

third-party servicer may continue its participation in the Title IV programs until the procedures described in paragraph (a) of this section, except for those relating to appeals to the Secretary, have been completed, unless the Secretary takes an emergency action under 34 CFR part 668, subpart G, or 34 CFR part 682, subpart G.

(Authority: E.Os. 12549 and 12689; 20 U.S.C. 1082, 1094, 1221e-3 and 3474; and Sec. 2455, Pub. L. 103-355, 108 Stat. 3243 at 3327)

12. Insert "ED" where [agency] appears in § 85.215.

13. The authority citation for sections 85.105, 85.110, 85.115, 85.205, 85.210, 85.215, 85.225, 85.300, 85.305, 85.310, 85.311, 85.312, 85.313, 85.315, 85.320, 85.325, 85.400, 85.405, 85.410, 85.411, 85.412, 85.413, 85.415, 85.420, 85.500, 85.505, and 85.510, is revised to read as follows:

(Authority: E.Os. 12549 and 12689; 20 U.S.C. 1221e-3 and 3474; Sec. 2455, Pub. L. 103-355, 108 Stat. 3243 at 3327)

#### **PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS**

1. The authority for part 668 continues to read as follows:

**Authority:** 20 U.S.C. 1085, 1088, 1091, 1092, 1094, 1099c, and 1141, unless otherwise noted.

2. Section 668.82 is amended by removing from paragraph (f)(1) introductory text the words "that comply with 5 U.S.C. 554-557 (formal adjudication requirements under the Administrative Procedure Act)," and adding, in their place, "described in 34 CFR 85.201(c)" by removing the words "by the Secretary" in paragraphs (f)(1) introductory text and (f)(2)(i) introductory text, by removing from paragraph (f)(2)(i) introductory text "that comply with 5 U.S.C. 554-557" and adding, in their place, "described in 34 CFR § 85.201(c)" and by revising paragraph (f)(2)(ii) introductory text and adding a new paragraph (f)(3), to read as follows:

#### **§ 668.82 Standard of conduct.**

\* \* \* \* \*

(f) \* \* \*  
(2) \* \* \*

(ii) A suspension described in paragraph (f)(2) of this section lasts for a period of 60 days, beginning on the effective date specified in the notice by the Secretary under 34 CFR 85.201(b), unless—

\* \* \* \* \*

(3) A debarment or suspension not described in (f)(1) or (f)(2) of this section of a participating institution or third-

party servicer by another Federal agency constitutes prima facie evidence in a proceeding under this subpart that cause for suspension or debarment and termination, as applicable, exists.

#### **PART 682—FEDERAL FAMILY EDUCATION LOAN (FFEL) PROGRAMS**

1. The authority citation for part 682 continues to read as follows:

**Authority:** 20 U.S.C. 1071 to 1087-2, unless otherwise noted.

2. Section 682.705 is amended by redesignating paragraphs (c)(6), (c)(7), and (c)(8) as paragraphs (c)(7), (c)(8), and (c)(9), respectively, and adding new paragraphs (a)(3) and (c)(6), to read as follows:

#### **§ 682.705 Suspension proceedings.**

(a) \* \* \*

(3) A suspension described in 34 CFR 85.201(c) lasts for a period of 60 days, beginning on the effective date specified in the notice by the Secretary under 34 CFR 85.201(b), except as provided in paragraph (a)(1)(i) or (ii) of this section.

\* \* \* \* \*

(c) \* \* \*

(6) In a suspension action against a lender or third-party servicer based on a suspension under Executive Order 12549 or a proposed debarment under the Federal Acquisition Regulation (FAR), 48 CFR part 9, subpart 9.4, that does not meet the standards described in 34 CFR 85.201(c), the presiding official finds that the suspension or proposed debarment constitutes prima facie evidence that cause for suspension under this subpart exists.

\* \* \* \* \*

3. Section 682.706 is amended by redesignating paragraphs (b)(7), (b)(8), and (b)(9) as paragraphs (b)(8), (b)(9), and (b)(10), respectively, and adding a new paragraph (b)(7), to read as follows:

#### **§ 682.706 Limitation or termination proceedings.**

\* \* \* \* \*

(b) \* \* \*

(7) In a termination action against a lender or third-party servicer based on a debarment under Executive Order 12549 or under the Federal Acquisition Regulation (FAR), 48 CFR part 9, subpart 9.4 that does not meet the standards described in 34 CFR 85.201(c), the presiding official finds that the debarment constitutes prima facie evidence that cause for debarment and termination under this subpart exists.

\* \* \* \* \*

4. Section 682.711 is amended by revising paragraph (a) to read as follows:

#### **§ 682.711 Reinstatement after termination.**

(a) A lender or third-party servicer whose eligibility has been terminated by the Secretary in accordance with the procedures of this subpart may request reinstatement of its eligibility after the later of—

(1) Eighteen months from the effective date of the termination; or

(2) The expiration of the period of debarment under Executive Order 12459 or the Federal Acquisition Regulation (FAR), 48 CFR part 9, subpart 9.4.

\* \* \* \* \*

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#### **NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

#### **36 CFR Part 1209**

RIN 3095-AA38

**FOR FURTHER INFORMATION CONTACT:**  
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#### **List of Subjects in 36 CFR Part 1209**

Administrative practice and  
procedure, Contract programs, Grant  
programs—archives and records.

**Trudy Huskamp Peterson,**  
*Acting Archivist of the United States.*

Title 36 of the Code of Federal  
Regulations, part 1209 is amended as  
follows.

#### **PART 1209—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)**

1. The authority for part 1209 continues to read as follows:

**Authority:** E.O. 12549; sec. 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 101-690, title V, subtitle D; 41 U.S.C. 701 *et seq.*); 44 U.S.C. 2104(a).

2. Section 1209.100 is revised as set forth at the end of the common preamble.

3. Section 1209.105 and 1209.110 are amended as set forth at the end of the common preamble.

4. Sections 1209.200, 1209.215, 1209.220, and 1209.225 and Appendices A and B to Part 1209 are revised as set forth at the end of the common preamble.

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