1169.965 Legal proceedings.

1169.970 Nonprocurement transaction.

1169.975 Notice.

1169.980 Participant.

1169.985 Person.

1169.990 Preponderance of the evidence.

1169.995 Principal.

1169.1000 Respondent.

1169.1005 State.

1169.1010 Suspending official.

1169.1015 Suspension.

1169.1020 Voluntary exclusion or voluntarily excluded.

Subpart J—[Reserved]

Appendix to Part 1169—Covered Transactions

Authority: E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12698 (3 CFR, 1989 Comp., p. 235); sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 959(a)(1).

■ 2. Part 1169 is further amended as set forth below.

■ a. “[Agency noun]” is removed and “NEH” is added in its place wherever it occurs.

■ b. “[Agency adjective]” is removed and “NEH” is added in its place wherever it occurs.

■ c. “[Agency head or designee]” is removed and “NEH General Counsel” is added in its place wherever it occurs.

■ 3. Section 1169.440 is added to read as follows:

§ 1169.440 What method do I use to communicate those requirements to participants?

To communicate the requirements, you must include a term or condition in the transaction requiring the participants’ compliance with subpart C of this part and requiring them to include a similar term or condition in lower-tier covered transactions.

■ 4. Part 1173 is added to read as set forth in instruction 2 at the end of the common preamble.

PART 1173—GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

Subpart A—Purpose and Coverage

Sec.

1173.100 What does this part do?

1173.105 Does this part apply to me?

1173.110 Are any of my Federal assistance awards exempt from this part?

1173.115 Does this part affect the Federal contracts that I receive?

Subpart B—Requirements for Recipients Other Than Individuals

1173.200 What must I do to comply with this part?

1173.205 What must I include in my drug-free workplace statement?

1173.210 To whom must I distribute my drug-free workplace statement?

1173.215 What must I include in my drug-free awareness program?

1173.220 By when must I publish my drug-free workplace statement and establish my drug-free awareness program?

1173.225 What actions must I take concerning employees who are convicted of drug violations in the workplace?

1173.230 How and when must I identify workplaces?

Subpart C—Requirements for Recipients Who Are Individuals

1173.300 What must I do to comply with this part if I am an individual recipient?

1173.301 [Reserved]

Subpart D—Responsibilities of NEH Awarding Officials

1173.400 What are my responsibilities as an NEH awarding official?

Subpart E—Violations of This Part and Consequences

1173.500 How are violations of this part determined for recipients other than individuals?

1173.505 How are violations of this part determined for recipients who are individuals?

1173.510 What actions will the Federal Government take against a recipient determined to have violated this part?

1173.515 Are there any exceptions to those actions?

Subpart F—Definitions

1173.605 Award.

1173.610 Controlled substance.

1173.615 Conviction.

1173.620 Cooperative agreement.

1173.625 Criminal drug statute.

1173.630 Debarment.

1173.635 Drug-free workplace.

1173.640 Employee.

1173.645 Federal agency or agency.

1173.650 Grant.

1173.655 Individual.

1173.660 Recipient.

1173.665 State.

1173.670 Suspension.

Authority: 41 U.S.C. 701, *et seq.*; 20 U.S.C. 959(a)(1).

■ 5. Part 1173 is further amended as set forth below.

■ a. “[Agency noun]” is removed and “NEH” is added in its place wherever it occurs.

■ b. “[Agency adjective]” is removed and “NEH” is added in its place wherever it occurs.

■ c. “[Agency head or designee]” is removed and “NEH General Counsel” is added in its place wherever it occurs.

■ d. “[Agency head]” is removed and “NEH General Counsel” is added in its place wherever it occurs.

■ 6. Section 1173.510(c) is further amended by removing “[CFR citation for the Federal agency’s regulations implementing Executive Order 12549 and Executive Order 12689]” and adding “45 CFR Part 1169” in its place.

■ 7. Section 1173.605(a)(2) is further amended by removing “[Agency-specific CFR citation]” and adding “45 CFR Part 1174” in its place.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Institute of Museum and Library Services

45 CFR Parts 1185 and 1186

RIN 3137-AA14

FOR FURTHER INFORMATION CONTACT:

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List of Subjects

45 CFR Part 1185

Administrative practice and procedure, Debarment and suspension, Government contracts, Grant programs, Loan programs, Reporting and recordkeeping requirements.

45 CFR Part 1186

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

Dated: June 6, 2003.

Robert S. Martin,

Director, Institute of Museum and Library Services.

■ For the reasons stated in the preamble, the Institute of Museum and Library Services amends 45 CFR chapter XI, as follows:

■ 1. Part 1185 is revised to read as follows:

PART 1185—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

1185.25 How is this part organized?

1185.50 How is this part written?

1185.75 Do terms in this part have special meanings?

Subpart A—General

1185.100 What does this part do?

1185.105 Does this part apply to me?

1185.110 What is the purpose of the nonprocurement debarment and suspension system?

1185.115 How does an exclusion restrict a person’s involvement in covered transactions?

1185.120 May we grant an exception to let an excluded person participate in a covered transaction?

1185.125 Does an exclusion under the nonprocurement system affect a person’s eligibility for Federal procurement contracts?

