

grantee has failed to make a good faith effort to provide a drug-free workplace as required by subsection (a)(1).

(2) **CONDUCT OF SUSPENSION, TERMINATION, AND DEBARMENT PROCEEDINGS.**—A suspension of payments, termination, or suspension or debarment proceeding subject to this subsection shall be conducted in accordance with applicable law, including Executive Order 12549 or any superseding executive order and any regulations prescribed to implement the law or executive order.

(3) **EFFECT OF DEBARMENT.**—A grantee debarred by a final decision under this subsection is ineligible for award of a grant by a Federal agency, and for participation in a future grant by a Federal agency, for a period specified in the decision, not to exceed 5 years.

(Pub. L. 111-350, § 3, Jan. 4, 2011, 124 Stat. 3828.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8103 .....	41:702.	Pub. L. 100-690, title V, § 5153, Nov. 18, 1988, 102 Stat. 4306; Pub. L. 105-85, div. A, title VIII, § 809, Nov. 18, 1997, 111 Stat. 1838.

#### § 8104. Employee sanctions and remedies

Within 30 days after receiving notice from an employee of a conviction pursuant to section 8102(a)(1)(D)(ii) or 8103(a)(1)(D)(ii) of this title, a contractor or grantee shall—

(1) take appropriate personnel action against the employee, up to and including termination; or

(2) require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for those purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(Pub. L. 111-350, § 3, Jan. 4, 2011, 124 Stat. 3830.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8104 .....	41:703.	Pub. L. 100-690, title V, § 5154, Nov. 18, 1988, 102 Stat. 4307.

#### § 8105. Waiver

(a) **IN GENERAL.**—The head of an agency may waive a suspension of payments, termination of the contract or grant, or suspension or debarment of a contractor or grantee under this chapter with respect to a particular contract or grant if—

(1) in the case of a contract, the head of the agency determines under section 8102(b)(1) of this title, after a final determination is issued under section 8102(b)(1), that suspension of payments, termination of the contract, suspension or debarment of the contractor, or refusal to permit a person to be treated as a responsible source for a contract would severely disrupt the operation of the agency to the detriment of the Federal Government or the general public; or

(2) in the case of a grant, the head of the agency determines that suspension of payments, termination of the grant, or suspension or debarment of the grantee would not be in the public interest.

(b) **WAIVER AUTHORITY MAY NOT BE DELEGATED.**—The authority of the head of an agency under this section to waive a suspension, termination, or debarment shall not be delegated.

(Pub. L. 111-350, § 3, Jan. 4, 2011, 124 Stat. 3830.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8105 .....	41:704.	Pub. L. 100-690, title V, § 5155, Nov. 18, 1988, 102 Stat. 4307.

#### § 8106. Regulations

Government-wide regulations governing actions under this chapter shall be issued pursuant to division B of subtitle I of this title.

(Pub. L. 111-350, § 3, Jan. 4, 2011, 124 Stat. 3830.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8106 .....	41:705.	Pub. L. 100-690, title V, § 5156, Nov. 18, 1988, 102 Stat. 4308.

The words “Not later than 90 days after November 18, 1988, the” are omitted as obsolete.

### CHAPTER 83—BUY AMERICAN

Sec. 8301.	Definitions.
8302.	American materials required for public use.
8303.	Contracts for public works.
8304.	Waiver rescission.
8305.	Annual report.

#### § 8301. Definitions

In this chapter:

(1) **PUBLIC BUILDING, PUBLIC USE, AND PUBLIC WORK.**—The terms “public building”, “public use”, and “public work” mean a public building of, use by, and a public work of, the Federal Government, the District of Columbia, Puerto Rico, American Samoa, and the Virgin Islands.

(2) **UNITED STATES.**—The term “United States” includes any place subject to the jurisdiction of the United States.

(3) **FEDERAL AGENCY.**—The term “Federal agency” has the meaning given the term “executive agency” in section 133 of this title.

(Pub. L. 111-350, § 3, Jan. 4, 2011, 124 Stat. 3830; Pub. L. 117-58, div. G, title IX, § 70922(d), Nov. 15, 2021, 135 Stat. 1304.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8301 .....	41:10c.	Mar. 3, 1933, ch. 212, title III, § 1, 47 Stat. 1520; Pub. L. 86-70, § 43, June 25, 1959, 73 Stat. 151; Pub. L. 86-624, § 28, July 12, 1960, 74 Stat. 419; Pub. L. 100-418, title VII, § 7005(a), Aug. 23, 1988, 102 Stat. 1552.