

**§ 1211.630**

issued under paragraph (f) of this section shall remain in effect.

[65 FR 52888, Aug. 30, 2000]

**§ 1211.630 Judicial review.**

Action taken pursuant to 20 U.S.C. 1682 is subject to judicial review as provided in 20 U.S.C. 1683.

[65 FR 52889, Aug. 30, 2000]

**§ 1211.635 Forms and instructions; coordination.**

(a) *Forms and instructions.* The designated agency official shall issue and promptly make available to interested persons forms and detailed instructions and procedures for implementing these Title IX regulations.

(b) *Supervision and coordination.* The Archivist or his designee may from time to time assign to officials of the agency, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title IX and these Title IX regulations (other than responsibility for review as provided in §1211.625(e)), including the achievements of effective coordination and maximum uniformity within the agency and within the Executive Branch of the Government in the application of Title IX and these Title IX regulations to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this section shall have the same effect as though such action had been taken by the designated official of this agency.

[65 FR 52889, Aug. 30, 2000]

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

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- 1212.500 How are violations of this part determined for recipients other than individuals?
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- 1212.615 Conviction.
- 1212.620 Cooperative agreement.
- 1212.625 Criminal drug statute
- 1212.630 Debarment.
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- 1212.640 Employee.
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- 1212.655 Individual.
- 1212.660 Recipient.
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- 1212.670 Suspension.

**National Archives and Records Administration**

**§ 1212.205**

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

SOURCE: 68 FR 66544, 66617, Nov. 26, 2003, unless otherwise noted.

agreements and other financial assistance awards, as a matter of Federal Government policy.

**Subpart A—Purpose and Coverage**

**§ 1212.100 What does this part do?**

This part carries out the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*, as amended) that applies to grants. It also applies the provisions of the Act to cooperative

**§ 1212.105 Does this part apply to me?**

(a) Portions of this part apply to you if you are either—

(1) A recipient of an assistance award from the NARA; or

(2) A(n) NARA awarding official. (See definitions of award and recipient in §§ 1212.605 and 1212.660, respectively.)

(b) The following table shows the subparts that apply to you:

|  |                    |
|--|--------------------|
| If you are . . .                               | see subparts . . . |
| (1) A recipient who is not an individual ..... | A, B and E.        |
| (2) A recipient who is an individual .....     | A, C and E.        |
| (3) A(n) NARA awarding official .....          | A, D and E.        |

**§ 1212.110 Are any of my Federal assistance awards exempt from this part?**

This part does not apply to any award that the Archivist of the United States or designee determines that the application of this part would be inconsistent with the international obligations of the United States or the laws or regulations of a foreign government.

(a) First, you must make a good faith effort, on a continuing basis, to maintain a drug-free workplace. You must agree to do so as a condition for receiving any award covered by this part. The specific measures that you must take in this regard are described in more detail in subsequent sections of this subpart. Briefly, those measures are to—

(1) Publish a drug-free workplace statement and establish a drug-free awareness program for your employees (see §§ 1212.205 through 1212.220); and

(2) Take actions concerning employees who are convicted of violating drug statutes in the workplace (see § 1212.225).

**§ 1212.115 Does this part affect the Federal contracts that I receive?**

It will affect future contract awards indirectly if you are debarred or suspended for a violation of the requirements of this part, as described in § 1212. 510(c). However, this part does not apply directly to procurement contracts. The portion of the Drug-Free Workplace Act of 1988 that applies to Federal procurement contracts is carried out through the Federal Acquisition Regulation in chapter 1 of Title 48 of the Code of Federal Regulations (the drug-free workplace coverage currently is in 48 CFR part 23, subpart 23.5).

(b) Second, you must identify all known workplaces under your Federal awards (see § 1212.230).

**Subpart B—Requirements for Recipients Other Than Individuals**

**§ 1212.200 What must I do to comply with this part?**

There are two general requirements if you are a recipient other than an individual.

**§ 1212.205 What must I include in my drug-free workplace statement?**

You must publish a statement that—

(a) Tells your employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in your workplace;

(b) Specifies the actions that you will take against employees for violating that prohibition; and

(c) Lets each employee know that, as a condition of employment under any award, he or she:

(1) Will abide by the terms of the statement; and