1185.130 Does exclusion under the Federal procurement system affect a person’s eligibility to participate in nonprocurement transactions?

1185.135 May the Institute of Museum and Library Services exclude a person who is not currently participating in a nonprocurement transaction?

1185.140 How do I know if a person is excluded?

1185.145 Does this part address persons who are disqualified, as well as those who are excluded from nonprocurement transactions?

Subpart B—Covered Transactions

1185.200 What is a covered transaction?

1185.205 Why is it important to know if a particular transaction is a covered transaction?

1185.210 Which nonprocurement transactions are covered transactions?

- 1185.215 Which nonprocurement transactions are not covered transactions?
- 1185.220 Are any procurement contracts included as covered transactions?
- 1185.225 How do I know if a transaction in which I may participate is a covered transaction?

Subpart C—Responsibilities of Participants Regarding Transactions

Doing Business With Other Persons

- 1185.300 What must I do before I enter into a covered transaction with another person at the next lower tier?
- 1185.305 May I enter into a covered transaction with an excluded or disqualified person?
- 1185.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?
- 1185.315 May I use the services of an excluded person as a principal under a covered transaction?
- 1185.320 Must I verify that principals of my covered transactions are eligible to participate?
- 1185.325 What happens if I do business with an excluded person in a covered transaction?
- 1185.330 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

Disclosing Information—Primary Tier Participants

- 1185.335 What information must I provide before entering into a covered transaction with the Institute of Museum and Library Services?
- 1185.340 If I disclose unfavorable information required under § 1185.335, will I be prevented from participating in the transaction?
- 1185.345 What happens if I fail to disclose the information required under § 1185.335?
- 1185.350 What must I do if I learn of the information required under § 1185.335 after entering into a covered transaction with the Institute of Museum and Library Services?

Disclosing Information—Lower Tier Participants

- 1185.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?
- 1185.360 What happens if I fail to disclose the information required under § 1185.355?
- 1185.365 What must I do if I learn of information required under § 1185.355 after entering into a covered transaction with a higher tier participant?

Subpart D—Responsibilities of Institute of Museum and Library Services Officials Regarding Transactions

- 1185.400 May I enter into a transaction with an excluded or disqualified person?
- 1185.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?

- 1185.410 May I approve a participant's use of the services of an excluded person?
- 1185.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?
- 1185.420 May I approve a transaction with an excluded or disqualified person at a lower tier?
- 1185.425 When do I check to see if a person is excluded or disqualified?
- 1185.430 How do I check to see if a person is excluded or disqualified?
- 1185.435 What must I require of a primary tier participant?
- 1185.440 What method do I use to communicate those requirements to participants?
- 1185.445 What action may I take if a primary tier participant knowingly does business with an excluded or disqualified person?
- 1185.450 What action may I take if a primary tier participant fails to disclose the information required under § 1185.335?
- 1185.455 What may I do if a lower tier participant fails to disclose the information required under § 1185.355 to the next higher tier?

Subpart E—Excluded Parties List System

- 1185.500 What is the purpose of the Excluded Parties List System (EPLS)?
- 1185.505 Who uses the EPLS?
- 1185.510 Who maintains the EPLS?
- 1185.515 What specific information is in the EPLS?
- 1185.520 Who places the information into the EPLS?
- 1185.525 Whom do I ask if I have questions about a person in the EPLS?
- 1185.530 Where can I find the EPLS?

Subpart F—General Principles Relating to Suspension and Debarment Actions

- 1185.600 How do suspension and debarment actions start?
- 1185.605 How does suspension differ from debarment?
- 1185.610 What procedures does the Institute of Museum and Library Services use in suspension and debarment actions?
- 1185.615 How does the Institute of Museum and Library Services notify a person of a suspension and debarment action?
- 1185.620 Do Federal agencies coordinate suspension and debarment actions?
- 1185.625 What is the scope of a suspension or debarment action?
- 1185.630 May the Institute of Museum and Library Services impute the conduct of one person to another?
- 1185.635 May the Institute of Museum and Library Services settle a debarment or suspension action?
- 1185.640 May a settlement include a voluntary exclusion?
- 1185.645 Do other Federal agencies know if the Institute of Museum and Library Services agrees to a voluntary exclusion?

Subpart G—Suspension

- 1185.700 When may the suspending official issue a suspension?

- 1185.705 What does the suspending official consider in issuing a suspension?
- 1185.710 When does a suspension take effect?
- 1185.715 What notice does the suspending official give me if I am suspended?
- 1185.720 How may I contest a suspension?
- 1185.725 How much time do I have to contest a suspension?
- 1185.730 What information must I provide to the suspending official if I contest a suspension?
- 1185.735 Under what conditions do I get an additional opportunity to challenge the facts on which the suspension is based?
- 1185.740 Are suspension proceedings formal?
- 1185.745 How is fact-finding conducted?
- 1185.750 What does the suspending official consider in deciding whether to continue or terminate my suspension?
- 1185.755 When will I know whether the suspension is continued or terminated?
- 1185.760 How long may my suspension last?

