

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.	
1008.600	Purpose.
1008.605	Definitions.
1008.610	Coverage.
1008.615	Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
1008.620	Effect of violation.
1008.625	Exception provision.
1008.630	Certification requirements and procedures.
1008.635	Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 1008—Certification Regarding Drug-Free Workplace Requirements

Cross Reference: See also Office of Management and Budget notice published at 75 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. 5061a(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. Eyrd, Office of General Counsel, Department of Housing and Urban Development, Room 10266, 451 Seventh Street, SW., Washington, DC 20410. (202) 755-9856 (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. Dell'Obvi,

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. 5151-5150, Drug-Free Workplace Act of 1988 (Pub. L. 100-690 Title V, Subtitle D, 41 U.S.C. 701 et seq.); sec. 71d), Department of Housing and Urban Development Act (42 U.S.C. 3356(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. 1416-80]

RIN 1121-AA14

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

ADDITIONAL SUPPLEMENTARY INFORMATION: Notices of convictions as described in § 87.635 (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. 4711, *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)

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| 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. 352-358.

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)

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| 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. 5151-5180 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. 95-534, 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) 586-9618.

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. 5151-5180 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. 5151-5180 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 3836, GSA Regional Office Building No. 3), Washington, DC 20202-4700, 202-732-7400 (FTS 732-7400), 202-708-5530 (FTS 458-5530) after May 8, 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. 8), 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 programs 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 13, 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 874).

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 subcontractor 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. 5151–5180 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, 1227e-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**38 CFR Part 1209**

RIN 3095-AA44

FOR FURTHER INFORMATION CONTACT: John Constance or Nancy Allard at 202-561-5110 (FTS 241-5110).

List of Subjects in 38 CFR Part 1209

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

Title 38 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 38 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.	Purpose.
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. 2104(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.	Purpose.
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. 130 et seq.; 15 U.S.C. 2501 et seq.; 20 U.S.C. 9011 et seq.; 33 U.S.C. 1251 et seq.; 42 U.S.C. 380f, 4901, 6901 et seq.

2. Subpart F and Appendix C to part 105 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—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. 456(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 1080-AA28

FOR FURTHER INFORMATION CONTACT: Cecel 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 Gailegos,
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. 3151-3160 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. 96-302; 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) 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) * * *

(2) 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 sanctions for convictions of criminal drug offenses.

(a) * * *

(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-AB59

FOR FURTHER INFORMATION CONTACT: Arthur E. Curry, Chief, Policy Division, Office of the Comptroller, (302) 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. 12548; 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. 12548; 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, 357-7890.

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; 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.); 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 3136-AA05

FOR FURTHER INFORMATION CONTACT: Lorry Boden, Grants Officer, 202-683-4305.

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 1185—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. 961-98, 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. 7060.

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 2018

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

List of Subjects in 45 CFR Part 2018

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. Atberton,

Staff Director and Director of Education.

Accordingly, the interim final rule amending 45 CFR part 2018 which was published at 54 FR 4947 on January 31, 1989, is adopted as a final rule with the following changes:

PART 2018—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 2018 continues to read as follows:

Authority: Public Law 96-101, 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 2018 are revised to read as set forth at the end of the common preamble.

Subpart F—Drug-Free Workplace Requirements (Grants)

Sec.	
2018.600	Purpose.
2018.605	Definitions.
2018.610	Coverage.
2018.615	Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
2018.620	Effect of violation.
2018.625	Exception provision.
2018.630	Certification requirements and procedures.
2018.635	Reporting of and employee sanctions for convictions of criminal drug offenses.

Appendix C to Part 2018—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, 202-365-9306.

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. 5151-5180 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.

[FR Doc. 90-11589 Filed 5-24-90; 8:45 am]

BILLING CODES 3410-90-M; 5450-01-M; 5025-01-M;
7510-01-M; 3810-02-M; 4710-24-M; 8115-01-M; 5051-
01-M; 3230-01-M; 7025-01-M; 6117-01-M; 4210-02-M;
4410-18-M; 4510-23-M; 8372-01-M; 4810-15-M; 3810-01-
M; 4000-01-M; 7515-01-M; 8032-01-M; 6580-80-M; 9820-
81-M; 4310-PP-M; 6715-01-M; 4150-04-M; 7535-01-M;
7537-01-M; 7538-01-M; 7038-01-M; 9050-28-M; 5340-01-
M; 4810-62-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATIONNATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Parts 1, 9, 23, 42, and 52

[Federal Acquisition Circular 84-57]

RIN 9000-AC98

Federal Acquisition Regulation (FAR);
Drug-Free Workplace Act of 1988

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: Federal Acquisition Circular (FAC) 84-57 amends the Federal Acquisition Regulation (FAR) to implement the Drug Free Workplace Act of 1988 (Pub. L. 100-690). The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are issuing this final rule to adopt and amend the interim rule (FAC 84-43) published in the Federal Register on January 31, 1989 (54 FR 4967). The Act requires that certain contractors certify that they will maintain a drug-free workplace.

DATE: *Effective Date:* July 24, 1990. This rule applies to contracts awarded on or after that date, and for modifications awarded on or after that date which require a justification and approval (see subpart 6.3).

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 501-4755. Please cite Federal Acquisition Circular 84-57.

SUPPLEMENTARY INFORMATION:**A. Background**

The FAR revisions included in this final rule implement the Drug-Free Workplace Act of 1988 (Pub. L. 100-690) and are applicable to all Federal agencies. Generally, all offerors on contracts expected to equal or exceed \$25,000 will be required to certify that they will maintain a drug-free workplace by—

- (1) Publishing a statement notifying employees that drug abuse in the workplace is prohibited;
- (2) Establishing an ongoing, drug-free awareness program to inform its employees of the dangers of drug abuse, the contractor's drug-free workplace policy, the availability of drug counseling programs, and the possible

penalties for drug abuse violations occurring in the workplace;

(3) Requiring each employee directly involved in the performance of a Government contract to notify the employer of any criminal drug statute conviction for a violation occurring in the workplace, and requiring the contractor to so notify the Government;

(4) Requiring the imposition of sanctions or remedial measures for an employee convicted of a drug abuse violation in the workplace; and

(5) Continuing, in good faith, to comply with the above requirements.

With respect to contractors consisting of only one individual, regardless of the dollar value of the contract, the regulation requires the individual to certify that he/she will not engage in unlawful conduct related to controlled substances in the workplace. Development or promulgation of a drug-free awareness program is not required for contractors consisting of only one individual. The agencies intend that a "principal investigator," in a research or similar contract, be viewed as an individual only if the contract is awarded directly to the investigator.

