

- 1209.750 What does the suspending official consider in deciding whether to continue or terminate my suspension?
- 1209.755 When will I know whether the suspension is continued or terminated?
- 1209.760 How long may my suspension last?

Subpart H—Debarment

- 1209.800 What are the causes for debarment?
- 1209.805 What notice does the debarring official give me if I am proposed for debarment?
- 1209.810 When does a debarment take effect?
- 1209.815 How may I contest a proposed debarment?
- 1209.820 How much time do I have to contest a proposed debarment?
- 1209.825 What information must I provide to the debarring official if I contest a proposed debarment?
- 1209.830 Under what conditions do I get an additional opportunity to challenge the facts on which the proposed debarment is based?
- 1209.835 Are debarment proceedings formal?
- 1209.840 How is fact-finding conducted?
- 1209.845 What does the debarring official consider in deciding whether to debar me?
- 1209.850 What is the standard of proof in a debarment action?
- 1209.855 Who has the burden of proof in a debarment action?
- 1209.860 What factors may influence the debarring official's decision?
- 1209.865 How long may my debarment last?
- 1209.870 When do I know if the debarring official debars me?
- 1209.875 May I ask the debarring official to reconsider a decision to debar me?
- 1209.880 What factors may influence the debarring official during reconsideration?
- 1209.885 May the debarring official extend a debarment?

Subpart I—Definitions

- 1209.900 Adequate evidence.
- 1209.905 Affiliate.
- 1209.910 Agency.
- 1209.915 Agent or representative.
- 1209.920 Civil judgment.
- 1209.925 Conviction.
- 1209.930 Debarment.
- 1209.935 Debarring official.
- 1209.940 Disqualified.
- 1209.945 Excluded or exclusion.
- 1209.950 Excluded Parties List System.
- 1209.955 Indictment.
- 1209.960 Ineligible or ineligibility.
- 1209.965 Legal proceedings.
- 1209.970 Nonprocurement transaction.
- 1209.975 Notice.
- 1209.980 Participant.
- 1209.985 Person.
- 1209.990 Preponderance of the evidence.
- 1209.995 Principal.
- 1209.1000 Respondent.
- 1209.1005 State.
- 1209.1010 Suspending official.
- 1209.1015 Suspension.

- 1209.1020 Voluntary exclusion or voluntarily excluded.

Subpart J—[Reserved]

Appendix to Part 1209—Covered Transactions

Authority: 44 U.S.C. 2104(a); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235);.

- 2. Part 1209 is further amended as set forth below.
- a. “[Agency noun]” is removed and “NARA” is added in its place wherever it occurs.
- b. “[Agency adjective]” is removed and “NARA” is added in its place wherever it occurs.
- c. “[Agency head or designee]” is removed and “Archivist of the United States or designee” is added in its place wherever it occurs.
- 3. Section 1209.440 is added to read as follows:

§ 1209.440 What method do I use to communicate those requirements to participants?

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

- 4. Part 1212 is added to read as set forth in instruction 2 at the end of the common preamble.

PART 1212—GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

Subpart A—Purpose and Coverage

Sec.

- 1212.100 What does this part do?
- 1212.105 Does this part apply to me?
- 1212.110 Are any of my Federal assistance awards exempt from this part?
- 1212.115 Does this part affect the Federal contracts that I receive?

Subpart B—Requirements for Recipients Other Than Individuals

- 1212.200 What must I do to comply with this part?
- 1212.205 What must I include in my drug-free workplace statement?
- 1212.210 To whom must I distribute my drug-free workplace statement?
- 1212.215 What must I include in my drug-free awareness program?
- 1212.220 By when must I publish my drug-free workplace statement and establish my drug-free awareness program?
- 1212.225 What actions must I take concerning employees who are convicted of drug violations in the workplace?
- 1212.230 How and when must I identify workplaces?

Subpart C—Requirements for Recipients Who Are Individuals

- 1212.300 What must I do to comply with this part if I am an individual recipient?
- 1212.301 [Reserved]

Subpart D—Responsibilities of NARA Awarding Officials

- 1212.400 What are my responsibilities as a NARA awarding official?

Subpart E—Violations of This Part and Consequences

- 1212.500 How are violations of this part determined for recipients other than individuals?
- 1212.505 How are violations of this part determined for recipients who are individuals?
- 1212.510 What actions will the Federal Government take against a recipient determined to have violated this part?
- 1212.515 Are there any exceptions to those actions?

Subpart F—Definitions

- 1212.605 Award.
- 1212.610 Controlled substance.
- 1212.615 Conviction.
- 1212.620 Cooperative agreement.
- 1212.625 Criminal drug statute
- 1212.630 Debarment.
- 1212.635 Drug-free workplace.
- 1212.640 Employee.
- 1212.645 Federal agency or agency.
- 1212.650 Grant.
- 1212.655 Individual.
- 1212.660 Recipient.
- 1212.665 State.
- 1212.670 Suspension.

Authority: 41 U.S.C. 701, *et seq.*; 44 U.S.C. 2104(a).

- 5. Part 1212 is further amended as set forth below.

- a. “[Agency noun]” is removed and “NARA” is added in its place wherever it occurs.
- b. “[Agency adjective]” is removed and “NARA” is added in its place wherever it occurs.
- c. “[Agency head or designee]” is removed and “Archivist of the United States or designee” is added in its place wherever it occurs.
- d. “[Agency head]” is removed and “Archivist of the United States or designee” is added in its place wherever it occurs.

■ 6. Section 1212.510(c) is further amended by removing “[CFR citation for the Federal agency's regulations implementing Executive Order 12549 and Executive Order 12689]” and adding “36 CFR part 1209” in its place.

■ 7. Section 1212.605(a)(2) is further amended by removing “[Agency-specific CFR citation]” and adding “36 CFR part 1207” in its place.