Subpart H—Debarment

- 1185.800 What are the causes for debarment?
- 1185.805 What notice does the debarring official give me if I am proposed for debarment?
- 1185.810 When does a debarment take effect?
- 1185.815 How may I contest a proposed debarment?
- 1185.820 How much time do I have to contest a proposed debarment?
- 1185.825 What information must I provide to the debarring official if I contest a proposed debarment?
- 1185.830 Under what conditions do I get an additional opportunity to challenge the facts on which the proposed debarment is based?
- 1185.835 Are debarment proceedings formal?
- 1185.840 How is fact-finding conducted?
- 1185.845 What does the debarring official consider in deciding whether to debar me?
- 1185.850 What is the standard of proof in a debarment action?
- 1185.855 Who has the burden of proof in a debarment action?
- 1185.860 What factors may influence the debarring official's decision?
- 1185.865 How long may my debarment last?
- 1185.870 When do I know if the debarring official debars me?
- 1185.875 May I ask the debarring official to reconsider a decision to debar me?
- 1185.880 What factors may influence the debarring official during reconsideration?
- 1185.885 May the debarring official extend a debarment?

Subpart I—Definitions

- 1185.900 Adequate evidence.
- 1185.905 Affiliate.
- 1185.910 Agency.
- 1185.915 Agent or representative.
- 1185.920 Civil judgment.
- 1185.925 Conviction.

- 1185.930 Debarment.
- 1185.935 Debarring official.
- 1185.940 Disqualified.
- 1185.945 Excluded or exclusion.
- 1185.950 Excluded Parties List System.
- 1185.955 Indictment.
- 1185.960 Ineligible or ineligibility.
- 1185.965 Legal proceedings.
- 1185.970 Nonprocurement transaction.
- 1185.975 Notice.
- 1185.980 Participant.
- 1185.985 Person.
- 1185.990 Preponderance of the evidence.
- 1185.995 Principal.
- 1185.1000 Respondent.
- 1185.1005 State.
- 1185.1010 Suspending official.
- 1185.1015 Suspension.
- 1185.1020 Voluntary exclusion or voluntarily excluded.

Subpart J—[Reserved]

Appendix to Part 1185—Covered Transactions

Authority: 20 U.S.C. 9101 *et seq.*; Sec. 2455 Pub. L. 103–355, 108 Stat. 311867 (31 U.S.C. 6101 note); E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235).

■ 2. Part 1185 is further amended as set forth below.

■ a. “[Agency noun]” is removed and “Institute of Museum and Library Services” is added in its place wherever it occurs.

■ b. “[Agency adjective]” is removed and “IMLS” is added in its place wherever it occurs.

■ c. “[Agency head or designee]” is removed and “Director, Institute of Museum and Library Services” is added in its place wherever it occurs.

■ 3. Section 1185.440 is added to read as follows:

§ 1185.440 What method do I use to communicate those requirements to participants?

To communicate the requirements, you must include a term or condition in the transaction requiring the participant’s compliance with subpart C of this part and requiring them to include a similar term or condition in lower-tier covered transactions.

■ 4. Part 1186 is added to read as set forth in instruction 2 at the end of the common preamble.

PART 1186—GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

Subpart A—Purpose and Coverage

- Sec.
- 1186.100 What does this part do?
- 1186.105 Does this part apply to me?
- 1186.110 Are any of my Federal assistance awards exempt from this part?
- 1186.115 Does this part affect the Federal contracts that I receive?

Subpart B—Requirements for Recipients Other Than Individuals

- 1186.200 What must I do to comply with this part?
- 1186.205 What must I include in my drug-free workplace statement?
- 1186.210 To whom must I distribute my drug-free workplace statement?
- 1186.215 What must I include in my drug-free awareness program?
- 1186.220 By when must I publish my drug-free workplace statement and establish my drug-free awareness program?
- 1186.225 What actions must I take concerning employees who are convicted of drug violations in the workplace?
- 1186.230 How and when must I identify workplaces?

Subpart C—Requirements for Recipients Who Are Individuals

- 1186.300 What must I do to comply with this part if I am an individual recipient?
- 1186.301 [Reserved]

Subpart D—Responsibilities of Institute of Museum and Library Services Awarding Officials

- 1186.400 What are my responsibilities as an Institute of Museum and Library Services awarding official?

Subpart E—Violations of This Part and Consequences

- 1186.500 How are violations of this part determined for recipients other than individuals?
- 1186.505 How are violations of this part determined for recipients who are individuals?
- 1186.510 What actions will the Federal Government take against a recipient determined to have violated this part?
- 1186.515 Are there any exceptions to those actions?

Subpart F—Definitions

- 1186.605 Award.
- 1186.610 Controlled substance.
- 1186.615 Conviction.
- 1186.620 Cooperative agreement.
- 1186.625 Criminal drug statute.
- 1186.630 Debarment.
- 1186.635 Drug-free workplace.
- 1186.640 Employee.
- 1186.645 Federal agency or agency.
- 1186.650 Grant.
- 1186.655 Individual.
- 1186.660 Recipient.
- 1186.665 State.
- 1186.670 Suspension.