The regulation also provides various remedies to the Government for a contractor's false certification, violation of the certification, or failure to make a good faith effort to provide a drug-free workplace program. The remedies provided are suspension of payments, termination of the contract for default, and suspension or debarment of the contractor.

B. Paperwork Reduction Act

This final rule is deemed to contain information collection requirements. Public comments concerning the information collection requirement pertaining to the interim rule were previously invited in the Federal Register on January 23, 1989. The Office of Management and Budget, pursuant to 5 CFR part 1320, granted approval for a paperwork collection requirement under OMB Control Number 9000-0101. However, the information collection requirements in this final rule remain unchanged.

C. Regulatory Flexibility Act

It is expected that this final rule will have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.). A Final Regulatory Flexibility Act Analysis has been prepared and will be submitted to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Final Regulatory Flexibility Act

Analysis is available from the FAP Secretariat upon request.

D. Public Comments

An interim rule was published in the Federal Register on January 31, 1989 (54 FR 4967), and the comments received were considered in the development of this final rule.

List of Subjects in 48 CFR Parts 1, 9, 23, 42, and 52

Government procurement.

Dated: May 16, 1990.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Federal Acquisition Circular

(Number 84-57)

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 84-57 is effective July 24, 1990, for contracts awarded on or after that date which require a justification and approval (see subpart 6.3).

(The provisions of the interim rule remain in effect until the effective date of this rule.)

Eleanor Spector,

Deputy Assistant Secretary of Defense for Procurement, DoD.

Richard H. Hopf,

Associate Administrator for Acquisition Policy, GSA.

S. J. Evans,

Assistant Administrator for Procurement, NASA.

Federal Acquisition Circular (FAC) 84-57 amends the Federal Acquisition Regulation (FAR) as specified below:

Item 1—Drug-Free Workplace

FAR 9.405(a), 9.406-1(c), 9.406-2(b) and (d), 9.406-4(a), 9.407-2(a), 23.501, 23.503, 23.504, 23.505, 23.506, and 42.302 are revised, and a provision at 52.223-5, and a clause at 52.223-6 are revised to implement the Drug-Free Workplace Act of 1988 (Pub. L. 100-690). The Act was passed to ensure that Government contractors establish and maintain a drug-free workplace. As of March 13, 1989, the regulations require Government contractors, including 8(a) contractors, to certify, in order to be eligible for award, that they will provide a drug-free workplace through certain enumerated acts. The Act provides specified remedies to the Government for failure of the contractor to comply. Special rules apply to contracts with individuals.

This requirement is effective July 24, 1990, for contracts awarded on or after that date and for modifications awarded

on or after that date which require a justification and approval (see subpart 9.3). Until the effective date of this final rule, the provisions of the interim rule remain in effect.

Accordingly, the interim rule amending 48 CFR parts 1, 9, 23, and 52, which was published at 54 FR 4967-4971 on January 31, 1989, is adopted as a final rule with the following changes which includes a change to part 42:

1. The authority citation for 48 CFR parts 1, 9, 23, 42 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

PART 9—CONTRACTOR QUALIFICATIONS

§ 9.405 (Amended)

2. Section 9.405 is amended by removing in paragraph (a), at the end of the first sentence, the parenthetical phrase "(see 9.405-2, 9.406-1(c), and 9.407-1(d))" and inserting in its place the parenthetical phrase "(see 9.405-2, 9.406-1(c), 9.407-1(d), and 23.506(e))".

3. Section 9.406-1 is amended by revising paragraph (c) to read as follows:

§ 9.406-1 General.

(c) A contractor's debarment shall be effective throughout the executive branch of the Government, unless an acquiring agency's head or a designee (except see 23.506(e)) states in writing the compelling reasons justifying continued business dealings between that agency and the contractor.

§ 9.406-2 (Amended)

4. Section 9.406-2 is amended by adding in paragraph (b)(2)(iii), at the end of the sentence, the parenthetical reference "(see 23.504)".

5. Section 9.406-4 is amended by revising in paragraph (a), the third sentence to read as follows:

§ 9.406-4 Period of debarment.

(a) * * * If suspension precedes a debarment, the suspension period shall be considered in determining the debarment period.

9.407-2 (Amended)

6. Section 9.407-2 is amended by adding in paragraph (a)(4)(iii), at the end of the sentence, the parenthetical reference "(see 23.504)".

PART 23—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

7. Section 23.501 is amended by revising the introductory text and paragraph (c) to read as follows:

23.501 Applicability.

This subpart applies to all contracts, including contracts with 8(a) contractors under FAR subpart 19.9 and modifications which require a justification and approval (see subpart 8.3) except—

(c) Contracts by law enforcement agencies, if the head of the law enforcement agency or designee involved determines that application of this subpart would be inappropriate in connection with the law enforcement agency's undercover operations; or

8. Section 23.503 is amended by revising the definitions "Drug-free workplace" and "Employee" to read as follows:

23.503 Definitions.

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

Employee means an employee of a contractor directly engaged in the performance of work under a Government contract. "Directly engaged" is defined to include all direct cost employees and any other contract employee who has other than a minimal impact or involvement in contract performance.

9. Section 23.504 is amended by revising the introductory text of paragraph (a)(2); by revising paragraphs (a)(4), (a)(5), and (a)(6); and by adding paragraph (d) to read as follows:

23.504 Policy.

(a) * * *

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

(4) Notifying all employees in writing in the statement required by subparagraph (a)(1) of this section, that as a condition of employment on a covered contract, the employee will—

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

(ii) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than 5 calendar days after such conviction.

(5) Notifying the contracting officer in writing within 10 calendar days after receiving notice under subdivision (a)(4)(ii) of this section, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee;

(6) Within 30 calendar days after receiving notice under subparagraph (a)(4) of this section of a conviction, taking one of the following actions with respect to any employee who is convicted of a drug abuse violation occurring in the workplace:

(d) For a contract of 30 days or more performance duration, the contractor shall comply with the provisions of paragraph (a) of this section within 30 calendar days after contract award, unless the contracting officer agrees in writing that circumstances warrant a longer period of time to comply. Before granting such an extension, the contracting officer shall consider such factors as the number of contractor employees at the worksite, whether the contractor has or must develop a drug-free workplace program, and the number of contractor worksites. For contracts of less than 30 days performance duration, the contractor shall comply with the provisions of paragraph (a) of this section as soon as possible, but in any case, by a date prior to when performance is expected to be completed.

