

including: Having an annual effect on the economy of \$100 million, adversely affecting a sector of the economy in a material way, adversely affecting competition, or adversely affecting jobs. A regulation is also considered a significant regulatory action if it raises novel legal or policy issues.

Although the participating agencies have determined that this final rule does not meet the economic significance threshold of \$100 million effect on the economy in any one year under Section 3(f)(1), the Office of Management and Budget has reviewed this final rule as a significant regulatory action under the Executive Order.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 605(b)) requires that, for each rule with a "significant economic impact on a substantial number of small entities," an analysis must be prepared describing the rule's impact on small entities and identifying any significant alternatives to the rule that would minimize the economic impact on small entities.

The participating agencies certify that this rule will not have a significant impact on a substantial number of small entities. This rule addresses Federal agency procedures for suspension and debarment. It clarifies current requirements under the Nonprocurement Common Rule for Debarment and Suspension by reorganizing information and presenting that information in a plain language, question-and-answer format.

C. Unfunded Mandates Act of 1995

The Unfunded Mandates Act of 1995 (Pub. L. 104-4) requires agencies to prepare several analytic statements before proposing any rule that may result in annual expenditures of \$100 million by State, local, Indian Tribal governments or the private sector. Since this rule does not result in expenditures of this magnitude, the participating agencies certify that such statements are not necessary.

D. Paperwork Reduction Act

The participating agencies certify that this rule does not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

E. Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, (5 U.S.C. 804). This rule will not: Result in an annual

effect on the economy of \$100 million or more; result in an increase in cost or prices; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

F. Executive Order 13132: Federalism

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, the participating agencies have determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Text of the Final Common Rules

The text of the final common rules appear below:

1. [Part/Subpart]__ is revised to read as follows:

[PART/ SUBPART]__ GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

- _.25 How is this part organized?
- _.50 How is this part written?
- _.75 Do terms in this part have special meanings?

Subpart A—General

- _.100 What does this part do?
- _.105 Does this part apply to me?
- _.110 What is the purpose of the nonprocurement debarment and suspension system?
- _.115 How does an exclusion restrict a person's involvement in covered transactions?
- _.120 May we grant an exception to let an excluded person participate in a covered transaction?
- _.125 Does an exclusion under the nonprocurement system affect a person's eligibility for Federal procurement contracts?
- _.130 Does exclusion under the Federal procurement system affect a person's eligibility to participate in nonprocurement transactions?
- _.135 May the [Agency noun] exclude a person who is not currently participating in a nonprocurement transaction?
- _.140 How do I know if a person is excluded?
- _.145 Does this part address persons who are disqualified, as well as those who are excluded from nonprocurement transactions?

Subpart B—Covered Transactions

- _.200 What is a covered transaction?

- _.205 Why is it important to know if a particular transaction is a covered transaction?
- _.210 Which nonprocurement transactions are covered transactions?
- _.215 Which nonprocurement transactions are not covered transactions?
- _.220 Are any procurement contracts included as covered transactions?
- _.225 How do I know if a transaction in which I may participate is a covered transaction?

Subpart C—Responsibilities of Participants Regarding Transactions

Doing Business With Other Persons

- _.300 What must I do before I enter into a covered transaction with another person at the next lower tier?
- _.305 May I enter into a covered transaction with an excluded or disqualified person?
- _.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?
- _.315 May I use the services of an excluded person as a principal under a covered transaction?
- _.320 Must I verify that principals of my covered transactions are eligible to participate?
- _.325 What happens if I do business with an excluded person in a covered transaction?
- _.330 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

Disclosing Information—Primary Tier Participants

- _.335 What information must I provide before entering into a covered transaction with the [Agency noun]?
- _.340 If I disclose unfavorable information required under § __.335, will I be prevented from participating in the transaction?
- _.345 What happens if I fail to disclose the information required under § __.335?
- _.350 What must I do if I learn of the information required under § __.335 after entering into a covered transaction with the [Agency noun]?

Disclosing Information—Lower Tier Participants

- _.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?
- _.360 What happens if I fail to disclose the information required under § __.355?
- _.365 What must I do if I learn of information required under § __.355 after entering into a covered transaction with a higher tier participant?

Subpart D—Responsibilities of [Agency adjective] Officials Regarding Transactions

- _.400 May I enter into a transaction with an excluded or disqualified person?
- _.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?
- _.410 May I approve a participant's use of the services of an excluded person?