Authority: 41 U.S.C. 701 *et seq.*

■ 5. Part 1186 is further amended as set forth below.

■ a. “[Agency noun]” is removed and “Institute of Museum and Library Services” is added in its place wherever it occurs.

■ b. “[Agency adjective]” is removed and “IMLS” is added in its place wherever it occurs.

■ c. “[Agency head or designee]” is removed and “Director, Institute of Museum and Library Services or

designee” is added in its place wherever it occurs.

■ d. “[Agency head]” is removed and “Director, Institute of Museum and Library Services” is added in its place wherever it occurs.

■ 6. Section 1186.510(c) is further amended by removing “[CFR citation for the Federal Agency’s regulations implementing Executive Order 12549 and Executive Order 12689]” and adding “45 CFR Part 1185” in its place.

■ 7. Section 1186.605(a)(2) is further amended by removing “[Agency-specific CFR citation]” and adding “45 CFR Part 1183” in its place.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2542 and 2545

RIN 3045-AA28

FOR FURTHER INFORMATION CONTACT:

Suzanne Dupré, Office of General Counsel, Corporation for National and Community Service, Room 8200, 1201 New York Ave., NW., Washington, DC 20525, (202) 606–5000 ext. 396, e-mail: sdupre@cns.gov.

List of Subjects

45 CFR Part 2542

Administrative practice and procedure, Debarment and suspension, Grant programs, Reporting and recordkeeping requirements.

45 CFR Part 2545

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

Dated: June 27, 2003.

Michelle Guillermin,

Chief Financial Officer, Corporation for National and Community Service.

■ Accordingly, as set forth in the common preamble, the Corporation for National and Community Service amends 45 CFR chapter XXV, as follows:

■ 1. Part 2542 is revised to read as set forth in instruction 1 at the end of the common preamble.

PART 2542—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

- 2542.25 How is this part organized?
- 2542.50 How is this part written?
- 2542.75 Do terms in this part have special meanings?

Subpart A—General

- 2542.100 What does this part do?
- 2542.105 Does this part apply to me?

- 2542.110 What is the purpose of the nonprocurement debarment and suspension system?
- 2542.115 How does an exclusion restrict a person's involvement in covered transactions?
- 2542.120 May we grant an exception to let an excluded person participate in a covered transaction?
- 2542.125 Does an exclusion under the nonprocurement system affect a person's eligibility for Federal procurement contracts?
- 2542.130 Does exclusion under the Federal procurement system affect a person's eligibility to participate in nonprocurement transactions?
- 2542.135 May the Corporation exclude a person who is not currently participating in a nonprocurement transaction?
- 2542.140 How do I know if a person is excluded?
- 2542.145 Does this part address persons who are disqualified, as well as those who are excluded from nonprocurement transactions?

Subpart B—Covered Transactions

- 2542.200 What is a covered transaction?
- 2542.205 Why is it important to know if a particular transaction is a covered transaction?
- 2542.210 Which nonprocurement transactions are covered transactions?
- 2542.215 Which nonprocurement transactions are not covered transactions?
- 2542.220 Are any procurement contracts included as covered transactions?
- 2542.225 How do I know if a transaction in which I may participate is a covered transaction?

Subpart C—Responsibilities of Participants Regarding Transactions

Doing Business With Other Persons

- 2542.300 What must I do before I enter into a covered transaction with another person at the next lower tier?
- 2542.305 May I enter into a covered transaction with an excluded or disqualified person?
- 2542.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?
- 2542.315 May I use the services of an excluded person as a principal under a covered transaction?
- 2542.320 Must I verify that principals of my covered transactions are eligible to participate?
- 2542.325 What happens if I do business with an excluded person in a covered transaction?
- 2542.330 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

Disclosing Information—Primary Tier Participants

- 2542.335 What information must I provide before entering into a covered transaction with the Corporation?
- 2542.340 If I disclose unfavorable information required under § 2542.335,

will I be prevented from participating in the transaction?

- 2542.345 What happens if I fail to disclose the information required under § 2542.335?
- 2542.350 What must I do if I learn of the information required under § 2542.335 after entering into a covered transaction with the Corporation?

Disclosing Information—Lower Tier Participants

- 2542.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?
- 2542.360 What happens if I fail to disclose the information required under § 2542.355?
- 2542.365 What must I do if I learn of information required under § 2542.355 after entering into a covered transaction with a higher tier participant?

Subpart D—Responsibilities of Corporation Officials Regarding Transactions

- 2542.400 May I enter into a transaction with an excluded or disqualified person?
- 2542.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?
- 2542.410 May I approve a participant's use of the services of an excluded person?
- 2542.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?
- 2542.420 May I approve a transaction with an excluded or disqualified person at a lower tier?
- 2542.425 When do I check to see if a person is excluded or disqualified?
- 2542.430 How do I check to see if a person is excluded or disqualified?
- 2542.435 What must I require of a primary tier participant?
- 2542.440 What method do I use to communicate those requirements to participants?
- 2542.445 What action may I take if a primary tier participant knowingly does business with an excluded or disqualified person?
- 2542.450 What action may I take if a primary tier participant fails to disclose the information required under § 2542.335?
- 2542.455 What may I do if a lower tier participant fails to disclose the information required under § 2542.355 to the next higher tier?

Subpart E—Excluded Parties List System

- 2542.500 What is the purpose of the Excluded Parties List System (EPLS)?
- 2542.505 Who uses the EPLS?
- 2542.510 Who maintains the EPLS?
- 2542.515 What specific information is in the EPLS?
- 2542.520 Who places the information into the EPLS?
- 2542.525 Whom do I ask if I have questions about a person in the EPLS?
- 2542.530 Where can I find the EPLS?

Subpart F—General Principles Relating to Suspension and Debarment Actions

- 2542.600 How do suspension and debarment actions start?
- 2542.605 How does suspension differ from debarment?
- 2542.610 What procedures does the Corporation use in suspension and debarment actions?
- 2542.615 How does the Corporation notify a person of a suspension and debarment action?
- 2542.620 Do Federal agencies coordinate suspension and debarment actions?
- 2542.625 What is the scope of a suspension or debarment action?
- 2542.630 May the Corporation impute the conduct of one person to another?
- 2542.635 May the Corporation settle a debarment or suspension action?
- 2542.640 May a settlement include a voluntary exclusion?
- 2542.645 Do other Federal agencies know if the Corporation agrees to a voluntary exclusion?

Subpart G—Suspension

- 2542.700 When may the suspending official issue a suspension?
- 2542.705 What does the suspending official consider in issuing a suspension?
- 2542.710 When does a suspension take effect?
- 2542.715 What notice does the suspending official give me if I am suspended?
- 2542.720 How may I contest a suspension?
- 2542.725 How much time do I have to contest a suspension?
- 2542.730 What information must I provide to the suspending official if I contest a suspension?
- 2542.735 Under what conditions do I get an additional opportunity to challenge the facts on which the suspension is based?
- 2542.740 Are suspension proceedings formal?
- 2542.745 How is fact-finding conducted?
- 2542.750 What does the suspending official consider in deciding whether to continue or terminate my suspension?
- 2542.755 When will I know whether the suspension is continued or terminated?
- 2542.760 How long may my suspension last?

Subpart H—Debarment

- 2542.800 What are the causes for debarment?
- 2542.805 What notice does the debarring official give me if I am proposed for debarment?
- 2542.810 When does a debarment take effect?
- 2542.815 How may I contest a proposed debarment?
- 2542.820 How much time do I have to contest a proposed debarment?
- 2542.825 What information must I provide to the debarring official if I contest a proposed debarment?
- 2542.830 Under what conditions do I get an additional opportunity to challenge the facts on which the proposed debarment is based?
- 2542.835 Are debarment proceedings formal?

- 2542.840 How is fact-finding conducted?
 2542.845 What does the debarring official consider in deciding whether to debar me?
 2542.850 What is the standard of proof in a debarment action?
 2542.855 Who has the burden of proof in a debarment action?
 2542.860 What factors may influence the debarring official's decision?
 2542.865 How long may my debarment last?
 2542.870 When do I know if the debarring official debars me?
 2542.875 May I ask the debarring official to reconsider a decision to debar me?
 2542.880 What factors may influence the debarring official during reconsideration?
 2542.885 May the debarring official extend a debarment?

Subpart I—Definitions

- 2542.900 Adequate evidence.
 2542.905 Affiliate.
 2542.910 Agency.
 2542.915 Agent or representative.
 2542.920 Civil judgment.
 2542.925 Conviction.
 2542.930 Debarment.
 2542.935 Debarring official.
 2542.940 Disqualified.
 2542.945 Excluded or exclusion.
 2542.950 Excluded Parties List System.
 2542.955 Indictment.
 2542.960 Ineligible or ineligibility.
 2542.965 Legal proceedings.
 2542.970 Nonprocurement transaction.
 2542.975 Notice.
 2542.980 Participant.
 2542.985 Person.
 2542.990 Preponderance of the evidence.
 2542.995 Principal.
 2542.1000 Respondent.
 2542.1005 State.
 2542.1010 Suspending official.
 2542.1015 Suspension.
 2542.1020 Voluntary exclusion or voluntarily excluded.

Subpart J—[Reserved]

Appendix to Part 2542—Covered Transactions

Authority: 42 U.S.C. 12651(c); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235).

- 2. Part 2542 is further amended as set forth below.
 ■ a. “[Agency noun]” is removed and “Corporation” is added in its place wherever it occurs.
 ■ b. “[Agency adjective]” is removed and “Corporation” is added in its place wherever it occurs.
 ■ c. “[Agency head or designee]” is removed and “Corporation Chief Executive Officer or designee” is added in its place wherever it occurs.
 ■ 3. Section 2542.440 is added to read as follows:

§ 2542.440 What method do I use to communicate those requirements to participants?

To communicate the requirements, you must include a term or condition in the transaction requiring the participant's compliance with subpart C of this part and requiring them to include a similar term or condition in lower-tier covered transactions.

- 4. Part 2545 is added to read as set forth in instruction 2 at the end of the common preamble.

PART 2545—GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

Subpart A—Purpose and Coverage

Sec.

