

DEPARTMENT OF EDUCATION**Privacy Act of 1974; System of Records**

AGENCY: Department of Education.

ACTION: Notice of an altered system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of Education publishes this notice of an altered system of records (18-11-0026) for Debarment and Suspension Proceedings under Executive Order 12549 and the Drug-Free Workplace Act and the Federal Acquisition Regulation (FAR), 48 CFR part 9, subpart 9.4. The purpose of this notice is to notify the public of an expansion in scope of the system of records managed by the Grants and Contracts Service (GCS) to include procurement, as well as nonprocurement and Drug-Free Workplace Act actions. Currently, the Grants and Contracts Service maintains records regarding debarment and suspension proceedings against individuals who are involved in nonprocurement transactions related to programs administered by the Department. This notice also makes technical changes regarding the addition of a third system manager and system location, and also regarding the change of a system manager.

DATES: Comments on the routine uses in this system of records, as applied to individuals debarred and suspended under the Federal Acquisition Regulation, 48 CFR part 9, subpart 9.4, must be submitted by January 8, 1996. The Department filed a report on the altered system of records with the Chairman of the House Committee on Government Reform and Oversight, the Chairman of the Senate Committee on Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on December 4, 1995. This change will become effective after the 30 day period for OMB review which expires on January 3, 1996, unless OMB gives specific notice within the 30 days that the system is not approved for implementation or requests an additional 10 days for OMB review. The Department will publish any changes to the routine uses that result from the comments.

FOR FURTHER INFORMATION CONTACT:

Cathy Girouard, Grants and Contracts Service, Office of the Chief Financial Officer, U.S. Department of Education, 600 Independence Avenue, SW (Room 3636, GSA Regional Office Building 3,

7th & D Streets, SW) Washington, DC 20202-5341. Telephone: (202) 708-8529. Individuals who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On November 28, 1988, the Department of Education published in the Federal Register (53 FR 47855) a notice of a new system of records for Debarment and Suspension Proceedings Under Executive Order (E.O.) 12549. That notice was amended on January 22, 1990, to add an additional system manager (55 FR 2131); and amended again on March 7, 1990, to expand its scope to cover debarment and suspension proceedings under the Drug-Free Workplace Act (55 FR 8168).

The Privacy Act of 1974 requires the Department to publish in the Federal Register a notice of an altered system of records (See 5 U.S.C. 552a(e)(4)). This notice of an altered system of records notifies the public that the Department is expanding the scope of the system of records to include procurement, as well as nonprocurement and Drug-Free Workplace Act actions.

This notice also adds a third official authorized to maintain records regarding debarment and suspension proceedings against individuals and makes other technical changes.

The Office of Inspector General (OIG) is now responsible for proposing debarments and issuing suspensions if the action is against a certified public accountant (CPA) or CPA firm that audits, or is likely to audit, an educational institution receiving funds under a program administered by the Department of Education. As a result, the official in the Office of Inspector General who is responsible for issuing these notices is now responsible for maintaining records regarding these actions.

The Office of Postsecondary Education (OPE) continues to be responsible for initiating all debarment and suspension actions against institutions of higher education, lenders, and guarantee agencies and their principals. The OPE official responsible for maintaining records regarding OPE initiated actions (the system manager) is changed from the Assistant Secretary for Postsecondary Education to the Director, Compliance and Enforcement Division, Student Financial Assistance Programs, Office of Postsecondary Education.

The Grants and Contracts Service continues to be responsible under E.O.

12549 for initiating debarment/suspension actions against individuals who are involved in nonprocurement transactions related to programs administered by the Department and individuals who violate the Drug-Free Workplace Act. Grants and Contracts Service will also be responsible for maintaining records regarding actions under the Federal Acquisition Regulation (FAR), 48 CFR subpart 9.4—Debarment, Suspension, and Ineligibility.

Direct access to this system of records is restricted to authorized agency staff in the performance of their official duties.

The Chief Financial Officer has updated the routine uses for this system of records and seeks comments on the revised routine uses. However, to ensure clarity of purpose and as a service to the reader, this notice is being published in its entirety.

Dated: December 4, 1995.

Donald R. Wurtz,
Chief Financial Officer.

The Chief Financial Officer revises the system of records notice to read as follows:

18-11-0026

SYSTEM NAME:

Debarment and Suspension Proceedings under Executive Order (E.O.) 12549, the Drug-Free Workplace Act, and the Federal Acquisition Regulation

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

For records regarding actions under E.O. 12549 against individuals who are involved in nonprocurement transactions related to Department of Education programs, actions under the Drug-Free Workplace Act, and actions under the FAR 9.4: Grants and Contracts Service, Office of the Chief Financial Officer, U.S. Department of Education, 600 Independence Avenue, SW, (Room 3636, GSA Regional Office Building 3, 7th & D Streets, SW) Washington, DC 20202-4700.

For records regarding actions under E.O. 12549 against an individual certified public accountant or principals of a CPA firm: Planning, Analysis, and Management Services, Office of Inspector General, U.S. Department of Education, 600 Independence Avenue, SW, (Room 4022, Switzer Building, 330 C Street, SW) Washington, DC 20202-1510.

For records regarding actions under E.O. 12549 against principals of institutions of higher education,