

§ 42.520

the Computer Matching and Privacy Protection Act of 1988, as codified in 5 U.S.C. 552(a).

§ 42.520 Who places the information into the EPLS?

Federal officials who take actions to exclude persons under this part or officials who are responsible for identifying disqualified persons must enter the following information about those persons into the *EPLS*:

- (a) Information required by § 42.515(a);
- (b) The Taxpayer Identification Number (TIN) of the excluded or disqualified person, including the social security number (SSN) for an individual, if the number is available and may be disclosed under law;
- (c) Information about an excluded or disqualified person, generally within five working days, after—
 - (1) Taking an exclusion action;
 - (2) Modifying or rescinding an exclusion action;
 - (3) Finding that a person is disqualified; or
 - (4) Finding that there has been a change in the status of a person who is listed as disqualified.

§ 42.525 Whom do I ask if I have questions about a person in the EPLS?

If you have questions about a person in the *EPLS*, ask the point of contact for the Federal agency that placed the

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person’s name into the *EPLS*. You may find the agency point of contact from the *EPLS*.

§ 42.530 Where can I find the EPLS?

- (a) You may access the *EPLS* through the Internet, currently at *http://epls.arnet.gov*.
- (b) As of November 26, 2003, you may also subscribe to a printed version. However, we anticipate discontinuing the printed version. Until it is discontinued, you may obtain the printed version by purchasing a yearly subscription from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or by calling the Government Printing Office Inquiry and Order Desk at (202) 783–3238.

Subpart F—General Principles Relating to Suspension and Debarment Actions

§ 42.600 How do suspension and debarment actions start?

When we receive information from any source concerning a cause for suspension or debarment, we will promptly report and investigate it. We refer the question of whether to suspend or debar you to our suspending or debarring official for consideration, if appropriate.

§ 42.605 How does suspension differ from debarment?

Suspension differs from debarment in that—

| A suspending official . . . | A debarring official . . . |
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| (a) Imposes suspension as a temporary status of ineligibility for procurement and nonprocurement transactions, pending completion of an investigation or legal proceedings. | Imposes debarment for a specified period as a final determination that a person is not presently responsible. |
| (b) Must— | Must conclude, based on a <i>preponderance of the evidence</i> , that the person has engaged in conduct that warrants debarment. |
| (1) Have <i>adequate evidence</i> that there may be a cause for debarment of a person; and | |
| (2) Conclude that <i>immediate action</i> is necessary to protect the Federal interest. | |
| (c) Usually imposes the suspension <i>first</i> , and then promptly notifies the suspended person, giving the person an opportunity to contest the suspension and have it lifted. | Imposes debarment <i>after</i> giving the respondent notice of the action and an opportunity to contest the proposed debarment. |