10. Section 23.505 is revised to read as follows:

23.505 Solicitation provision and contract clause.

(a) Contracting officers shall insert the provision at 52.223-5, Certification Regarding A Drug-Free Workplace, except as provided in paragraph (c) of this section, in solicitations—

(1) Of any dollar value if the contract is expected to be awarded to an individual; or

(2) Expected to equal or exceed \$25,000, if the contract is expected to be awarded to other than an individual.

(b) Contracting officers shall insert the clause at 52.223-5, Drug-Free Workplace, in solicitations and contracts described in paragraph (a) of this section unless the conditions of paragraph (c) of this section apply.

(c) Contracting officers shall not insert the provision at 52.223-5, Certification Regarding A Drug-Free Workplace, or

the clause at 52.223-6. Drug-Free Workplace, in solicitations or contracts, if—

(1) The resultant contract is to be performed entirely outside of the United States, its territories, and its possessions;

(2) The resultant contract is for law enforcement agencies, and the head of the law enforcement agency or designee involved determines that application of the requirements of this subpart would be inappropriate in connection with the law enforcement agency's undercover operations; or

(3) Inclusion of these requirements would be inconsistent with the international obligations of the United States or with the laws and regulations of a foreign country.

23.505 [Amended]

11. Section 23.505 is amended in paragraph (e) by removing in the first sentence the word "subpart" and inserting in its place the word "section".

PART 42—CONTRACT ADMINISTRATION

Section 42.302 is amended by adding paragraph (a)(66) to read as follows:

42.302 Contract administration functions.

(a) * * * (66) Determine that the contractor has a drug-free workplace program and drug free awareness program (see subpart 42.5).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

13. Section 52.223-5 is amended in the clause by removing in the title of the provision the date "(March 1989)" and inserting in its place the date "(JUL 1990)"; by revising in paragraph (a) the definitions "Drug-free workplace" and "Employee"; by revising the introductory text of paragraphs (b), (b)(3), and (b)(6); and by revising paragraphs (b)(4), (b)(5), and (e) to read as follows:

52.223-5 Certification Regarding A Drug-Free Workplace.

(a) * * *

"Drug-free workplace" means the site(s) for the performance of work done by the Contractor in connection with a specific contract at which employees of the

Contractor are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

"Employee" means an employee of a Contractor directly engaged in the performance of work under a Government contract. "Directly engaged" is defined to include all direct cost employees and any other Contractor employee who has other than a minimal impact or involvement in contract performance.

(b) By submission of its offer, the offeror, if other than an individual, who is making an offer that equals or exceeds \$25,000, certifies and agrees, that with respect to all employees of the offeror to be employed under a contract resulting from this solicitation, it will—no later than 30 calendar days after contract award (unless a longer period is agreed to in writing), for contracts of 30 calendar days or more performance duration; or as soon as possible for contracts of less than 30 calendar days performance duration, but in any case, by a date prior to when performance is expected to be completed—

(2) Establish an ongoing drug-free awareness program to inform such employees about—

(4) Notify such employees in writing in the statement required by subparagraph (b)(1) of this provision that, as a condition of continued employment on the contract resulting from this solicitation, the employee will—

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

(ii) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than 5 calendar days after such conviction;

(5) Notify the Contracting Officer in writing within 30 calendar days after receiving notice under subdivision (b)(4)(i) of this provision, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee; and

(6) Within 30 calendar days after receiving notice under subdivision (b)(4)(ii) of this provision of a conviction, take one of the following actions with respect to any employee who is convicted of a drug abuse violation occurring in the workplace—

(e) In addition to other remedies available to the Government, the certification in paragraphs (b) or (c) of this provision concerns a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

14. Section 52.223-6 is amended in the introductory text by removing the

reference "23.505(c)" and inserting in its place "23.505(b)"; in the title of the clause by removing the date "(Mar. 1989)" and inserting in its place "(JUL 1990)"; by revising in paragraph (a) the definitions "Drug-free workplace" and "Employee"; by revising the introductory text of paragraphs (b), (b)(2), and (b)(6); by revising paragraphs (b)(4), (b)(5), and (d) to read as follows:

52.223-6 Drug-Free Workplace.

(a) * * *

"Drug-free workplace" means the site(s) for the performance of work done by the Contractor in connection with a specific contract at which employees of the Contractor are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

"Employee" means an employee of a Contractor directly engaged in the performance of work under a Government contract. "Directly engaged" is defined to include all direct cost employees and any other Contractor employee who has other than a minimal impact or involvement in contract performance.

(b) The Contractor, if other than an individual, shall—within 30 calendar days after award (unless a longer period is agreed to in writing for contracts of 30 calendar days or more performance duration); or as soon as possible for contracts of less than 30 calendar days performance duration—

(2) Establish an ongoing drug free awareness program to inform such employees about—

(4) Notify such employees in writing in the statement required by subparagraph (b)(1) of this clause that, as a condition of continued employment on this contract, the employee will—

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

(ii) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than 5 calendar days after such conviction.

(5) Notify the Contracting Officer in writing within 30 calendar days after receiving notice under subdivision (b)(4)(i) of this clause, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee;

(6) Within 30 calendar days after receiving notice under subdivision (b)(4)(ii) of this clause of a conviction, take one of the following actions with respect to any

employee who is convicted of a drug abuse violation occurring in the workplace:

* * * * *

(d) In addition to other remedies available to the Government, the Contractor's failure to comply with the requirements of paragraphs (b) or (c) of this clause may, pursuant to FAR 23.508, render the Contractor subject to suspension of contract payments, termination of the contract for default, and suspension or debarment.

* * * * *

[FR Doc. 90-11723 Filed 5-24-90; 8:45 am]
BILLING CODE 4820-34-M



U.S. Department of the Interior
Certification Regarding
Drug-Free Workplace Requirements

This certification is required by the regulations implementing the drug-free workplace requirements for Federal grant recipients under the Drug-Free Workplace Act of 1988 (43 CFR Part 12, Subpart D). A copy of the regulation is available from the issuing office.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or 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 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.

Name and Title of Authorized Representative

Signature _____

Date _____

Instructions for Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the Certification Regarding Drug-Free Workplace Requirements.
2. This certification 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 workplaces 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).

