

after entering into a covered transaction with FMCS?

#### **Disclosing Information—Lower Tier Participants**

- 1471.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?
- 1471.360 What happens if I fail to disclose the information required under § 1471.355?
- 1471.365 What must I do if I learn of information required under § 1471.355 after entering into a covered transaction with a higher tier participant?

#### **Subpart D—Responsibilities of FMCS Officials Regarding Transactions**

- 1471.400 May I enter into a transaction with an excluded or disqualified person?
- 1471.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?
- 1471.410 May I approve a participant's use of the services of an excluded person?
- 1471.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?
- 1471.420 May I approve a transaction with an excluded or disqualified person at a lower tier?
- 1471.425 When do I check to see if a person is excluded or disqualified?
- 1471.430 How do I check to see if a person is excluded or disqualified?
- 1471.435 What must I require of a primary tier participant?
- 1471.440 What method do I use to communicate those requirements to participants?
- 1471.445 What action may I take if a primary tier participant knowingly does business with an excluded or disqualified person?
- 1471.450 What action may I take if a primary tier participant fails to disclose the information required under § 1471.335?
- 1471.455 What may I do if a lower tier participant fails to disclose the information required under § 1471.355 to the next higher tier?

#### **Subpart E—Excluded Parties List System**

- 1471.500 What is the purpose of the Excluded Parties List System (EPLS)?
- 1471.505 Who uses the EPLS?
- 1471.510 Who maintains the EPLS?
- 1471.515 What specific information is in the EPLS?
- 1471.520 Who places the information into the EPLS?
- 1471.525 Whom do I ask if I have questions about a person in the EPLS?
- 1471.530 Where can I find the EPLS?

#### **Subpart F—General Principles Relating to Suspension and Debarment Actions**

- 1471.600 How do suspension and debarment actions start?
- 1471.605 How does suspension differ from debarment?
- 1471.610 What procedures does FMCS use in suspension and debarment actions?

- 1471.615 How does FMCS notify a person of a suspension and debarment action?
- 1471.620 Do Federal agencies coordinate suspension and debarment actions?
- 1471.625 What is the scope of a suspension or debarment action?
- 1471.630 May FMCS impute the conduct of one person to another?
- 1471.635 May FMCS settle a debarment or suspension action?
- 1471.640 May a settlement include a voluntary exclusion?
- 1471.645 Do other Federal agencies know if FMCS agrees to a voluntary exclusion?

#### **Subpart G—Suspension**

- 1471.700 When may the suspending official issue a suspension?
- 1471.705 What does the suspending official consider in issuing a suspension?
- 1471.710 When does a suspension take effect?
- 1471.715 What notice does the suspending official give me if I am suspended?
- 1471.720 How may I contest a suspension?
- 1471.725 How much time do I have to contest a suspension?
- 1471.730 What information must I provide to the suspending official if I contest a suspension?
- 1471.735 Under what conditions do I get an additional opportunity to challenge the facts on which the suspension is based?
- 1471.740 Are suspension proceedings formal?
- 1471.745 How is fact-finding conducted?
- 1471.750 What does the suspending official consider in deciding whether to continue or terminate my suspension?
- 1471.755 When will I know whether the suspension is continued or terminated?
- 1471.760 How long may my suspension last?

#### **Subpart H—Debarment**

- 1471.800 What are the causes for debarment?
- 1471.805 What notice does the debarring official give me if I am proposed for debarment?
- 1471.810 When does a debarment take effect?
- 1471.815 How may I contest a proposed debarment?
- 1471.820 How much time do I have to contest a proposed debarment?
- 1471.825 What information must I provide to the debarring official if I contest a proposed debarment?
- 1471.830 Under what conditions do I get an additional opportunity to challenge the facts on which the proposed debarment is based?
- 1471.835 Are debarment proceedings formal?
- 1471.840 How is fact-finding conducted?
- 1471.845 What does the debarring official consider in deciding whether to debar me?
- 1471.850 What is the standard of proof in a debarment action?
- 1471.855 Who has the burden of proof in a debarment action?
- 1471.860 What factors may influence the debarring official's decision?
- 1471.865 How long may my debarment last?

- 1471.870 When do I know if the debarring official debars me?
- 1471.875 May I ask the debarring official to reconsider a decision to debar me?
- 1471.880 What factors may influence the debarring official during reconsideration?
- 1471.885 May the debarring official extend a debarment?

#### **Subpart I—Definitions**

- 1471.900 Adequate evidence.
- 1471.905 Affiliate.
- 1471.910 Agency.
- 1471.915 Agent or representative.
- 1471.920 Civil judgment.
- 1471.925 Conviction.
- 1471.930 Debarment.
- 1471.935 Debarring official.
- 1471.940 Disqualified.
- 1471.945 Excluded or exclusion.
- 1471.950 Excluded Parties List System.
- 1471.955 Indictment.
- 1471.960 Ineligible or ineligibility.
- 1471.965 Legal proceedings.
- 1471.970 Nonprocurement transaction.
- 1471.975 Notice.
- 1471.980 Participant.
- 1471.985 Person.
- 1471.990 Preponderance of the evidence.
- 1471.995 Principal.
- 1471.1000 Respondent.
- 1471.1005 State.
- 1471.1010 Suspending official.
- 1471.1015 Suspension.
- 1471.1020 Voluntary exclusion or voluntarily excluded

#### **Subpart J—[Reserved]**

#### **Appendix to Part 1471—Covered Transactions**

**Authority:** E.O. 12549, 3 CFR 1986 Comp., p. 189; E.O. 12698, 3 CFR 1989 Comp., p. 235; sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 29 U.S.C. 175a.

■ 2. Part 1471 is further amended as set forth below.

■ a. “[Agency noun]” is removed and “Federal Mediation and Conciliation Service” is added in its place wherever it occurs.

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

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

■ 3. Section 1471.440 is added to read as follows:

#### **§ 1471.440 What method do I use to communicate those requirements to participants?**

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

■ 4. Part 1472 is added to read as set forth in instruction 2 at the end of the common preamble.