

Subpart I—Definitions

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

(a) Debarring official means an agency official who is authorized to impose debarment. The debarring official is either:

- (1) The agency head; or
- (2) An official designated by the agency head.

(b) The head of an organizational unit within USDA (*e.g.*, Administrator, Food and Nutrition Service), who has been delegated authority in 7 CFR part 2 to carry out a covered transaction, is delegated authority to act as the debarring official in connection with such transaction. This authority to act as a debarring official may not be redelegated below the head of the organizational unit, except that, in the case of the Forest Service, the Chief may redelegate the authority to act as a debarring official to the Deputy Chief for the National Forest System or an Associate Deputy Chief for the National Forest System.

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

“Disqualified” means that a person is prohibited from participating in specified Federal procurement or nonprocurement transactions as required under a statute, Executive order (other than Executive Orders 12549 and 12689) or other authority. Examples of disqualifications include persons prohibited under—

- (a) The Davis-Bacon Act (40 U.S.C. 276(a));
- (b) The equal employment opportunity acts and Executive orders; or
- (c) The Clean Air Act (42 U.S.C. 7606), Clean Water Act (33 U.S.C. 1368) and Executive Order 11738 (3 CFR, 1973 Comp., p. 799);
- (d) 515(h) of the Federal Crop Insurance Act (7 U.S.C. 1515(h));
- (e) Section 12 of the Food and Nutrition Act of 2008 (7 U.S.C. 2021).

[84 FR 52996, Oct. 4, 2019]

§ 417.970 Nonprocurement transaction.

(a) “Nonprocurement transaction” means any transaction, regardless of type (except procurement contracts), including, but not limited to the following:

- (1) Grants.
- (2) Cooperative agreements.
- (3) Scholarships.
- (4) Fellowships.
- (5) Contracts of assistance.
- (6) Loans.
- (7) Loan guarantees.
- (8) Subsidies.
- (9) Insurances.
- (10) Payments for specified uses.
- (11) Donation agreements.

(b) A nonprocurement transaction at any tier does not require the transfer of Federal funds.

[84 FR 52996, Oct. 4, 2019]

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

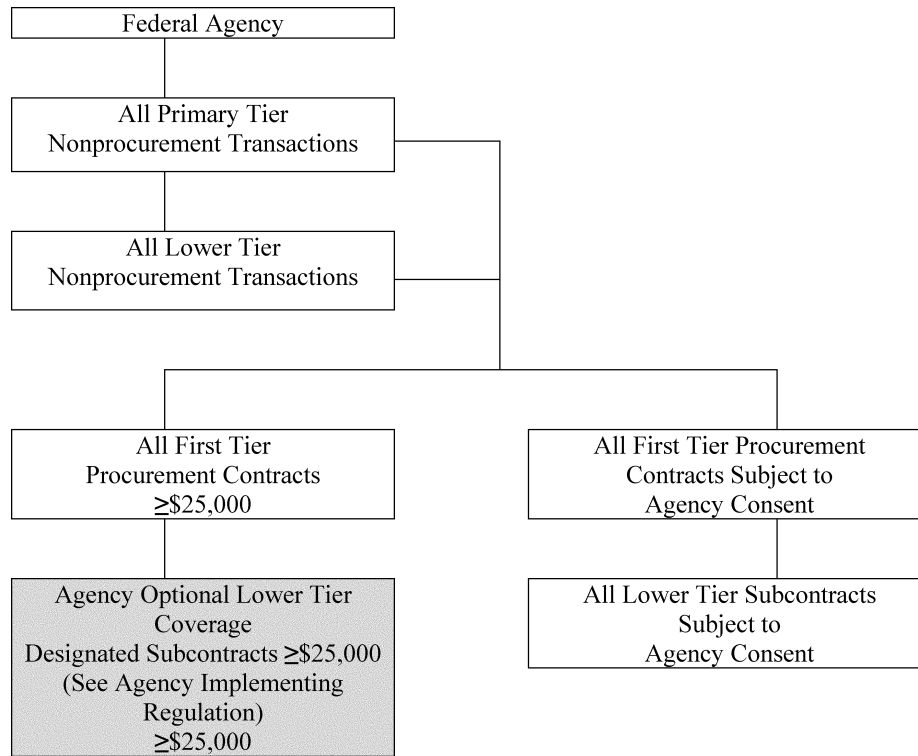
(a) Suspending official means an agency official who is authorized to impose suspension. The suspending official is either:

- (1) The agency head; or
- (2) An official designated by the agency head.

(b) The head of an organizational unit within USDA (*e.g.*, Administrator, Food and Nutrition Service), who has been delegated authority in 7 CFR part 2 of this title to carry out a covered transaction, is delegated authority to act as the suspending official in connection with such transaction. This authority to act as a suspending official may not be redelegated below the head of the organizational unit, except that, in the case of the Forest Service, the Chief may redelegate the authority to act as a suspending official to the Deputy Chief for the National Forest System or an Associate Deputy Chief for the National Forest System.

APPENDIX 1 TO PART 417—COVERED TRANSACTIONS

COVERED TRANSACTIONS



[84 FR 52996, Oct. 4, 2019]

Subpart J [Reserved]**PART 418—NEW RESTRICTIONS ON LOBBYING****Subpart A—General**

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APPENDIX A TO PART 418—CERTIFICATION REGARDING LOBBYING

APPENDIX B TO PART 418—DISCLOSURE FORM TO REPORT LOBBYING

AUTHORITY: 31 U.S.C. 1352; 5 U.S.C. 301.

SOURCE: 79 FR 75985, Dec. 19, 2014, unless otherwise noted.

Subpart A—General**§ 418.100 Conditions on use of funds.**

- (a) No appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative