

Dated: September 25, 2019.

Julia G. Gorey,

Executive Director, Secretary's Advisory Committee on Human Research Protections.
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines. If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter. This notice is also available on the internet at <http://www.samhsa.gov/workplace>.

FOR FURTHER INFORMATION CONTACT: Charles LoDico, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N02C, Rockville, Maryland 20857; 240-276-2600 (voice).

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644);

November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); April 30, 2010 (75 FR 22809); and on January 23, 2017 (82 FR 7920).

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100-71. The "Mandatory Guidelines for Federal Workplace Drug Testing Programs," as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated January 23, 2017 (82 FR 7920), the following HHS-certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

HHS-Certified Instrumented Initial Testing Facilities

Dynacare, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780-784-1190 (Formerly: Gamma-Dynacare Medical Laboratories).

HHS-Certified Laboratories

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 844-486-9226.

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504-361-8989/800-433-3823 (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.).

Alere Toxicology Services, 450 South lake Blvd., Richmond, VA 23236, 804-378-9130 (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.).

Baptist Medical Center-Toxicology Laboratory, 11401 I-30, Little Rock, AR 72209-7056, 501-202-2783 (Formerly: Forensic Toxicology Laboratory Baptist Medical Center).

Clinical Reference Laboratory, Inc., 8433 Quiver Road, Leone, KS 66215-2802, 800-445-6917.

Cordant Health Solutions, 2617 East L Street, Tacoma, WA 98421, 800-442-0438 (Formerly: STERLING Reference Laboratories).

Desert Ox, LLC, 10221 North 32nd Street Suite J, Phoenix, AZ 85028, 602-457-5411.

Drug, Scan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800-235-4890.

Dynacare, *245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519-679-1630 (Formerly: Gamma-Dynacare Medical Laboratories).

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662-236-2609.

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713-856-8288/800-800-2387.

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908-526-2400/800-437-4986 (Formerly: Roche Biomedical Laboratories, Inc.).

Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919-572-6900/800-833-3984 (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group).

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866-827-8042/800-233-6339 (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center).

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913-888-3927/800-873-8845 (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.).

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Legacy Laboratory Services—MetroLab,
1225 NE 2nd Ave., Portland, OR
97232, 503-413-5295/800-950-5295.

MedTox Laboratories, Inc., 402 W.
County Road D, St. Paul, MN 55112,
651-636-7466/800-832-3244.

Minneapolis Veterans Affairs Medical
Center, Forensic Toxicology
Laboratory, 1 Veterans Drive,
Minneapolis, MN 55417, 612-725-
2088, Testing for Veterans Affairs
(VA) Employees Only.

Pacific Toxicology Laboratories, 9348
DeSoto Ave., Chatsworth, CA 91311,
800-328-6942 (Formerly: Centinela
Hospital Airport Toxicology
Laboratory).

Pathology Associates Medical
Laboratories, 110 West Cliff Dr.,
Spokane, WA 99204, 509-755-8991/
800-541-7891x7.

Phamatech, Inc., 15175 Innovation
Drive, San Diego, CA 92128, 888-
635-5840.

Quest Diagnostics Incorporated, 1777
Montreal Circle, Tucker, GA 30084,
800-729-6432 (Formerly: SmithKline
Beecham Clinical Laboratories;
SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 400
Egypt Road, Norristown, PA 19403,
610-631-4600/877-642-2216
(Formerly: SmithKline Beecham
Clinical Laboratories; SmithKline Bio-
Science Laboratories).

Redwood Toxicology Laboratory, 3700
Westwind Blvd., Santa Rosa, CA
95403, 800-255-2159.

US Army Forensic Toxicology Drug
Testing Laboratory, 2490 Wilson St.,
Fort George G. Meade, MD 20755-
5235, 301-677-7085, Testing for
Department of Defense (DoD)
Employees Only.

Upon finding a Canadian laboratory to
be qualified, HHS will recommend that
DOT certify the laboratory (**Federal
Register**, July 16, 1996) as meeting the
minimum standards of the Mandatory
Guidelines published in the **Federal
Register** on January 23, 2017 (82 FR
7920). After receiving DOT certification,
the laboratory will be included in the
monthly list of HHS-certified
laboratories and participate in the NLCP
certification maintenance program.

Charles P. LoDico,
Chemist.