Draw

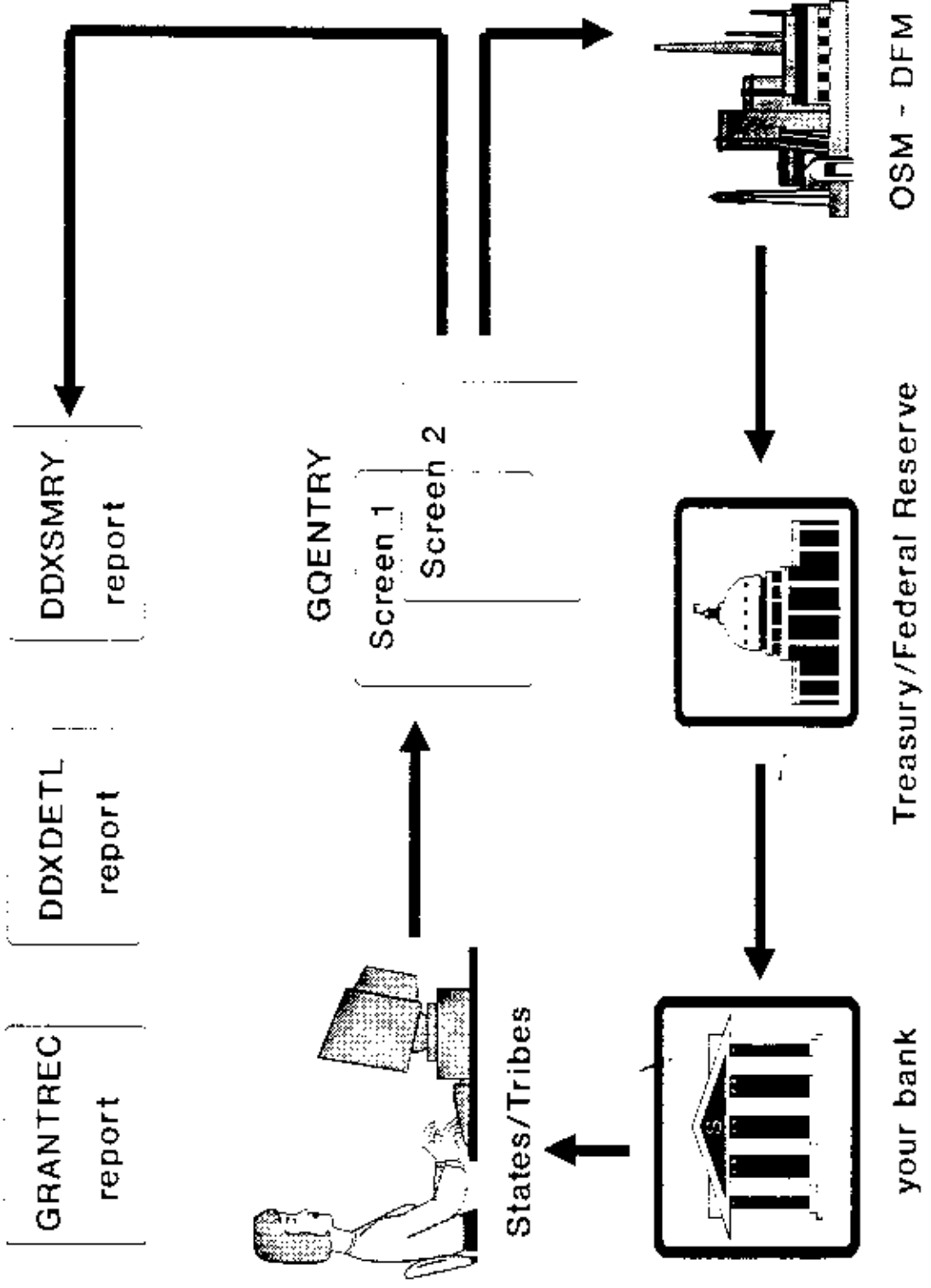
Down

Xpress

Part of the ABACIS Service Network

**Division of Financial Management
Office of Surface Mining Reclamation and Enforcement**





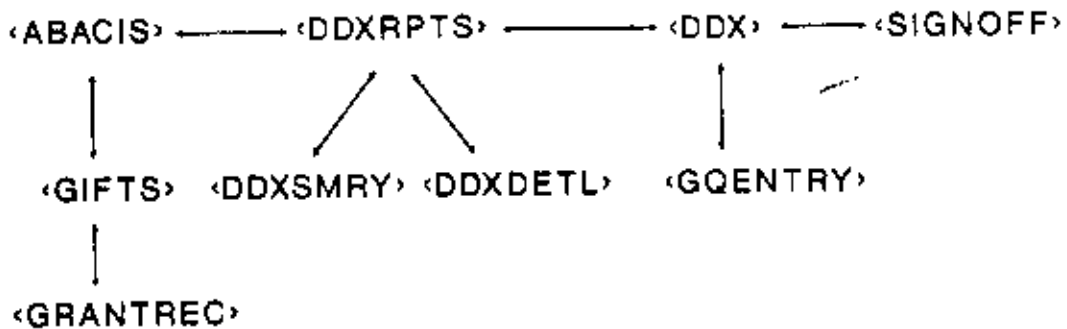


DDX Page Directory

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Subsystem Hierarchy

The system is arranged in the following hierarchy. To move down through the hierarchy, type the name of the subsystem you wish to move to. To move up the hierarchy, type // and press [enter].



Introduction

This manual was written to help you request drawdowns and maintain grant records in your office through the DrawDown Express (DDX) system. DDX is a subsystem of ABACIS, OSM's accounting system located on a Hewlett Packard 3000 computer in the Division of Financial Management (DFM), Denver, Colorado. Accessing the ABACIS Service Network will allow you to view summary information by grant for awards in your State/Tribe and to access DDX.

You should have received and installed the Reflection software that connects your PC to the HP 3000. If you are having difficulty with the dial-up procedures call DFM at (303) 236-0324 or FTS 776-0324.

For further instructions and requirements, refer to the Federal Assistance Manual (FAM), chapter 1-102.

DDX Features

Press [F2] for help.
[Cap Locks] should be on.
// moves you back one step in the menu hierarchy.
Press [F1] to print your screen at any time.

Do not post until you have entered both Screen 1 and 2.

OSM will not process your request until you have entered POST in the action field.

Do not use the \$ sign, comma or decimal point when keying in amounts.

Use the [+] key on your numerical key pad in the DOCUMENT MENU screen and SCREENS 1 and 2. Use [Enter] all other times.

You have 3 options in the ACTION field: POST, CANCEL, SUSPENSE

```
SIGNOFF
[enter]
[enter]
```

```
NO CARRIER
[F10]
[F8]
[F8]
```


Logon Instructions

Enter the ABACIS system by typing either ABACIS or R1 at the C: prompt or by selecting the ABACIS system from your main menu. After Reflection has initiated the dial-up, you may have to press the [enter] key to receive the colon (:) prompt. Your responses are in bold type under Screen Simulation.

Instructions

Screen Simulation

At the C: prompt, invoke the Reflection software to dial the ABACIS Service Network by typing

C: **R1**
or
C: **ABACIS**

or by choosing the ABACIS system from your menu.

