

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

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

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

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

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

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

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

Subpart A—Purpose and Coverage

Sec.

- 1173.100 What does this part do?
- 1173.105 Does this part apply to me?
- 1173.110 Are any of my Federal assistance awards exempt from this part?
- 1173.115 Does this part affect the Federal contracts that I receive?

Subpart B—Requirements for Recipients Other Than Individuals

- 1173.200 What must I do to comply with this part?
- 1173.205 What must I include in my drug-free workplace statement?
- 1173.210 To whom must I distribute my drug-free workplace statement?
- 1173.215 What must I include in my drug-free awareness program?
- 1173.220 By when must I publish my drug-free workplace statement and establish my drug-free awareness program?
- 1173.225 What actions must I take concerning employees who are convicted of drug violations in the workplace?
- 1173.230 How and when must I identify workplaces?

Subpart C—Requirements for Recipients Who Are Individuals

- 1173.300 What must I do to comply with this part if I am an individual recipient?
- 1173.301 [Reserved]

Subpart D—Responsibilities of NEH Awarding Officials

- 1173.400 What are my responsibilities as an NEH awarding official?

Subpart E—Violations of This Part and Consequences

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

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

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

1173.515 Are there any exceptions to those actions?

Subpart F—Definitions

- 1173.605 Award.
- 1173.610 Controlled substance.
- 1173.615 Conviction.
- 1173.620 Cooperative agreement.
- 1173.625 Criminal drug statute.
- 1173.630 Debarment.
- 1173.635 Drug-free workplace.
- 1173.640 Employee.
- 1173.645 Federal agency or agency.
- 1173.650 Grant.
- 1173.655 Individual.
- 1173.660 Recipient.
- 1173.665 State.
- 1173.670 Suspension.

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

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

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

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

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

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

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

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

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Institute of Museum and Library Services

45 CFR Parts 1185 and 1186

RIN 3137-AA14

FOR FURTHER INFORMATION CONTACT:

Nancy E. Weiss, General Counsel, Institute of Museum and Library Services, 1100 Pennsylvania Avenue, NW., Suite 802, Washington, DC 20506; Telephone: (202) 606-5414; E-mail: nweiss@imls.gov.

List of Subjects

45 CFR Part 1185

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

45 CFR Part 1186

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

Dated: June 6, 2003.

Robert S. Martin,

Director, Institute of Museum and Library Services.

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

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

PART 1185—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

- 1185.25 How is this part organized?
- 1185.50 How is this part written?
- 1185.75 Do terms in this part have special meanings?

Subpart A—General

- 1185.100 What does this part do?
- 1185.105 Does this part apply to me?
- 1185.110 What is the purpose of the nonprocurement debarment and suspension system?
- 1185.115 How does an exclusion restrict a person’s involvement in covered transactions?
- 1185.120 May we grant an exception to let an excluded person participate in a covered transaction?
- 1185.125 Does an exclusion under the nonprocurement system affect a person’s eligibility for Federal procurement contracts?
- 1185.130 Does exclusion under the Federal procurement system affect a person’s eligibility to participate in nonprocurement transactions?
- 1185.135 May the Institute of Museum and Library Services exclude a person who is not currently participating in a nonprocurement transaction?
- 1185.140 How do I know if a person is excluded?
- 1185.145 Does this part address persons who are disqualified, as well as those who are excluded from nonprocurement transactions?

Subpart B—Covered Transactions

- 1185.200 What is a covered transaction?
- 1185.205 Why is it important to know if a particular transaction is a covered transaction?
- 1185.210 Which nonprocurement transactions are covered transactions?