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Determination Pursuant to Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as Amended

AGENCY: Office of the Secretary,
Department of Homeland Security.

ACTION: Notice of determination.

SUMMARY: The Acting Secretary of
Homeland Security has determined,
pursuant to law, that it is necessary to
waive certain laws, regulations, and
other legal requirements in order to
ensure the expeditious construction of
barriers and roads in the vicinity of the
international land border in Cameron
County, Texas and Hidalgo County,
Texas.

DATES: This determination takes effect
on October 1, 2019.

SUPPLEMENTARY INFORMATION: Important
missions of the Department of
Homeland Security (“DHS”) include
border security and the detection and
prevention of illegal entry into the
United States. Border security is critical
to the nation’s national security.
Recognizing the critical importance of
border security, Congress has mandated
DHS to achieve and maintain
operational control of the international
land border. Secure Fence Act of 2006,
Public Law 109-367, 2, 120 Stat. 2638
(Oct. 26, 2006) (8 U.S.C. 1701 note).
Congress defined “operational control”
as the prevention of all unlawful entries
into the United States, including entries
by terrorists, other unlawful aliens,
instruments of terrorism, narcotics, and
other contraband. *Id.* Consistent with
that mandate from Congress, the
President’s Executive Order on Border
Security and Immigration Enforcement
Improvements directed executive
departments and agencies to deploy all
lawful means to secure the southern
border. Executive Order 13767, § 1. In
order to achieve that end, the President
directed, among other things, that I take
immediate steps to prevent all unlawful
entries into the United States, including
the immediate construction of physical
infrastructure to prevent illegal entry.
Executive Order 13767, § 4(a).

Congress has provided to the
Secretary of Homeland Security a
number of authorities necessary to carry
out DHS’s border security mission. One
of those authorities is section 102 of the
Illegal Immigration Reform and
Immigrant Responsibility Act of 1996,
as amended (“IIRIRA”). Public Law
104-208, Div. C, 110 Stat. 3009-546,

3009-554 (Sept. 30, 1996) (8 U.S.C 1103
note), as amended by the REAL ID Act
of 2005, Public Law 109-13, Div. B, 119
Stat. 231, 302, 306 (May 11, 2005) (8
U.S.C. 1103 note), as amended by the
Secure Fence Act of 2006, Public Law
109-367, 3, 120 Stat. 2638 (Oct. 26,
2006) (8 U.S.C. 1103 note), as amended
by the Department of Homeland
Security Appropriations Act, 2008,
Public Law 110-161, Div. E, Title V,
§ 564, 121 Stat. 2090 (Dec. 26, 2007). In
section 102(a) of IIRIRA, Congress
provided that the Secretary of
Homeland Security shall take such
actions as may be necessary to install
additional physical barriers and roads
(including the removal of obstacles to
detection of illegal entrants) in the
vicinity of the United States border to
deter illegal crossings in areas of high
illegal entry into the United States. In
section 102(b) of IIRIRA, Congress
mandated the installation of additional
fencing, barriers, roads, lighting,
cameras, and sensors on the southwest
border. Finally, in section 102(c) of
IIRIRA, Congress granted to the
Secretary of Homeland Security the
authority to waive all legal requirements
that I, in my sole discretion, determine
necessary to ensure the expeditious
construction of barriers and roads
authorized by section 102 of IIRIRA.

Determination and Waiver

Section 1

The United States Border Patrol’s
(Border Patrol) Rio Grande Valley Sector
is an area of high illegal entry. Between
October 1, 2018, and August 31, 2019,
the Border Patrol apprehended over
325,000 illegal aliens attempting to
enter the United States between border
crossings in the Rio Grande Valley
Sector. In that same time period, the
Border Patrol had over 900 separate
drug-related events between border
crossings in the Rio Grande Valley
Sector, through which it seized over
112,000 pounds of marijuana, over
2,300 pounds of cocaine, over 90
pounds of heroin, and over 1,600
pounds of methamphetamine.

Owing to the high levels of illegal
entry within the Rio Grande Valley
Sector, I must use my authority under
section 102 of IIRIRA to install
additional physical barriers and roads in
the Rio Grande Valley Sector. Therefore,
DHS will construct roads and
mechanical gates within gaps of existing
barriers in the vicinity of the United
States border in the Rio Grande Valley
Sector. The areas in the vicinity of the
border within which such construction
will occur are more specifically
described in Section 2 below. Such