

by a State in conducting a procurement under the USDA entitlement programs specified in 2 CFR 200.101(f)(4) through (6) shall be excluded from competing for such procurements. Such prospective contractors are ineligible for contract awards resulting from such procurements regardless of the procurement method used. However, prospective contractors may provide States with specification information related to a State procurement under the USDA entitlement programs specified in 2 CFR 200.101(f)(4) through (6) and still compete for the procurement if the State, and not the prospective contractor, develops or drafts the specifications, requirements, statements of work, invitations for bid, and/or requests for proposals used to conduct the procurement.

(b) Procurements by States under USDA entitlement programs specified in 2 CFR 200.101(f)(4) through (6) shall be conducted in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographic preferences except as provided for in 2 CFR 200.319(c).

[79 FR 75985, Dec. 19, 2014, as amended at 85 FR 72912, Nov. 16, 2020]

## PART 417—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

417.10 What does this part do?

417.20 Does this part apply to me?

417.30 What policies and procedures must I follow?

### Subpart A—General

417.137 Who in the USDA may grant an exception to let an excluded person participate in a covered transaction?

### Subpart B—Covered Transactions

417.210 Which nonprocurement transactions are covered transactions?

417.215 Which nonprocurement transactions, in addition to those listed in 2 CFR 180.215, are not covered transactions?

417.220 Are any procurement contracts included as covered transactions?

417.221 How would the exclusions from coverage for the USDA's foreign assistance programs apply?

417.222 How would the exclusions from coverage for the USDA's export credit guarantee and direct credit programs apply?

### Subpart C—Responsibilities of Participants Regarding Transactions

417.332 What methods must I use to pass down requirements to participants in lower-tier covered transactions with whom I intend to do business?

### Subpart D—Responsibilities of Department of Agriculture Officials Regarding Transactions

417.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

### Subpart E—System for Award Management Exclusions

417.500 What is the purpose of the System for Award Management Exclusions (SAM Exclusions)?

417.505 Who uses SAM Exclusions?

417.510 Who maintains SAM Exclusions?

417.515 What specific information is in SAM Exclusions?

417.520 Who places the information into SAM Exclusions?

417.525 Whom do I ask if I have questions about a person in SAM Exclusions?

417.530 Where can I find SAM Exclusions?

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

417.600 How do suspension and debarment actions start?

417.605 How does suspension differ from debarment?

417.610 What procedures does a Federal agency use in suspension and debarment actions?

417.615 How does a Federal agency notify a person of a suspension or debarment action?

417.620 Do Federal agencies coordinate suspension and debarment actions?

417.625 What is the scope of a suspension or debarment?

417.630 May a Federal agency impute the conduct of one person to another?

417.635 May a Federal agency settle a debarment or suspension action?

417.640 May a settlement include a voluntary exclusion?

417.645 Do other Federal agencies know if an agency agrees to a voluntary exclusion?

417.650 May an administrative agreement be the result of a settlement?

417.655 How will other Federal awarding agencies know about an administrative agreement that is the result of a settlement?

## § 417.10

417.660 Will administrative agreement information about me in the designated integrity and performance system accessible through SAM be corrected or updated?

### Subpart G—Suspension

417.755 When will I know whether the USDA suspension is continued or terminated?

### Subpart H—Debarment

417.800 What are the USDA causes for debarment?

417.865 How long may my debarment last?

417.870 When do I know if the USDA debarring official debars me?

### Subpart I—Definitions

417.930 Debarring official (USDA supplement to governmentwide definition at 2 CFR 180.930).

417.935 Disqualified (USDA supplement to governmentwide definition at 2 CFR 180.935).

417.970 Nonprocurement transaction.

417.1010 Suspending official (USDA supplement to governmentwide definition at 2 CFR 180.1010).

APPENDIX 1 TO PART 417—COVERED TRANSACTIONS

### Subpart J [Reserved]

AUTHORITY: 5 U.S.C. 301; Pub. L. 101-576, 104 Stat. 2838; Sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); 7 U.S.C. 2209j; E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12698 (3 CFR, Comp., p. 235); 7 CFR 2.28.

SOURCE: 75 FR 29185, May 25, 2010, unless otherwise noted.

#### § 417.10 What does this part do?

This part adopts the OMB guidance in subparts A through I of 2 CFR part 180, as supplemented by this part, as the USDA policies and procedures for nonprocurement debarment and suspension. It thereby gives regulatory effect for the USDA to the OMB guidance, as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, “Debarment and Suspension” (3 CFR 1986 Comp., p. 189), Executive Order 12689, “Debarment and Suspension” (3 CFR 1989 Comp., p. 235) and 31 U.S.C. 6101 note (Section 2455, Pub. L. 103-355, 108 Stat. 3327).

#### § 417.20 Does this part apply to me?

Through this part, pertinent portions of the OMB guidance in subparts A

## 2 CFR Ch. IV (1–1–24 Edition)

through I of 2 CFR part 180 (*see* table at 2 CFR 180.100(b)) apply to you if you are a:

(a) Participant or principal in a “covered transaction” (*see* subpart B of 2 CFR part 180 and the definition of “nonprocurement transaction” at 2 CFR 180.970, as supplemented by §§ 417.215 and 417.220 of this part);

(b) Respondent in a USDA debarment and suspension action;

(c) USDA debarment or suspension official; or

(d) USDA grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

#### § 417.30 What policies and procedures must I follow?

The USDA policies and procedures that you must follow are the policies and procedures specified in this regulation and each applicable section of the OMB guidance in subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by section 220 of the OMB guidance (*i.e.*, 2 CFR 180.220) as supplemented by section 220 in this part (*i.e.*, § 417.220). For any section of OMB guidance in subparts A through I of 2 CFR part 180 that has no corresponding section in this part, USDA policies and procedures are those in the OMB guidance.

### Subpart A—General

#### § 417.137 Who in the USDA may grant an exception to let an excluded person participate in a covered transaction?

Within the USDA, a debarring official may grant an exception to let an excluded person participate in a covered transaction as provided under 2 CFR 180.135.