Once you have successfully entered the ABACIS system the messages to the right will appear on your screen.

(Your state) Office
Reconfiguration modem for use by Reflection.
Dialing/connecting to Tymnet.
Connecting to Geonet.
Connecting to HP-3000 (ABACIS).

Some of you may see something like this:

LOG ON WITH:
HELLO username.OSMRE;TERM=24
:

(Your city and state)
++ +ATHO
OK
ATZ
OK
ATDT8,304,345,9999
CONNECT
x x x xx'x x' x'x x xx x x
-3661:01-006-
please log in

You must work in capital letters in ABACIS. Press the [Caps Lock] key.

[Caps Lock]

Instructions**Screen Simulation**

Fill in the user identification assigned to you by OSM. The example is for Mary. At the colon prompt(:) type

```
:HELLO MARY.OSMRE;TERM=24 [enter]
```

If you do not type your user identification in quickly, you may be disconnected from the system.

After you press [enter] the computer will ask you for two passwords: your account password and your user password.

You should have received these passwords from the Division of Financial Management.

```
ENTER ACCOUNT (OSMRE) PASSWORD:  
[enter]
```

Press [enter] after typing each password.

```
ENTER USER (ID) PASSWORD: [enter]
```

Copyright and computer security warnings will appear on the screen. The message also gives times when ABACIS will not be available due to daily back-up of the system. Please take note of these times.

After the messages, the screen will prompt you to choose the option you want.

The following options are available to you:

```
ENTER <ABACIS> <DDX> <DDXRPTS>  
<HELP> <SIGNOFF>
```

Enter the subsystem you need by typing the word without carrots (<>) and press enter.

For further instructions on using these options, see the page directory and hierarchy on page 1.

Printing Instructions

To print a paper copy of the DDX reports, depress the function keys following these steps:

- Step 1. F10 (once)
- Step 2. F1 (twice)
- Step 3. F3 (once)
- Step 4. Press the [enter] key

This series of keystrokes will initialize your printer. Perform these keystrokes whenever you want a paper copy. If you want a record of your work, initialize your printer at the beginning of the session.

Signoff Instructions

Type // and press [enter] until you see the <SIGNOFF> option on your menu. See page 1 for a graphic display of the hierarchy.

Instructions	Screen Simulation
If you want to disconnect the system type	SIGNOFF [enter]
The system will ask you to sign in and give your user name. Ignore the message and continue to press [enter] 7 to 10 times until the system says NO CARRIER.	[enter] [enter] NO CARRIER
Press the [F10] key once and press the [F8] key twice to leave the Reflection software and return to your C: prompt or main menu.	[F10] [F8] [F8]

DDX

Use DDX and the GOENTRY option to enter requests for grant drawdowns. Contact (303) 236-0343, DFM, for processing cutoff times and current projections for payment receipt. Check with your bank for their deposit policy to find out when funds will be available to you.

Instructions

When the computer asks you to make your choice of functions the screen will give you this message:

Type DDX and press the [enter] key.

After you have entered DDX, the screen will prompt you with more choices:

Go to the GOENTRY section of this manual for continued instructions.

Screen Simulation

The following options are available to you:

Enter

<ABACIS> <DDX> <DDXRPTS>
<SIGNOFF> <HELP> <//>

DDX [enter]

The following options are available to you

Enter

<//> <GOENTRY> <HELP>

Caution:

Once you have entered the GOENTRY screen you must use the [+] key on the numerical key board to transmit data to ABACIS (see the keyboard below). The regular [enter] key will have no effect in the DDX system.

Use the [Tab] key, shifted [Tab] key or the arrow keys to move around on a screen.



GQENTRY

The GQENTRY option allows you to request a drawdown or modify a drawdown that was requested earlier and left in suspense.

Remember to use the [+] key on your numerical key pad after you have finished entering all the data on the screen. Use the [Tab] key, shifted [Tab] key or the arrow keys to move around on the screen without disturbing your data.

Instructions

Screen Simulation

From the DD screen type GQENTRY and press the [enter] key.

GQENTRY [enter]

This command will take you to the document screen pictured on the right where you will indicate whether you are entering a new request or modifying a request left in suspense. Instructions for each follow.

ACTION: [+]
DOCUMENT MENU DOCUMENT NUMBER []
Press F2 for help.

New Grant Request

Instructions

Screen Simulation

If you want to request a new drawdown, type ADD where it says ACTION and press the [+] key. The cursor will rest on the DOCUMENT NUMBER field for just a moment.

ACTION: **ADD** [+]

Don't touch the keys. Wait until GRANT DRAWDOWN EXPRESS SCREEN 1 appears on your monitor. See the section GRANT DRAWDOWN EXPRESS SCREEN 1 on page 9 for further instructions on entering a new request.

Use the [F2] key to access a help screen from anywhere in the entry screens.

Changing a Request in Suspense

Instructions

Screen Simulation

If you want to review or modify a request made earlier, press [Tab] in the ACTION field.

The [Tab] moves the cursor to the item that says DOCUMENT NUMBER. Type in the GQ document number previously assigned to this request and press the [+] key.

The computer will take you to the next screen called GRANT DRAWDOWN EXPRESS - SCREEN 1

ACTION: [Tab]
DOCUMENT NUMBER: GQ000111
Press F2 for help.

See "Changing a Request in Suspense" on page 11 for continued instructions on changing your grant request.

GRANT DRAWDOWN EXPRESS - SCREEN 1

Whether you are adding a new drawdown request or changing an existing drawdown request, you will use the GRANT DRAWDOWN EXPRESS - SCREEN 1 and SCREEN 2. SCREEN 2 shows the details of the Total Amount Requested on SCREEN 1.

New Grant Request

If you initiate a new drawdown request in the DOCUMENT MENU screen by typing ADD and pressing the [+] key, you will see the following screen.

GRANT DRAWDOWN EXPRESS - SCREEN 1	
	ACTION:
Status: Suspense	Document Number: GQnnnnnn
Date: today's date	Grantee Name: your State/Tribe
Letter-of-Credit Number: your #	Grant Request Number:
Remarks:	_____
Total Amount Requested	DDX Operator (signature)

	Authorizing Official (signature)

The cursor will rest in the field identified as "ACTION" located in the upper right-hand corner of your screen. Skip this field for now by pressing the [Tab] key.

Notice that the Status field indicates that this drawdown is in suspense. The status will continue to be suspense until you either post or cancel this request. The Document Number field reflects the document number assigned to this drawdown by the computer. **Make a note of this GQ document number on your documents.**

Some of the information is entered automatically for you, and some information you must enter. The instructions begin on the next page.

Instructions**Screen Simulation**

Tab through the field already filled in for you.	ACTION [tab] Date: <i>today's date</i> [tab] Grantee Name: <i>your State/Tribe</i> [tab]
Your letter-of-credit number will automatically appear in this field.	Letter-of-Credit Number: 1418nnnn [tab]
This field is optional.	Grantee Request Number: [tab]
The Remarks field is also optional.	Remarks: [tab]
Enter the total amount* of this request and press the [+] key located on the numeric key pad.	Total Amount Requested: 2000 [+]

* The system does not recognize decimal points or dollar signs. Enter the total dollars and cents. The last two digits will always be read as cents. For example, 2000 in this field will actually be \$20.00.

As soon as you press the [+] key you will receive an error message at the top of your screen. Even if you have filled-in everything correctly, you will see the following error message:

<DX26> Grant lines do not equal total requested amount.

If you have no other error messages, go on to GRANT DRAWDOWN EXPRESS SCREEN 2 by pressing the [F3] key and turn to page 12.

Error Messages

This error message is telling you that the total on SCREEN 2 does not equal the total on SCREEN 1. You must enter the details of the request in SCREEN 2 before they will balance. The message is removed when you go on to Screen - 2. Do not be concerned with it at this time.

If any other message appears, make the indicated corrections and press the [+] key. The system will not allow you to go on unless the information is consistent with the internal checks in the system. If you do not understand the error message, call OSM/DFM at (303) - 236-0343.

Signatures

Notice on Screen 1 the lines available for signatures. These lines are for your office use. Use this screen as an authorization form, print a copy of the screen and have the authorized personnel sign off on the request. Press the [F1] key to print this document at any time.

Changing a Request in Suspense

To change an existing request that has not been posted, follow the instructions on page 7 that tell you how to begin by entering the document number in the DOCUMENT MENU screen. Screen 1 will appear on your monitor.

GRANT DRAWDOWN EXPRESS - SCREEN 1	
	ACTION: [tab]
Status: Suspense	Document Number: GQnnnnnn
Date: 09/22/90	Grantee Name: your State/Tribe
Letter-of-Credit Number: your #	Grant Request Number: 03
Remarks: on hold	_____
Total Amount Requested:	DDX Operator (signature)

	Authorizing Official (signature)

All the information should be as you entered it when this request was an **ADD** to the DDX system. Make your changes, press the [+] key to send them to ABACIS and go on to Screen 2 by pressing the [F3] key.

If you have no changes, go to Screen 2 before trying to **POST** the request.

GRANT DRAWDOWN EXPRESS SCREEN - 2

Screen 2 contains the details of the drawdown request entered in Screen 1. In Screen 2, specify which grant(s) the funds should be applied. Notice that Screen 2 displays the same status and document number that appeared on Screen 1. (See page 9 for a simulation of the Screen 1.)

Instructions	Screen Simulation
Press [Tab] to bypass the action field for now.	ACTION: [Tab]
In the first column, enter the grant number for the grant you wish to draw from.	GR000048 [Tab]
In the second column, enter a five-digit number. If your grant has no projects or sub-accounts, enter five zeros.	00000 [Tab]
Enter the amount (including cents but without the decimal point) in the third column.	500000 [Tab]
The computer assumes a + for your request, therefore, you will just press [Tab] in the fourth column. If you are transferring funds between grants see "Transferring Funds" on page 13.	[Tab]
After you have made all your entries, press the [+] key to balance the entries with the total amount requested on Screen 1.	[+]
If you have no error messages, you may post the request. Type POST in the ACTION field and press [+].	ACTION: POST

*** Once you have posted a request, it cannot be changed**

GRANT DRAWDOWN EXPRESS - SCREEN 2			
Status: Suspense		ACTION: POST	
		Document Number: GQ000111	
Grant Number	Grant Project Number	Amount	+,-
GR000048	00000	500000	
GR000049	00000	250000	

PAGE 01 of 10

If you are finished and want to SIGNOFF the system, review the signoff procedures on page 5.

Other Possibilities

If you are not ready to POST the request as shown above, you have several other options. You can CANCEL the request completely, or you can put the document in SUSPENSE.

SUSPENSE - If you put the document in suspense you can come back to it later and make modifications and/or post it.

CANCEL - If you cancel the request, the document number is void and can no longer be used.

POST - Once you post a document you cannot change it. Make any corrections on subsequent requests.

Be sure to press the [+] key after entering the correct option.

You can post, cancel or suspend a request from either Screen 1 or Screen 2 providing there are no error messages.

Possible Problems

The total negative and positive entries must balance with the total requested on Screen 1. If they do not balance, you will not be able to post the request.

If you need more space to make entries, Screen 2 continues for nine more screens or pages allowing up to 100 lines of detail. Use the [F5] and [F6] keys to page through the nine screens to review your entries (F5 pages backward, F6 pages forward).

After you have entered either POST, SUSPENSE or CANCEL, the cursor will run down to the end of the fourth column and rest there until ABACIS can accept the entry. Do not press any keys until the monitor shows a new DOCUMENT MENU screen. If you try to hurry the system by pressing [enter], [+] or any other key, you may lock up your keyboard.

Changing a Grant Request in Screen 2

You cannot post from Screen 1 until after you have entered Screen 2. After making the necessary changes on Screen 1, press F3 to move to Screen 2.

If nothing has changed on Screen 2 or you are finished making changes, press the [+] key to reach the ACTION field. Here you can either POST, CANCEL or return this request to SUSPENSE by typing those words in the ACTION field. Press the [+] key and wait for the screen to return you to the DOCUMENT MENU screen.

At this point, you can enter a new request, modify an existing request in suspense, return to a posted request for printing, leave the DDX system or go back one more menu to the options screen (by entering //).

Transferring Funds

Remember, you cannot modify a posted grant request, you must create a new request to make any changes.

In the +,- column on Screen 2, the computer assumes a plus (+) transaction if you [Tab] through the field. If you wish to have a negative draw for a grant, enter a minus (-) sign in this column.

In no case can the net amount on Screen 2 be different from the total amount requested on Screen 1. In addition, the total amount requested on Screen 1 must be a positive amount.

DDXRPTS

The DDXRPTS option is the pathway to generate DDX Reports. You can choose between two reports:

DDXSMRY displays a summary of your grant requests
DDXDETL displays the details of each grant request.

DDXSMRY

The DDXSMRY report displays a summary of your grant requests (see the DDX hierarchy on page 1 to see how to enter this subsystem).

Instructions

Screen Simulation

To generate a summary of your DDX grant requests choose the DDXSMRY option. Your screen will look like the figure on the right. The items in bold represent your responses to the prompts.

Enter your LOC number and the beginning and ending dates to capture and display the drawdown activity that took place during this time period.

```
DDXSMRY
Enter Letter of Credit Number, or //
to end.
14180000
Enter Beginning Date (MMDDYY)
or // to end.
110190
Enter Ending Date (MMDDYY) or //
to end.
110290
```

See page 5 for printing instructions.

Use the Grant Drawdown Summary report to:

- determine total cash receipts for a given period of time.
- find a document number previously put in suspense.
- see if a request has been transferred from pending to approved.
- satisfy internal/external auditor requests.

DDXDETL

The DDXDETL report displays the details of your grant requests (see the hierarchy on page 1 to see how to enter this subsystem).

Instructions

Screen Simulation

The entry screen for a Grant Drawdown Detail is the same as the one shown for the Summary except that you request a DDXDETL instead of a DDXSMRY.

Enter your LOC number and the activity dates you want included on this report.

```
DDXDETL
Enter Letter of Credit Number, or //
to end.
14180000
Enter Beginning Date (MMDDYY)
or // to end.
110190
Enter Ending Date (MMDDYY) or //
to end.
110290
```

See page 5 for printing instructions.

Note: The system prints the details of each grant request on a separate page, therefore, you must either print a copy of the report or you can scroll through the report on your screen. Press the [Ctrl] and an arrow key at the same time to scroll through the report.

Use the Grant Drawdown Detail Report to:

- review the grant and sub-account detail of a drawdown request.
- keep in your files as a record.
- do a drawdown analysis (Field Offices).
- satisfy internal/external auditor requests.

GRANTREC

GRANTREC provides award, cost and drawdown information by grant.

Grantees and Field Offices can access grant level and sub-account information via GRANTREC. Information for drawdowns at the letter-of-credit level are accessed via DDXRPTS (previous pages).

GRANTREC is accessed through GIFTS and will query the user for necessary information.

(1) ENTER - the grant number you wish to review or <///> to exit.

If there are project numbers, the system will query for that number and ask how the information should be presented:

(2) ENTER - the project number you wish to review, ALL, or <///> to exit.

(3) Do you wish to review the information by grant <G> or project <P>?

If there are no project numbers under this grant, the system will jump to this question without asking numbers 2 and 3.

(4) ENTER - (S) for a summary total, (D) for a detail report, or <///> or exit.

By determining whether you want a summary report or a detail report, GRANTREC can allow the user to view four different types of reports:

Project Level Summary

```
GRANT NUMBER:      GR097172                TUE, MAR 19, 1991,  8:42 AM
GRANT PERIOD:      02/19/90 THRU 01/31/93
LDC NUMBER:        14180470
GRANTEE NAME:      ILLINOIS-470
PROJECT NUMBER:    17069
PROJECT NAME:      FAIRVIEW COLLIERIES
PROJECT TYPE:      4
ACTIVITY CODE:     21

      DATE                AWARDS                COSTS                DRAWS                BALANCE
=====                -
PROJECT TOTAL>      320,000.00          262,912.64          251,255.70          38,744.30
UNPOSTED DRAWS>                                18,343.06
```

Project Level Detail

GRANT NUMBER: GR097172 TUE, MAR 19, 1991, 8:41 AM
 GRANT PERIOD: 02/19/90 THRU 01/31/93
 LOC NUMBER: 14180470
 GRANTEE NAME: ILLINOIS-470
 PROJECT NUMBER: 17369
 PROJECT NAME: FAIRVIEW COLLIERIES
 PROJECT TYPE: A
 ACTIVITY CODE: 21

DATE	AWARDS	COSTS	DRAWS	BALANCE
02/27/90	320,000.00			320,000.00
07/25/90			87,750.00	232,250.00
08/14/90			14,389.55	217,860.45
08/31/90			.01	217,860.45
09/11/90			54,769.40	163,091.05
09/25/90			32,712.50	130,378.55
10/24/90			765.30	129,613.25
11/06/90			15,722.67	113,890.59
11/20/90			45,976.53	67,914.06
12/07/90			10,826.70	57,087.36
01/25/91		262,912.64		57,087.36
01/31/91			10,228.30	46,859.06
02/07/91			8,114.76	38,744.30
PROJECT TOTAL>	320,000.00	262,912.64	281,255.73	38,744.30

Grant Level Summary

GRANT NUMBER: GR097172 TUE, MAR 19, 1991, 8:41 AM
 GRANT PERIOD: 02/19/90 THRU 01/31/93
 LOC NUMBER: 14180470
 GRANTEE NAME: ILLINOIS-470

DATE	AWARDS	COSTS	DRAWS	BALANCE
GRAND TOTAL>	10,159,000.00	5,602,402.93	6,319,896.34	4,139,103.66
UNCOSTED DRAWS>		417,493.41		

To STOP printing, depress F3.

Grant Level Detail

GRANT NUMBER: GR097172 TUE, MAR 19, 1991, 8:17 AM
 GRANT PERIOD: 02/19/90 THRU 01/31/93
 LOC NUMBER: 14180470
 GRANTEE NAME: ILLINOIS 470

DATE	AWARDS	COSTS	DRAWS	BALANCE
02/27/90	9,909,000.00			9,909,000.00
04/17/90				9,909,000.00
04/24/90			13,205.13	9,895,794.87
04/26/90	250,000.00			10,145,794.87
05/22/90			35,526.72	10,110,268.15
05/30/90			11,500.00	9,998,768.15
06/05/90			90,886.50	9,907,881.65
06/19/90			126,920.02	9,780,961.63
06/26/90			27,639.84	9,753,321.79
07/06/90			20,073.94	9,733,247.85
07/12/90			377,106.77	9,356,141.08
07/17/90			152,778.90	9,203,362.18
07/25/90			149,912.84	9,053,449.34
07/27/90		405,678.21		9,053,449.34
08/01/90			32,283.28	9,021,166.06
08/07/90			137,782.84	8,883,383.22
08/14/90			252,628.75	8,630,754.47
08/20/90			124,084.88	8,506,669.59
08/24/90			18,247.59	8,488,422.00
08/27/90			167,534.98	8,320,887.02
08/31/90			24,438.95	8,296,448.07
09/11/90			163,466.90	8,132,981.17
09/18/90			321,807.95	7,811,173.22
09/25/90			753,486.51	7,057,686.71
09/27/90			378,635.89	6,679,050.82
10/03/90			5,691.06	6,673,359.76
10/11/90			122,009.82	6,551,349.94
10/16/90			82,623.45	6,468,726.49
10/24/90			292,850.82	6,175,875.67
10/30/90			86,830.02	6,089,045.65
11/06/90			40,177.43	6,048,868.22
11/13/90			257,644.01	5,791,224.21
11/20/90			433,181.86	5,358,042.35
11/29/90			25,347.65	5,332,694.70
12/03/90			290,500.08	5,042,194.62
12/07/90			168,845.12	4,873,349.50
12/14/90			63,284.52	4,810,064.98
12/19/90			243,447.91	4,566,617.07
01/02/91			8,993.92	4,557,623.15
01/11/91			82,593.90	4,475,029.25
01/17/91			104,797.53	4,370,231.72
01/25/91		5,196,724.72		4,363,507.00
01/31/91			16,623.85	4,346,883.15
02/07/91			96,812.03	4,250,071.12
02/22/91			26,156.80	4,223,914.32
03/11/91			61,815.39	4,162,098.93
03/15/91			29,699.98	4,132,398.95
GRAND TOTAL>	10,159,000.00	5,602,402.93	6,019,896.34	4,139,103.66
UNCOSTED DRAWS>		417,493.41		

