

entering into a covered transaction with the Department of the Interior?

Disclosing Information—Lower Tier Participants

- 42.355 What information must I provide to a higher tier participant before entering into a covered transaction with that participant?
- 42.360 What happens if I fail to disclose the information required under § 42.355?
- 42.365 What must I do if I learn of information required under § 42.355 after entering into a covered transaction with a higher tier participant?

Subpart D—Responsibilities of Department of the Interior Officials Regarding Transactions

- 42.400 May I enter into a transaction with an excluded or disqualified person?
- 42.405 May I enter into a covered transaction with a participant if a principal of the transaction is excluded?
- 42.410 May I approve a participant's use of the services of an excluded person?
- 42.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?
- 42.420 May I approve a transaction with an excluded or disqualified person at a lower tier?
- 42.425 When do I check to see if a person is excluded or disqualified?
- 42.430 How do I check to see if a person is excluded or disqualified?
- 42.435 What must I require of a primary tier participant?
- 42.440 What method do I use to communicate those requirements to participants?
- 42.445 What action may I take if a primary tier participant knowingly does business with an excluded or disqualified person?
- 42.450 What action may I take if a primary tier participant fails to disclose the information required under § 42.335?
- 42.455 What may I do if a lower tier participant fails to disclose the information required under § 42.355 to the next higher tier?

Subpart E—Excluded Parties List System

- 42.500 What is the purpose of the Excluded Parties List System (EPLS)?
- 42.505 Who uses the EPLS?
- 42.510 Who maintains the EPLS?
- 42.515 What specific information is in the EPLS?
- 42.520 Who places the information into the EPLS?
- 42.525 Whom do I ask if I have questions about a person in the EPLS?
- 42.530 Where can I find the EPLS?

Subpart F—General Principles Relating to Suspension and Debarment Actions

- 42.600 How do suspension and debarment actions start?
- 42.605 How does suspension differ from debarment?
- 42.610 What procedures does the Department of the Interior use in suspension and debarment actions?
- 42.615 How does the Department of the Interior notify a person of a suspension and debarment action?

- 42.620 Do Federal agencies coordinate suspension and debarment actions?
- 42.625 What is the scope of a suspension or debarment action?
- 42.630 May the Department of the Interior impute the conduct of one person to another?
- 42.635 May the Department of the Interior settle a debarment or suspension action?
- 42.640 May a settlement include a voluntary exclusion?
- 42.645 Do other Federal agencies know if the Department of the Interior agrees to a voluntary exclusion?

Subpart G—Suspension

- 42.700 When may the suspending official issue a suspension?
- 42.705 What does the suspending official consider in issuing a suspension?
- 42.710 When does a suspension take effect?
- 42.715 What notice does the suspending official give me if I am suspended?
- 42.720 How may I contest a suspension?
- 42.725 How much time do I have to contest a suspension?
- 42.730 What information must I provide to the suspending official if I contest a suspension?
- 42.735 Under what conditions do I get an additional opportunity to challenge the facts on which the suspension is based?
- 42.740 Are suspension proceedings formal?
- 42.745 How is fact-finding conducted?
- 42.750 What does the suspending official consider in deciding whether to continue or terminate my suspension?
- 42.755 When will I know whether the suspension is continued or terminated?
- 42.760 How long may my suspension last?

Subpart H—Debarment

- 42.800 What are the causes for debarment?
- 42.805 What notice does the debarring official give me if I am proposed for debarment?
- 42.810 When does a debarment take effect?
- 42.815 How may I contest a proposed debarment?
- 42.820 How much time do I have to contest a proposed debarment?
- 42.825 What information must I provide to the debarring official if I contest a proposed debarment?
- 42.830 Under what conditions do I get an additional opportunity to challenge the facts on which the proposed debarment is based?
- 42.835 Are debarment proceedings formal?
- 42.840 How is fact-finding conducted?
- 42.845 What does the debarring official consider in deciding whether to debar me?
- 42.850 What is the standard of proof in a debarment action?
- 42.855 Who has the burden of proof in a debarment action?
- 42.860 What factors may influence the debarring official's decision?
- 42.865 How long may my debarment last?
- 42.870 When do I know if the debarring official debars me?
- 42.875 May I ask the debarring official to reconsider a decision to debar me?
- 42.880 What factors may influence the debarring official during reconsideration?

- 42.885 May the debarring official extend a debarment?

Subpart I—Definitions

- 42.900 Adequate evidence.
- 42.905 Affiliate.
- 42.910 Agency.
- 42.915 Agent or representative.
- 42.920 Civil judgment.
- 42.925 Conviction.
- 42.930 Debarment.
- 42.935 Debarring official.
- 42.940 Disqualified.
- 42.945 Excluded or exclusion.
- 42.950 Excluded Parties List System.
- 42.955 Indictment.
- 42.960 Ineligible or ineligibility.
- 42.965 Legal proceedings.
- 42.970 Nonprocurement transaction.
- 42.975 Notice.
- 42.980 Participant.
- 42.985 Person.
- 42.990 Preponderance of the evidence.
- 42.995 Principal.
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- 42.1010 Suspending official.
- 42.1015 Suspension.
- 42.1020 Voluntary exclusion or voluntarily excluded.

Subpart J—[Reserved]

Appendix to Part 42—Covered Transactions

Authority: E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 5 U.S.C. 301; 31 U.S.C.

- 4. Part 42 is further amended as set forth below.
- a. “[Agency noun]” is removed and “Department of the Interior” is added in its place wherever it occurs.
- b. “[Agency adjective]” is removed and “Department of the Interior” is added in its place where it occurs.
- c. “[Agency head or designee]” is removed and “Director, Office of Acquisition and Property Management” is added in its place wherever it occurs.
- 5. Section 42.215 is further amended by adding paragraphs (h) through (k) to read as follows:

§ 42.215 Which nonprocurement transactions are not covered transactions?

- * * * * *
- (h) Transactions entered into pursuant to Public Law 93–638, 88 Stat. 2203.
- (i) Under natural resource management programs, permits, licenses, exchanges and other acquisitions of real property, rights-of-way, and easements.
- (j) Transactions concerning mineral patent claims entered into pursuant to 30 U.S.C. 22 *et seq.*
- (k) Water service contracts and repayments entered into pursuant to 43 U.S.C. 485.
- 6. Section 42.440 is added to read as follows: