



No. 2004-06  
May 28, 2004

# PROGRAM GUIDANCE

---

**PROGRAM:** Indian Housing Block Grant

**FOR:** Tribal Government Leaders and Tribally Designated Housing Entities

*R.B.S.*

**FROM:** Rodger Boyd, Deputy Assistant Secretary, PN

**TOPIC:** Drug-Free Workplace Requirements

---

**Purpose:** This guidance contains the most recent regulatory changes regarding drug-free workplace requirements in the Indian Housing Block Grant (IHBG) Program.

**Background:** Currently 24 CFR Part 24 requires, as a prior condition of being awarded IHBG funds, that each recipient must submit a Certification for a Drug-Free Workplace.

A Federal Register notice published November 26, 2003, titled Governmentwide Debarment and Suspension (Nonprocurement), and Requirements for Drug-Free Workplace (Grants); Rules (Final and Interim Final), provides for the relocation of the government wide provisions implementing the Drug-Free Workplace Act of 1988 for the Department of Housing and Urban Development from 24 CFR Part 24 to 24 CFR Part 21, Governmentwide Requirements for Drug-Free Workplace (Grants).

Also, the preamble of the Federal Register states that Federal agencies are no longer required to obtain the drug-free workplace certification from grantees. This was done to reduce burdens on participants without reducing compliance with the rule's requirements.

**Requirements:** 24 CFR Section 1000.46 of the IHBG Program regulation requires that in addition to any tribal drug-free workplace requirements, the Drug-Free Workplace Act of 1988 and HUD's implementing regulations at 24 CFR Part 24 (now revised and relocated to 24 CFR Part 21) apply to IHBG recipients. There are two general requirements in 24 CFR Part 21:

- The recipient must make a good faith effort, on a continuing basis, to maintain a drug-free workplace. This must be agreed upon as a condition for receiving any award. This involves publishing a drug-free workplace statement and establishing a drug-free awareness program for employees. Also, the entity must take actions concerning employees who are convicted of violating drug statutes in the workplace.

- The recipient must identify all known workplaces under the Federal awards.

The Certification for a Drug-Free Workplace (Form HUD-50070) is no longer required. If you have any questions, please call your local Area Office of Native American Programs.