

did not issue assistance awards, grants, or other forms of financial or nonfinancial assistance that would be covered by those provisions. For the same reasons, OPM is not adopting the separate regulatory part on drug-free workplace requirements that has been developed as part of this governmentwide regulatory package.

List of Subjects in 5 CFR Part 970

Administrative practice and procedure, Debarment and suspension, Government employees, Health facilities, Health insurance, and Health professions.

Dated: August 28, 2003.

U.S. Office of Personnel Management.

Kay Cole James,
Director.

■ For the reasons stated in the common preamble, the Office of Personnel Management amends 5 CFR, Code of Federal Regulations as follows:

■ 1. Part 970 is revised as set forth in instruction 1 at the end of the common preamble.

PART 970—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

970.25 How is this part organized?

970.50 How is this part written?

970.75 Do terms in this part have special meanings?

Subpart A—General

970.100 What does this part do?

970.105 Does this part apply to me?

970.110 What is the purpose of the nonprocurement debarment and suspension system?

970.115 How does an exclusion restrict a person's involvement in covered transactions?

970.120 May we grant an exception to let an excluded person participate in a covered transaction?

970.125 Does an exclusion under the nonprocurement system affect a person's eligibility for Federal procurement contracts?

970.130 Does exclusion under the Federal procurement system affect a person's eligibility to participate in nonprocurement transactions?

970.135 May the OPM exclude a person who is not currently participating in a nonprocurement transaction?

970.140 How do I know if a person is excluded?

970.145 Does this part address persons who are disqualified, as well as those who are excluded from nonprocurement transactions?

Subpart B—Covered Transactions

970.200 What is a covered transaction?

970.205 Why is it important to know if a particular transaction is a covered transaction?

970.210 Which nonprocurement transactions are covered transactions?

970.215 Which nonprocurement transactions are not covered transactions?

970.220 Are any procurement contracts included as covered transactions?

970.225 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

970.300 What must I do before I enter into a covered transaction with another person at the next lower tier?

970.305 May I enter into a covered transaction with an excluded or disqualified person?

970.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?

970.315 May I use the services of an excluded person as a principal under a covered transaction?

970.320 Must I verify that principals of my covered transactions are eligible to participate?

970.325 What happens if I do business with an excluded person in a covered transaction?

970.330 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

Disclosing Information—Primary Tier Participants

970.335 What information must I provide before entering into a covered transaction with the OPM?

970.340 If I disclose unfavorable information required under § 970.335, will I be prevented from participating in the transaction?

970.345 What happens if I fail to disclose the information required under § 970.335?

970.350 What must I do if I learn of the information required under § 970.335 after entering into a covered transaction with the OPM?

Disclosing information—Lower Tier Participants

970.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?

970.360 What happens if I fail to disclose the information required under § 970.355?

970.365 What must I do if I learn of information required under § 970.355 after entering into a covered transaction with a higher tier participant?

Subpart D—Responsibilities of OPM Officials Regarding Transactions

970.400 May I enter into a transaction with an excluded or disqualified person?

970.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?

970.410 May I approve a participant's use of the services of an excluded person?

970.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?

970.420 May I approve a transaction with an excluded or disqualified person at a lower tier?

970.425 When do I check to see if a person is excluded or disqualified?

970.430 How do I check to see if a person is excluded or disqualified?

970.435 What must I require of a primary tier participant?

970.440 What method do I use to communicate those requirements to participants?

970.445 What action may I take if a primary tier participant knowingly does business with an excluded or disqualified person?

970.450 What action may I take if a primary tier participant fails to disclose the information required under § 970.335?

970.455 What may I do if a lower tier participant fails to disclose the information required under § 970.355 to the next higher tier?

Subpart E—Excluded Parties List System

970.500 What is the purpose of the Excluded Parties List System (EPLS)?

970.505 Who uses the EPLS?

970.510 Who maintains the EPLS?

970.515 What specific information is in the EPLS?

970.520 Who places the information into the EPLS?

970.525 Whom do I ask if I have questions about a person in the EPLS?

970.530 Where can I find the EPLS?

Subpart F—General Principles Relating to Suspension and Debarment Actions

970.600 How do suspension and debarment actions start?

970.605 How does suspension differ from debarment?

970.610 What procedures does the OPM use in suspension and debarment actions?

970.615 How does the OPM notify a person of a suspension and debarment action?

970.620 Do Federal agencies coordinate suspension and debarment actions?

970.625 What is the scope of a suspension or debarment action?

970.630 May the OPM impute the conduct of one person to another?

970.635 May the OPM settle a debarment or suspension action?

970.640 May a settlement include a voluntary exclusion?

970.645 Do other Federal agencies know if the OPM agrees to a voluntary exclusion?

Subpart G—Suspension

970.700 When may the suspending official issue a suspension?

970.705 What does the suspending official consider in issuing a suspension?

970.710 When does a suspension take effect?

970.715 What notice does the suspending official give me if I am suspended?

970.720 How may I contest a suspension?

970.725 How much time do I have to contest a suspension?

970.730 What information must I provide to the suspending official if I contest a suspension?