SUPPLEMENTARY INFORMATION: The purpose of this system of records is to assist EPA in assembling information in order to conduct and document debarment and suspension proceedings to ensure that Federal contracts and Federal assistance, loans, and benefits are awarded to responsible business entities and individuals. The system includes case files and computer generated records developed in connection with initiating suspension and debarment proceedings under Federal Acquisition Regulation (FAR) 9.4 (procurement) and 40 CFR part 32 (nonprocurement), and in rendering interim and final decisions in such proceedings. Case files are comprised of: (1) The official administrative record maintained by hearing officers in EPA's Office of Grants and Debarment (OGD); (2) files compiled by attorneys in EPA's Suspension and Debarment Division (SDD), the Inspector General Division of the Office of General Counsel, and Offices of Regional Counsel in support of suspension and debarment actions; and (3) files developed by SDD to provide documentation for suspension and debarment actions and to conduct audits of compliance agreements. Computer generated records include data regarding categories and status of

This system of records contains records retrievable by the names of businesses and other organizations, as well as by the names of individuals. Only information retrievable by the names of individuals is covered by this Privacy Act notice.

Dated: September 26, 1995. Sallyanne Harper, Acting Assistant Administrator for Administration and Resources Management.

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SYSTEM NAME:

Debarment and Suspension Files—EPA/OGD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Grants and Debarment, Fairchild Building, 499 South Capitol St., Washington, DC. Records are also located in files maintained by the EPA legal offices in Headquarters and Regions 1 through 10 which recommend suspension and debarment action.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been suspended, proposed for debarment, or debarred from Federal procurement and assistance programs and individuals who have been the subject of agency inquiries to determine whether they should be debarred and/or suspended from Federal procurement and assistance programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include information on individuals and firms excluded or considered for exclusion from Federal acquisition or assistance programs as a result of suspension or debarment proceedings initiated by EPA. Such information includes, but is not limited to, names and addresses of individuals covered by the system of records, evidence obtained in support of Action Referral Memoranda and Case Closure Memoranda, interim decisions, compliance agreements, audits of compliance agreements, and final determinations. Examples of evidence contained in files include correspondence, inspection reports, memoranda of interviews, contracts, assistance agreements, indictments, judgment and conviction orders, plea agreements, and corporate information. Evidence may include documents containing individuals' Social Security Numbers. Computer generated records include data regarding categories and status of cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, 41 U.S.C. 251 et. seq.; Office of Federal Procurement Policy Act, 41 U.S.C. 401 et seq.; Executive Order 12549 (February 18, 1986); and Executive Order 12689 (August 16, 1989).

PURPOSE:

The purpose of this system of records is to assist EPA in assembling information on, conducting, and documenting debarment and suspension proceedings to ensure that Federal contracts and Federal assistance, loans, and benefits, are awarded to responsible business entities and individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system may be disclosed for routine uses as follows:

- 1. To the General Services Administration (GSA) to compile and maintain the "Lists of Parties Excluded From Federal Procurement or Nonprocurement Programs" in accordance with FAR 9.404 and 40 CFR 32.500 and 32.505.
- 2. To organizations suspended, proposed for debarment of debarred in EPA proceedings; to the legal representatives of such organizations; and to the legal representatives of

individuals suspended, proposed for debarment or debarred in EPA proceedings.

3. To a Federal, state, or local agency, financial institution or other entity for the purpose of verifying an individual's eligibility for engaging in a covered transaction as defined at 40 CFR 32.200.

4. To Federal, state, or local agencies for the purpose of; (a) assisting them in administering Federal acquisition, assistance, loan and benefit programs or regulatory programs, (b) assisting them in discharging their duties to ensure that Federal contracts and assistance, loans, and benefit programs are awarded to responsible individuals and organizations, and (c) ensuring that Federal, state or local regulatory responsibilities are met.

5. To Federal, state, or local agencies where necessary to enable EPA to obtain information relevant to an EPA decision concerning the hiring or retention of an employee; the letting of a contract or the issuance of a security clearance, license, permit, grant, or other benefit by EPA or another Federal, state or local agency.

6. To an appropriate Federal, state, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule, regulation, permit, or order, where the records indicate on their face or in conjunction with other records a violation or potential violation of the statute, rule, regulation, permit, or order, and the information disclosed is relevant to the matter.

7. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest; (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency.

8. In a proceeding or contemplated proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest; (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual