

both the limited denial of participation and the suspension or debarment.

§ 24.1155 What is the effect of a limited denial of participation on a suspension or a debarment?

The imposition of a limited denial of participation does not affect the right of the Department to suspend or debar any person under this part.

§ 24.1160 May a limited denial of participation be terminated before the term of the limited denial of participation expires?

If the cause for the limited denial of participation is resolved before the expiration of the 12-month period, the official who imposed the sanction may terminate it.

§ 24.1165 How is a limited denial of participation reported?

When a limited denial of participation has been made final, or the period for requesting a conference pursuant to § 24.1130 has expired without receipt of such a request, the official imposing the limited denial of participation shall notify the Director of the Compliance Division in the Departmental Enforcement Center of the scope of the limited denial of participation.

DEPARTMENT OF JUSTICE

28 CFR Parts 67 and 83

[OJP(OJP)-1306]

RIN 1121-AA57

ADDRESSES: Please address all comments regarding this interim final rule to Linda Fallowfield, Attorney Advisor, Office of the General Counsel, Office of Justice Programs, Department of Justice, 810 7th Street NW., Washington, DC 20531, (202) 305-2534, e-mail: fallowfi@ojp.usdoj.gov.

FOR FURTHER INFORMATION CONTACT: Linda Fallowfield, Attorney Advisor, Office of the General Counsel, Office of Justice Programs, Department of Justice, 810 7th Street NW., Washington, DC 20531, (202) 305-2534, e-mail: fallowfi@ojp.usdoj.gov.

SUPPLEMENTARY INFORMATION:

The Department of Justice (the Department) is publishing this interim final rule in order to join the publication of the government-wide common rule on debarment and suspension. The Department is adopting this common rule in order to promote consistency within the federal government. The common rule provides uniform requirements for debarment and suspension by Executive branch agencies to protect assistance, loans, benefits and other non-procurement

activities from waste, fraud, abuse and poor performance, similar to the system used for Federal procurement activities under Subpart 9.4 of the Federal Acquisition Regulations (FAR).

Finally, the Department's proposed rule on drug-free workplace requirements would be separated from the proposed rule on debarment and suspension. The drug-free workplace requirements are currently located in subpart F of the Debarment and Suspension Non-procurement Common Rule. Moving those requirements to a separate part would allow them to appear in a more appropriate location nearer other requirements used predominantly by award officials. The requirements for maintaining a drug-free workplace thus would be relocated from 28 CFR part 67 to 28 CFR part 83, and are restated in plain language format.

List of Subjects

28 CFR Part 67

Administrative practice and procedure, Government contracts, Grant programs, Loan programs, Reporting and recordkeeping requirements, Technical assistance, Drug abuse.

28 CFR Part 83

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

Dated: October 16, 2003.

John Ashcroft,
Attorney General.

■ For the reasons set forth in the preamble, 28 CFR chapter I is amended as follows:

■ 1. Part 67 is revised to read as set forth in instruction 1 at the end of the common preamble.

PART 67—GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

67.25 How is this part organized?

67.50 How is this part written?

67.75 Do terms in this part have special meanings?

Subpart A—General

67.100 What does this part do?

67.105 Does this part apply to me?

67.110 What is the purpose of the non-procurement debarment and suspension system?

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

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

67.125 Does an exclusion under the non-procurement system affect a person's

eligibility for Federal procurement contracts?

67.130 Does an exclusion under the Federal procurement system affect a person's eligibility to participate in non-procurement transactions?

67.135 May the Department of Justice exclude a person who is not currently participating in a non-procurement transaction?

67.140 How do I know if a person is excluded?

67.145 Does this part address persons who are disqualified, as well as those who are excluded from non-procurement transactions?

Subpart B—Covered Transactions

67.200 What is a covered transaction?

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

67.210 Which non-procurement transactions are covered transactions?

67.215 Which non-procurement transactions are not covered transactions?

67.220 Are any procurement contracts included as covered transactions?

67.225 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

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

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

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

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

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

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

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

Disclosing Information—Primary Tier Participants

67.335 What information must I provide before entering into a covered transaction with the Department of Justice?

67.340 If I disclose unfavorable information required under § 67.335, will I be prevented from participating in the transaction?

67.345 What happens if I fail to disclose the information required under § 67.335?

67.350 What must I do if I learn of the information required under § 67.335 after entering into a covered transaction with the Department of Justice?