- 2545.100 What does this part do?
 2545.105 Does this part apply to me?
 2545.110 Are any of my Federal assistance awards exempt from this part?
 2545.115 Does this part affect the Federal contracts that I receive?

Subpart B—Requirements for Recipients Other Than Individuals

- 2545.200 What must I do to comply with this part?
 2545.205 What must I include in my drug-free workplace statement?
 2545.210 To whom must I distribute my drug-free workplace statement?
 2545.215 What must I include in my drug-free awareness program?
 2545.220 By when must I publish my drug-free workplace statement and establish my drug-free awareness program?
 2545.225 What actions must I take concerning employees who are convicted of drug violations in the workplace?
 2545.230 How and when must I identify workplaces?

Subpart C—Requirements for Recipients Who Are Individuals

- 2545.300 What must I do to comply with this part if I am an individual recipient?
 2545.301 [Reserved]

Subpart D—Responsibilities of Corporation Awarding Officials

- 2545.400 What are my responsibilities as a Corporation awarding official?

Subpart E—Violations of This Part and Consequences

- 2545.500 How are violations of this part determined for recipients other than individuals?
 2545.505 How are violations of this part determined for recipients who are individuals?
 2545.510 What actions will the Federal Government take against a recipient determined to have violated this part?
 2545.515 Are there any exceptions to those actions?

Subpart F—Definitions

- 2545.605 Award.
 2545.610 Controlled substance.

- 2545.615 Conviction.
 2545.620 Cooperative agreement.
 2545.625 Criminal drug statute.
 2545.630 Debarment.
 2545.635 Drug-free workplace.
 2545.640 Employee.
 2545.645 Federal agency or agency.
 2545.650 Grant.
 2545.655 Individual.
 2545.660 Recipient.
 2545.665 State.
 2545.670 Suspension.

Authority: 41 U.S.C. 701, *et seq.*; 42 U.S.C. 12644 and 12651(c).

- 5. Part 2545 is further amended as set forth below.
 ■ a. “[Agency noun]” is removed and “Corporation” is added in its place wherever it occurs.
 ■ b. “[Agency adjective]” is removed and “Corporation” is added in its place wherever it occurs.
 ■ c. “[Agency head or designee]” is removed and “Corporation Chief Executive Officer or designee” is added in its place wherever it occurs.
 ■ d. “[Agency head]” is removed and “Corporation Chief Executive Officer” is added in its place wherever it occurs.
 ■ 6. Section 2545.510(c) is further amended by removing “[CFR citation for the Federal Agencies’ regulations implementing Executive Order 12549 and Executive Order 12689]” and adding “45 CFR Part 2542” in its place.
 ■ 7. Section 2545.605(a)(2) is further amended by removing “[Agency-specific CFR citation]” and adding “45 CFR Part 2541” in its place.

DEPARTMENT OF TRANSPORTATION

49 CFR Parts 29 and 32

RIN 2105-AD07

FOR FURTHER INFORMATION CONTACT:

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List of Subjects

49 CFR Part 29

Administrative practice and procedure, Government contracts, Grant programs, Loan programs, Reporting and recordkeeping requirements.

49 CFR Part 32

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

Dated: August 12, 2003.

Norman Y. Mineta,
Secretary of Transportation.

■ For the reasons stated in the common preamble, the Department of Transportation amends 49 CFR subtitle A, as follows:

■ 1. Part 29 is revised to read as set forth in instruction 1 at the end of the common preamble.

**PART 29—GOVERNMENTWIDE
DEBARMENT AND SUSPENSION
(NONPROCUREMENT)**

Sec.

29.25 How is this part organized?

29.50 How is this part written?

29.75 Do terms in this part have special meanings?

Subpart A—General

29.100 What does this part do?

29.105 Does this part apply to me?

29.110 What is the purpose of the nonprocurement debarment and suspension system?

29.115 How does an exclusion restrict a person's involvement in covered transactions?

29.120 May we grant an exception to let an excluded person participate in a covered transaction?

29.125 Does an exclusion under the nonprocurement system affect a person's eligibility for Federal procurement contracts?

29.130 Does exclusion under the Federal procurement system affect a person's eligibility to participate in nonprocurement transactions?

29.135 May DOT exclude a person who is not currently participating in a nonprocurement transaction?

29.140 How do I know if a person is excluded?

29.145 Does this part address persons who are disqualified, as well as those who are excluded from nonprocurement transactions?

Subpart B—Covered Transactions

29.200 What is a covered transaction?

29.205 Why is it important to know if a particular transaction is a covered transaction?

29.210 Which nonprocurement transactions are covered transactions?

29.215 Which nonprocurement transactions are not covered transactions?

29.220 Are any procurement contracts included as covered transactions?

29.225 How do I know if a transaction in which I may participate is a covered transaction?

**Subpart C—Responsibilities of Participants
Regarding Transactions Doing Business
With Other Persons**

29.300 What must I do before I enter into a covered transaction with another person at the next lower tier?

29.305 May I enter into a covered transaction with an excluded or disqualified person?

29.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?