Grant Numbering Structure

Appendix B

Grant numbers are loaded with information. They will follow this formula:

GRW9XYYZ

- GR - means this is a grant.
- W - last digit of the fiscal year of the beginning of the performance period.
- 9 - constant, always 9.
- X - see table below.
- YY - your two digit state code.
- Z - see table below.

X	Z	Description	Federal Funding
0	1	Civil Penalty Reclamation Cooperative Agreements	
1		Interim program grant	100%
2	1	Program development grant	80%
	2	Program development grant	60%
	3	Program development grant	50%
3	1	Administration & Enforcement Grant	80%
	2	Administration & Enforcement Grant	60%
	3	Administration & Enforcement Grant	50%
	4-8	Other Regulatory Grants	
	9	AVS/TIPS Cooperative Agreement	
4		Indian Joint Funding Cooperative Agreement	
5		Bond Forfeiture Cooperative Agreement	
6		Research Cooperative Agreement	
7	0 ^{1/}	AML Grant	
	1 ^{2/}	AML Administrative Grant	
	2	AML Construction Grant	
	3-6	Other AML Grants (another Construction, Ramp, Subsidence Insurance)	
	7	AML Emergency Administrative Grant (State-Administered)	
	8	AML Emergency Construction Grant (State-Administered)	
	9	AML 10% Set-Aside Grant	
8		SOAP Operational Grant	
9		Federal Reclamation Cooperative Agreement	

^{1/} Beginning in FY 1993, used to designate the revised AML grant program.

^{2/} Through FY 1993, 7_1 through 7_9 used to designate the specific AML grant type.

DDX Forms

Appendix B

Grant Drawdown Express DDX

Use this form:

For emergency system faxing. (Must be approved in advance by OSM/DFM)

As a worksheet before you enter your request in DDX (optional).

As a transmittal form to your State Treasury (optional).

Payment Information Form ACH Vendor Payment System

Use this form to notify OSM/DFM about the financial institution where you want the funds sent. We have completed the Agency Information section for you. Complete the Company (Grantee) Information and give this form to your bank. After they have completed the Financial Institution Information, return this form to OSM/DFM.

Complete a new form each time the Grantee Information or Financial Institution Information changes. If you have any questions contact ; OSM/DFM.

DDX Authorization

Use this form to add or change DDX operators. The DDX operator's ID and password will be operative as soon as he/she receives it, but requests for funds cannot be made until the form is signed and returned to OSM/DFM.

Grant Drawdown Express (DDX)

Please type

Date:

Grantee Name:

LOC Number:

Request Number:

Remarks:

For OSM/DFM use document number _____ approved signature _____ disapproved - reason _____
--

Grant Number	Grant Project Number	Amount	+, -
		\$	
Total Amount Requested		\$	

DDX Operator (signature)

Authorizing Official (signature)

Payment Information Form ACH Vendor Payment System

This form is for ACH payments with an addendum record that carries payment-related information. Recipients of these payments should bring this information to the attention of their financial institution when presenting this form for completion.

Paperwork Reduction Act Statement

The information being collected on this form is required under the provision of 31 U.S.C. 3322 and 31 CFR 210. This information will be used by the Treasury Department to transmit payment data by electronic means to vendor's financial institution. Failure to provide the requested information may delay or prevent the receipt of payments through the Automated Clearing House Payment System.

Company (Grantee) Information	
Name	LOC number
Address	
Contact person name	Telephone number

Agency Information	
Name	Office of Surface Mining Reclamation and Enforcement
Address	P.O. Box 25065 Denver Federal Center, Bldg. 20 Denver, Colorado 80225
Contact person name	Telephone number 303-236-0343

Financial Institution Information	
Name	
Address	
ACH coordinator name	Telephone number
Nine-digit routing transit number	
Depositor account title	
Depositor account number	
Type of account	<input type="checkbox"/> checking <input type="checkbox"/> savings
Signature and title of representative	Telephone number ()

DDX Authorization

Use this form to authorize new DDX operators. You may have 2 DDX operators at one time. If you are adding a third operator, use this form to delete one of the other two.

After completing the information below, send this form to the Division of Financial Management, Office of Surface Mining, Denver Federal Center, P.O. Box 25065, Denver, CO 80225.

OSM will send a personal password to each new DDX operator. If they lose their password or the information is compromised, report it to the System Security Officer at DFM immediately, (303) 236-0324.

Add this person as
an authorized DDX operator:

Delete this person as
an authorized DDX operator:

Name and address
of requesting organization:

telephone number

Letter of Credit number (LOC):

Type name of official
authorizing this request:

Title of official:

Signature of official:

Date of this request:

For OSM use . . .

Signature of
System Security Officer _____

Date _____

DDX at a Glance

The following commands will initiate a drawdown request. They are listed in the order you will use them.

[Cap Locks]

at C: type either **ABACIS** or **R1**

:HELLO username.OSMRE;TERM=24

enter account password

enter user password

DDX

GQENTRY

ADD [+]

[Tab] through fields already completed.

Enter Total Amount Requested (no \$, comma or decimal).

Press **[+]** when finished

Press **[F3]** to go to Screen 2

Press **[Tab]**

Enter Grant Number, Grant Project Number, Amount, and press **[Tab]** for each line entered.

When finished, press **[+]**.

In **ACTION** field type **POST** and press **[+]**

To exit: // **[+]**
 // **[enter]**
 SIGNOFF
 [enter]
 [enter]
 :
 NO CARRIER
 [F10]
 [F8]
 [F8]

Do not use these instructions for anything but a new drawdown request.

