

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 44 and 48

RIN 2900-AK16

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List of Subjects

38 CFR Part 44

Administrative practice and procedure, Condominiums, Debarment and suspension, Grant programs, Handicapped, Housing loan programs—housing and community development, Manufactured homes, Reporting and recordkeeping requirements, Veterans.

38 CFR Part 48

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

Approved: August 4, 2003.

Anthony J. Principi,
Secretary of Veterans Affairs.

■ For the reasons stated in the common preamble, the Department of Veterans Affairs amends 38 CFR Chapter I, as follows:

■ 1. Part 44 is revised to read as set forth in instruction 1 at the end of the common preamble.

PART 44—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Sec.

44.25 How is this part organized?

44.50 How is this part written?

44.75 Do terms in this part have special meanings?

Subpart A—General

44.100 What does this part do?

44.105 Does this part apply to me?

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

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

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

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

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

44.135 May the Department of Veterans Affairs exclude a person who is not currently participating in a nonprocurement transaction?

44.140 How do I know if a person is excluded?

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

Subpart B—Covered Transactions

44.200 What is a covered transaction?

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

44.210 Which nonprocurement transactions are covered transactions?

44.215 Which nonprocurement transactions are not covered transactions?

44.220 Are any procurement contracts included as covered transactions?

44.225 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

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

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

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

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

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

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

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

Disclosing Information—Primary Tier Participants

44.335 What information must I provide before entering into a covered transaction with the Department of Veterans Affairs?

44.340 If I disclose unfavorable information required under § 44.335, will I be prevented from participating in the transaction?

44.345 What happens if I fail to disclose the information required under § 44.335?

44.350 What must I do if I learn of the information required under § 44.335 after entering into a covered transaction with the Department of Veterans Affairs?

Disclosing Information—Lower Tier Participants

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

44.360 What happens if I fail to disclose the information required under § 44.355?

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Subpart D—Responsibilities of Department of Veterans Affairs Officials Regarding Transactions

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

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

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

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

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

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

44.435 What must I require of a primary tier participant?

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

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

44.450 What action may I take if a primary tier participant fails to disclose the information required under § 44.335?

44.455 What may I do if a lower tier participant fails to disclose the information required under § 44.355 to the next higher tier?

Subpart E—Excluded Parties List System

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

44.505 Who uses the EPLS?

44.510 Who maintains the EPLS?

44.515 What specific information is in the EPLS?

44.520 Who places the information into the EPLS?

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

44.630 May the Department of Veterans Affairs impute the conduct of one person to another?

44.635 May the Department of Veterans Affairs settle a debarment or suspension action?