

demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with §1005.160 would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head or his or her designee after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, handicapped persons receive the benefits and services of the program or activity.

§§ 1005.161—1005.169 [Reserved]

§ 1005.170 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs or activities conducted by the agency.

(b) The agency shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) The General Counsel, Inter-American Foundation, shall be responsible for coordinating implementation of this section. Complaints may be sent to General Counsel, Inter-American Foundation, 1515 Wilson Boulevard, Rosslyn, Virginia 22209.

(d) The agency shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within 180

days of the alleged act of discrimination. The agency may extend this time period for good cause.

(e) If the agency receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(f) The agency shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), or section 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 792), is not readily accessible to and usable by handicapped persons.

(g) Within 180 days of the receipt of a complete complaint for which it has jurisdiction, the agency shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the agency of the letter required by §1005.170(g). The agency may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the head of the agency.

(j) The head of the agency shall notify the complainant of the results of the appeal within 60 days of the receipt of the request. If the head of the agency determines that additional information is needed from the complainant, he or she shall have 60 days from the date of receipt of the additional information to make his or her determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended with the permission of the Assistant Attorney General.

(l) The agency may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making

§§ 1005.171—1005.999

the final determination may not be delegated to another agency.

[51 FR 22890, 22896, June 23, 1986, as amended at 51 FR 22891, June 23, 1986]

§§ 1005.171—1005.999 [Reserved]

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

Subpart A—General

- Sec.
- 1006.100 Purpose.
- 1006.105 Definitions.
- 1006.110 Coverage.
- 1006.115 Policy.

Subpart B—Effect of Action

- 1006.200 Debarment or suspension.
- 1006.205 Ineligible persons.
- 1006.210 Voluntary exclusion.
- 1006.215 Exception provision.
- 1006.220 Continuation of covered transactions.
- 1006.225 Failure to adhere to restrictions.

Subpart C—Debarment

- 1006.300 General.
- 1006.305 Causes for debarment.
- 1006.310 Procedures.
- 1006.311 Investigation and referral.
- 1006.312 Notice of proposed debarment.
- 1006.313 Opportunity to contest proposed debarment.
- 1006.314 Debarring official's decision.
- 1006.315 Settlement and voluntary exclusion.
- 1006.320 Period of debarment.
- 1006.325 Scope of debarment.

Subpart D—Suspension

- 1006.400 General.
- 1006.405 Causes for suspension.
- 1006.410 Procedures.
- 1006.411 Notice of suspension.
- 1006.412 Opportunity to contest suspension.
- 1006.413 Suspending official's decision.
- 1006.415 Period of suspension.
- 1006.420 Scope of suspension.

Subpart E—Responsibilities of GSA, Agency and Participants

- 1006.500 GSA responsibilities.
- 1006.505 Inter-American Foundation responsibilities.
- 1006.510 Participants' responsibilities.

22 CFR Ch. X (4-1-01 Edition)

Subpart F—Drug-Free Workplace Requirements (Grants)

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

APPENDIX A TO PART 1006—CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS—PRIMARY COVERED TRANSACTIONS

APPENDIX B TO PART 1006—CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION—LOWER TIER COVERED TRANSACTIONS

APPENDIX C TO PART 1006—CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

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

SOURCE: 54 FR 4722, 4734, Jan. 30, 1989, unless otherwise noted.

CROSS REFERENCE: 1: For additional information, see related documents published at 52 FR 20360, May 29, 1987; 53 FR 19160, May 26, 1988; 53 FR 34474, September 6, 1988; and 60 FR 33036, June 26, 1995.

2: See also Office of Management and Budget notice published at 55 FR 21679, May 25, 1990.

Subpart A—General

§ 1006.100 Purpose.

(a) Executive Order (E.O.) 12549 provides that, to the extent permitted by law, Executive departments and agencies shall participate in a government-wide system for nonprocurement debarment and suspension. A person who is debarred or suspended shall be excluded from Federal financial and non-financial assistance and benefits under Federal programs and activities. Debarment or suspension of a participant in a program by one agency shall have governmentwide effect.

(b) These regulations implement section 3 of E.O. 12549 and the guidelines