

- 137.870 When do I know if the debarring official debars me?
- 137.875 May I ask the debarring official to reconsider a decision to debar me?
- 137.880 What factors may influence the debarring official during reconsideration?
- 137.885 May the debarring official extend a debarment?

Subpart I—Definitions

- 137.900 Adequate evidence.
- 137.905 Affiliate.
- 137.910 Agency.
- 137.915 Agent or representative.
- 137.920 Civil judgment.
- 137.925 Conviction.
- 137.930 Debarment.
- 137.935 Debarring official.
- 137.940 Disqualified.
- 137.945 Excluded or exclusion.
- 137.950 Excluded Parties List System.
- 137.955 Indictment.
- 137.960 Ineligible or ineligibility.
- 137.965 Legal proceedings.
- 137.970 Nonprocurement transaction.
- 137.975 Notice.
- 137.980 Participant.
- 137.985 Person.
- 137.990 Preponderance of the evidence.
- 137.995 Principal.
- 137.1000 Respondent.
- 137.1005 State.
- 137.1010 Suspending official.
- 137.1015 Suspension.
- 137.1020 Voluntary exclusion or voluntarily excluded.

Subpart J—[Reserved]**Appendix to Part 137—Covered Transactions**

Authority: 22 U.S.C. 2658; sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 3 CFR 1986 Comp., p.189; E.O. 12689, 3 CFR 1989 Comp., p. 235.

■ 6. Part 137 is further amended as set forth below.

■ a. “[Agency noun]” is removed and “Department of State” is added in its place wherever it occurs.

■ b. “[Agency adjective]” is removed and “Department of State” is added in its place wherever it occurs.

■ c. “[Agency head or designee]” is removed and “Procurement Executive” is added in its place wherever it occurs.

■ 7. Section 137.440 is added to read as follows:

§ 137.440 What method do I use to communicate those requirements to participants?

To communicate the requirement to participants, you must include a term or condition in the transaction requiring the participant’s compliance with subpart C of this part and requiring them to include a similar term or condition in lower tier covered transactions.

AGENCY FOR INTERNATIONAL DEVELOPMENT**22 CFR Parts 208 and 210****RIN 0412-AA47****FOR FURTHER INFORMATION CONTACT:**

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List of Subjects**22 CFR Part 208**

Administrative practice and procedure, Debarment and suspension, Grant programs, Reporting and recordkeeping requirements.

22 CFR Part 210

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

Dated: July 15, 2003.

Timothy T. Beans,
Director, Office of Procurement.

■ For the reason stated in the common preamble, the Agency for International Development amends 22 CFR Chapter II, as follows:

■ 1. Part 208 is revised to read as set forth in instruction 1 at the end of the common preamble.

PART 208—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

208.25 How is this part organized?

208.50 How is this part written?

208.75 Do terms in this part have special meanings?

Subpart A—General

208.100 What does this part do?

208.105 Does this part apply to me?

208.110 What is the purpose of the nonprocurement debarment and suspension systems?

208.115 How does an exclusion restrict a person’s involvement in covered transactions?

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

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

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

208.135 May the U.S. Agency for International Development exclude a person who is not currently participating in a nonprocurement transaction?

208.140 How do I know if a person is excluded?

208.145 Does this part address persons who are disqualified, as well as those who are

excluded from nonprocurement transactions?

Subpart B—Covered Transactions

208.200 What is a covered transaction?

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

208.210 Which nonprocurement transactions are covered transactions?

208.215 Which nonprocurement transactions are not covered transactions?

208.220 Are any procurement contracts included as covered transactions?

208.225 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**

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

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

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

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

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

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

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

Disclosing Information—Primary Tier Participants

208.335 What information must I provide before entering into a covered transaction with the U.S. Agency for International Development?

208.340 If I disclose unfavorable information required under § 208.335, will I be prevented from participating in the transaction?

208.345 What happens if I fail to disclose the information required under § 208.335?

208.350 What must I do if I learn of the information required under § 208.335 after entering into a covered transaction with the U.S. Agency for International Development?

Disclosing Information—Lower Tier Participants

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

208.360 What happens if I fail to disclose the information required under § 208.355?

208.365 What must I do if I learn of information required under § 208.355 after entering into a covered transaction with a higher tier participant?