

on nonprocurement suspension and debarment. As discussed in detail in the common preamble to this rule, the substantive provisions of the common rule have previously been the subject of a notice and comment period. Ex-Im Bank is not at this time adopting any optional provisions contained in the common rule that depart from the substance of the base text of the common rule. For these reasons, Ex-Im Bank finds, pursuant to 5 U.S.C. 553 (b)(B), that a notice and comment period is unnecessary with respect to its adoption of the base text of the common rule.

It should also be noted that Ex-Im Bank will not be adopting those provisions of the common preamble concerning the Government-wide Requirements for Drug-Free Workplace (Grants). Ex-Im Bank does not issue cooperative agreements, awards, grants or other financial assistance covered by these provisions.

List of Subjects in 12 CFR Part 413

Administrative practice and procedure, Debarment and suspension, Government contracts, Loan programs, Reporting and recordkeeping requirements.

Dated: August 4, 2003.

Peter B. Saba,

General Counsel, The Export-Import Bank of the United States.

■ For the reasons stated in the preamble, the Export-Import Bank of the United States amends 12 CFR chapter IV as follows:

■ 1. Part 413 is added to read as set forth in instruction 1 at the end of the common preamble.

PART 413—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

- 413.25 How is this part organized?
- 413.50 How is this part written?
- 413.75 Do terms in this part have special meanings?

Subpart A—General

- 413.100 What does this part do?
- 413.105 Does this part apply to me?
- 413.110 What is the purpose of the nonprocurement debarment and suspension system?
- 413.115 How does an exclusion restrict a person's involvement in covered transactions?
- 413.120 May we grant an exception to let an excluded person participate in a covered transaction?
- 413.125 Does an exclusion under the nonprocurement system affect a person's eligibility for Federal procurement contracts?

- 413.130 Does exclusion under the Federal procurement system affect a person's eligibility to participate in nonprocurement transactions?
- 413.135 May the Ex-Im Bank exclude a person who is not currently participating in a nonprocurement transaction?
- 413.140 How do I know if a person is excluded?
- 413.145 Does this part address persons who are disqualified, as well as those who are excluded from nonprocurement transactions?

Subpart B—Covered Transactions

- 413.200 What is a covered transaction?
- 413.205 Why is it important to know if a particular transaction is a covered transaction?
- 413.210 Which nonprocurement transactions are covered transactions?
- 413.215 Which nonprocurement transactions are not covered transactions?
- 413.220 Are any procurement contracts included as covered transactions?
- 413.225 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

- 413.300 What must I do before I enter into a covered transaction with another person at the next lower tier?
- 413.305 May I enter into a covered transaction with an excluded or disqualified person?
- 413.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?
- 413.315 May I use the services of an excluded person as a principal under a covered transaction?
- 413.320 Must I verify that principals of my covered transactions are eligible to participate?
- 413.325 What happens if I do business with an excluded person in a covered transaction?
- 413.330 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

Disclosing Information—Primary Tier Participants

- 413.335 What information must I provide before entering into a covered transaction with the Ex-Im Bank?
- 413.340 If I disclose unfavorable information required under § 413.335, will I be prevented from participating in the transaction?
- 413.345 What happens if I fail to disclose the information required under § 413.335?
- 413.350 What must I do if I learn of the information required under § 413.335 after entering into a covered transaction with the Ex-Im Bank?

Disclosing Information—Lower Tier Participants

- 413.355 What information must I provide to a higher tier participant before entering

into a covered transaction with that participant?

- 413.360 What happens if I fail to disclose the information required under § 413.355?
- 413.365 What must I do if I learn of information required under § 413.355 after entering into a covered transaction with a higher tier participant?

Subpart D—Responsibilities of Ex-Im Bank Officials Regarding Transactions

- 413.400 May I enter into a transaction with an excluded or disqualified person?
- 413.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?
- 413.410 May I approve a participant's use of the services of an excluded person?
- 413.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?
- 413.420 May I approve a transaction with an excluded or disqualified person at a lower tier?
- 413.425 When do I check to see if a person is excluded or disqualified?
- 413.430 How do I check to see if a person is excluded or disqualified?
- 413.435 What must I require of a primary tier participant?
- 413.440 What method do I use to communicate those requirements to participants?
- 413.445 What action may I take if a primary tier participant knowingly does business with an excluded or disqualified person?
- 413.450 What action may I take if a primary tier participant fails to disclose the information required under § 413.335?
- 413.455 What may I do if a lower tier participant fails to disclose the information required under § 413.355 to the next higher tier?

Subpart E—Excluded Parties List System

- 413.500 What is the purpose of the Excluded Parties List System (EPLS)?
- 413.505 Who uses the EPLS?
- 413.510 Who maintains the EPLS?
- 413.515 What specific information is in the EPLS?
- 413.520 Who places the information into the EPLS?
- 413.525 Whom do I ask if I have questions about a person in the EPLS?
- 413.530 Where can I find the EPLS?

Subpart F—General Principles Relating to Suspension and Debarment Actions

- 413.600 How do suspension and debarment actions start?
- 413.605 How does suspension differ from debarment?
- 413.610 What procedures does the Ex-Im Bank use in suspension and debarment actions?
- 413.615 How does the Ex-Im Bank notify a person of a suspension and debarment action?
- 413.620 Do Federal agencies coordinate suspension and debarment actions?
- 413.625 What is the scope of a suspension or debarment action?
- 413.630 May the Ex-Im Bank impute the conduct of one person to another?