§ 417.865 How long may my debarment last?

(a) If the debarring official decides to debar you, your period of debarment will be based on the seriousness of the cause(s) upon which your debarment is based. Generally, debarment should not exceed 3 years. However, if circumstances warrant, the debarring official may impose a longer period of debarment.

(b) In determining the period of debarment, the debarring official may consider the factors in 2 CFR 180.860. If a suspension has preceded your debarment, the debarring official must consider the time you were suspended.

(c) If the debarment is for a violation of the provisions of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701); or

(d) Any other cause of so serious or compelling a nature that it affects your present responsibility.

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

(a) The debarring official must make a written decision whether to debar within 45 days of closing the official record. The official record closes upon the debarring official’s receipt of final submissions, information and findings of fact, if any. The debarring official may extend that period for good cause.

(b) The debarring official sends you written notice, pursuant to §180.615, that the official decided, either:

(1) Not to debar you; or

(2) To debar you. In this event, the notice:

(i) Refers to the Notice of Proposed Debarment;

(ii) Specifies the reasons for your debarment;

(iii) States the period of your debarment, including the effective dates; and

(iv) Includes the information and finding of fact, if any; and

(v) Includes the case number if a case number exists.

The notice also includes the procedures for appeal under §180.820.

§ 417.866 How do I appeal the USDA’s decision to debar me?

(a) The notice in §417.870(b) will include information about the procedures for appeal under §180.820.

(b) After you receive the notice, you may appeal the decision to the Consumer Product Safety Commission (CPSC) or to the U.S. Department of Justice (DOJ).

(c) The decision of the CPSC or DOJ will be final.

§ 417.875 What other actions can the USDA take if it debarred me?

(a) If the USDA debars you, it may take any other action it considers appropriate.

(b) If the USDA debars you, it may also take any other action it considers appropriate.

(c) The decision of the USDA will be final.

§ 417.880 How can I be released from the USDA’s debarment?

(a) If you are debarred by the USDA, you may be released from debarment if the USDA determines that:

(1) You have taken appropriate steps to prevent any recurrence of the cause of the debarment;

(2) You have taken appropriate steps to compensate any person or entity who was harmed by the debarment; and

(3) You have taken appropriate steps to make any other payment or redress that is required by law.

(b) The decision of the USDA will be final.

§ 417.890 What are the penalties for violating a debarment order?

(a) If you violate a debarment order, you may be fined up to $10,000 and imprisoned for up to 1 year.

(b) The decision of the USDA will be final.

§ 417.900 How can I find out if I am debarred?

(a) The USDA must tell you if you are debarred.

(b) The decision of the USDA will be final.

§ 417.910 What is the process for challenging the USDA’s decision to debar me?

(a) If you believe that the USDA has debarred you in error, you may challenge the decision.

(b) The process for challenging the decision is described in §180.820.

(c) The decision of the USDA will be final.
(iv) Advises you that your debarment is effective for covered transactions and contracts that are subject to the Federal Acquisition Regulation (48 CFR chapter 1), throughout the Executive Branch of the Federal Government unless an agency head or an authorized designee grants an exception.

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 suspending official to the Deputy Chief for the National Forest System or an Associate Deputy Chief for the National Forest System.

§ 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.

Subpart J [Reserved]