

OFFICE OF MANAGEMENT AND BUDGET**Memorandum for the Heads of Executive Departments and Agencies; Governmentwide Nonprocurement Suspension and Debarment**

June 12, 1995.

The Office of Management and Budget (OMB) is further amending its guidelines governing implementation of Executive Order (E.O.) 12549, "Debarment and Suspension," to conform to the amendments to the agencies' governmentwide common rule.

In 1986, the President signed E.O. 12549 to establish governmentwide effect for an agency's nonprocurement debarment and suspension actions. Section 6 of this Order directed OMB to issue guidelines governing

implementation of the Order, and section 3 of this Order directed the departments and agencies to promulgate final rules, consistent with these guidelines. In 1987, OMB issued its final guidelines (52 FR 20360).

In 1988, OMB amended its guidelines to conform to the agencies' governmentwide common rule (53 FR 19160). In 1989, the President signed E.O. 12689 to establish regulations providing for reciprocal governmentwide effect across procurement and nonprocurement for each agency's debarment and suspension actions, after technical differences between the procurement and nonprocurement regulations governing debarments and suspensions are resolved. On October 13, 1994, President Clinton signed the Federal Acquisition Streamlining Act. Section 2455 of that Act provides that the

debarment, suspension, or other exclusion of a participant in a procurement activity under the Federal Acquisition Regulation (FAR), or in a nonprocurement activity under regulations issued pursuant to E.O. 12549, shall be given reciprocal governmentwide effect.

On December 20, 1994, the agencies proposed a common rule to ensure reciprocal governmentwide effect (59 FR 65607). Now, the agencies are amending both the FAR and the nonprocurement governmentwide common rule to achieve reciprocity. In connection with these actions, OMB is amending its guidelines to conform to the governmentwide common rule.

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[FR Doc. 95-14724 Filed 6-23-95; 8:45 am]

BILLING CODE 3110-01-M