29.315 May I use the services of an excluded person as a principal under a covered transaction?

29.320 Must I verify that principals of my covered transactions are eligible to participate?

29.325 What happens if I do business with an excluded person in a covered transaction?

29.330 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

**Disclosing Information—Primary Tier
Participants**

29.335 What information must I provide before entering into a covered transaction with DOT?

29.340 If I disclose unfavorable information required under § 29.335, will I be prevented from participating in the transaction?

29.345 What happens if I fail to disclose the information required under § 29.335?

29.350 What must I do if I learn of the information required under § 29.335 after entering into a covered transaction with DOT?

**Disclosing Information—Lower Tier
Participants**

29.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?

29.360 What happens if I fail to disclose the information required under § 29.355?

29.365 What must I do if I learn of information required under § 29.355 after entering into a covered transaction with a higher tier participant?

**Subpart D—Responsibilities of DOT
Officials Regarding Transactions**

29.400 May I enter into a transaction with an excluded or disqualified person?

29.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?

29.410 May I approve a participant's use of the services of an excluded person?

29.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?

29.420 May I approve a transaction with an excluded or disqualified person at a lower tier?

29.425 When do I check to see if a person is excluded or disqualified?

29.430 How do I check to see if a person is excluded or disqualified?

29.435 What must I require of a primary tier participant?

29.440 What method do I use to communicate those requirements to participants?

29.445 What action may I take if a primary tier participant knowingly does business with an excluded or disqualified person?

29.450 What action may I take if a primary tier participant fails to disclose the information required under § 29.335?

29.455 What may I do if a lower tier participant fails to disclose the information required under § 29.355 to the next higher tier?

Subpart E—Excluded Parties List System

29.500 What is the purpose of the Excluded Parties List System (EPLS)?

29.505 Who uses the EPLS?

29.510 Who maintains the EPLS?

29.515 What specific information is in the EPLS?

29.520 Who places the information into the EPLS?

29.525 Whom do I ask if I have questions about a person in the EPLS?

29.530 Where can I find the EPLS?

**Subpart F—General Principles Relating to
Suspension and Debarment Actions**

29.600 How do suspension and debarment actions start?

29.605 How does suspension differ from debarment?

29.610 What procedures does DOT use in suspension and debarment actions?

29.615 How does DOT notify a person of a suspension and debarment action?

29.620 Do Federal agencies coordinate suspension and debarment actions?

29.625 What is the scope of a suspension or debarment action?

29.630 May DOT impute the conduct of one person to another?

29.635 May DOT settle a debarment or suspension action?

29.640 May a settlement include a voluntary exclusion?

29.645 Do other Federal agencies know if DOT agrees to a voluntary exclusion?

Subpart G—Suspension

29.700 When may the suspending official issue a suspension?

29.705 What does the suspending official consider in issuing a suspension?

29.710 When does a suspension take effect?

29.715 What notice does the suspending official give me if I am suspended?

29.720 How may I contest a suspension?

29.725 How much time do I have to contest a suspension?

29.730 What information must I provide to the suspending official if I contest a suspension?

29.735 Under what conditions do I get an additional opportunity to challenge the facts on which the suspension is based?

29.740 Are suspension proceedings formal?

29.745 How is fact-finding conducted?

29.750 What does the suspending official consider in deciding whether to continue or terminate my suspension?

29.755 When will I know whether the suspension is continued or terminated?

29.760 How long may my suspension last?

Subpart H—Debarment

29.800 What are the causes for debarment?

29.805 What notice does the debarring official give me if I am proposed for debarment?

29.810 When does a debarment take effect?

29.815 How may I contest a proposed debarment?

29.820 How much time do I have to contest a proposed debarment?

- 29.825 What information must I provide to the debarring official if I contest a proposed debarment?
- 29.830 Under what conditions do I get an additional opportunity to challenge the facts on which the proposed debarment is based?
- 29.835 Are debarment proceedings formal?
- 29.840 How is fact-finding conducted?
- 29.845 What does the debarring official consider in deciding whether to debar me?
- 29.850 What is the standard of proof in a debarment action?
- 29.855 Who has the burden of proof in a debarment action?
- 29.860 What factors may influence the debarring official's decision?
- 29.865 How long may my debarment last?
- 29.870 When do I know if the debarring official debars me?
- 29.875 May I ask the debarring official to reconsider a decision to debar me?
- 29.880 What factors may influence the debarring official during reconsideration?
- 29.885 May the debarring official extend a debarment?

Subpart I—Definitions

- 29.900 Adequate evidence.
- 29.905 Affiliate.
- 29.910 Agency.
- 29.915 Agent or representative.
- 29.920 Civil judgment.
- 29.925 Conviction.
- 29.930 Debarment.
- 29.935 Debarring official.
- 29.940 Disqualified.
- 29.945 Excluded or exclusion.
- 29.950 Excluded Parties List System.
- 29.955 Indictment.
- 29.960 Ineligible or ineligibility.
- 29.965 Legal proceedings.
- 29.970 Nonprocurement transaction.
- 29.975 Notice.
- 29.980 Participant.
- 29.985 Person.
- 29.990 Preponderance of the evidence.
- 29.995 Principal.
- 29.1000 Respondent.
- 29.1005 State.
- 29.1010 Suspending official.
- 29.1015 Suspension.
- 29.1020 Voluntary exclusion or voluntarily excluded.

Subpart J—[Reserved]

Appendix to Part 29—Covered Transactions

Authority: Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 11738 (3 CFR, 1973 Comp., p. 799); E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235).

- 2. Part 29 is further amended as set forth below.
- a. “[Agency noun]” is removed and “Department of Transportation” is added in its place wherever it occurs.
- b. [Agency adjective]” is removed and “DOT” is added in its place wherever it occurs.
- c. “[Agency head or designee]” is removed and “debaring or suspending

official” is added in its place wherever it occurs.

■ 3. Section 29.120 is further amended by adding a paragraph (c) to read as follows:

§ 29.120 May we grant an exception to an excluded person to participate in a covered transaction?

* * * * *

(c) A debarring or suspending official may grant exceptions and make written determinations under this section.

■ 4. Section 29.440 is added to read as follows:

§ 29.440 What method do I use to communicate those requirements to participants?

To communicate the requirement you must include a term or condition in the transaction requiring the participants’ compliance with subpart C of this part and requiring them to include a similar term or condition in lower-tier covered transactions.

■ 5. Section 29.520 is further amended by removing the period at the end of paragraph (c)(4) and adding a semicolon, and adding a paragraph (d) to read as follows:

§ 29.520 Who places the information into the EPLS?

* * * * *

(d) The DOT official’s Operating Administration code, as follows: United States Coast Guard [DOT–USCG]; Federal Aviation Administration [DOT–FAA]; Federal Highway Administration [DOT–FHWA]; Federal Motor Carrier Safety Administration [DOT–FMCSA]; Federal Railway Administration [DOT–FRA]; Federal Transit Administration [DOT–FTA]; National Highway Traffic Safety Administration [DOT–NHTSA]; Research and Special Programs [DOT–RSPA]; Maritime Administration [DOT–MARAD]; and DOT (general) [DOT–OST].

■ 6. Section 29.935 is further amended adding a paragraph (b) to read as follows:

§ 29.935 Debarring official.

* * * * *

(b) For DOT “debaring official” means the designated head of a DOT operating administration, who may delegate any of his or her functions under this part and authorize successive delegations.

■ 7. Section 29.1010 is further amended adding a paragraph (b) to read as follows:

§ 29.1010 Suspending official.

* * * * *

(b) For DOT “suspending official” means the designated head of a DOT operating administration, who may

delegate any of his or her functions under this part and authorize successive delegations.

■ 8. Part 32 is added to read as set forth in instruction 2 at the end of the common preamble.

PART 32—GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

Subpart A—Purpose and Coverage

- Sec.
- 32.100 What does this part do?
- 32.105 Does this part apply to me?
- 32.110 Are any of my Federal assistance awards exempt from this part?
- 32.115 Does this part affect the Federal contracts that I receive?

Subpart B—Requirements for Recipients Other Than Individuals

- 32.200 What must I do to comply with this part?
- 32.205 What must I include in my drug-free workplace statement?
- 32.210 To whom must I distribute my drug-free workplace statement?
- 32.215 What must I include in my drug-free awareness program?
- 32.220 By when must I publish my drug-free workplace statement and establish my drug-free awareness program?
- 32.225 What actions must I take concerning employees who are convicted of drug violations in the workplace?
- 32.230 How and when must I identify workplaces?

Subpart C—Requirements for Recipients Who Are Individuals

- 32.300 What must I do to comply with this part if I am an individual recipient?
- 32.301 [Reserved]

Subpart D—Responsibilities of DOT Awarding Officials

- 32.400 What are my responsibilities as a DOT awarding official?

Subpart E—Violations of This Part and Consequences

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

Subpart F—Definitions

- 32.605 Award.
- 32.610 Controlled substance.
- 32.615 Conviction.
- 32.620 Cooperative agreement.
- 32.625 Criminal drug statute.
- 32.630 Debarment.
- 32.635 Drug-free workplace.
- 32.640 Employee.
- 32.645 Federal agency or agency.

- 32.650 Grant.
- 32.655 Individual.
- 32.660 Recipient.
- 32.665 State.
- 32.670 Suspension.

Authority: 41 U.S.C. 701 *et seq.*

- 9. Part 32 is further amended as set forth below.
- a. “[Agency noun]” is removed and “Department of Transportation” is added in its place wherever it occurs.

- b. “[Agency adjective]” is removed and “DOT” is added in its place wherever it occurs.
- c. “[Agency head or designee]” is removed and “Secretary of Transportation” is added in its place wherever it occurs.
- d. “[Agency head]” is removed and “Secretary of Transportation” is added in its place wherever it occurs.
- 10. Section 32.510 (c) is further amended by removing “CFR citation for the Federal Agency’s regulations implementing Executive Order 12549

and Executive Order 12689” and adding “49 CFR Part 29” in its place.

- 11. Section 32.605(a)(2) is further amended by removing “[Agency-specific CFR citation]” and adding “49 CFR Part 18” in its place.

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