

programs, increase agency accountability, and ensure consistency among agency regulations concerning debarment and suspension of participants in Federal programs, it is hereby ordered that:

SECTION 1. (a) To the extent permitted by law and subject to the limitations in Section 1(c), Executive departments and agencies shall participate in a system for debarment and suspension from programs and activities involving Federal financial and nonfinancial assistance and benefits. Debarment or suspension of a participant in a program by one agency shall have government-wide effect.

(b) Activities covered by this Order include but are not limited to: grants, cooperative agreements, contracts of assistance, loans, and loan guarantees.

(c) This Order does not cover procurement programs and activities, direct Federal statutory entitlements or mandatory awards, direct awards to foreign governments or public international organizations, benefits to an individual as a personal entitlement, or Federal employment.

SEC. 2. To the extent permitted by law, Executive departments and agencies shall:

(a) Follow government-wide criteria and government-wide minimum due process procedures when they act to debar or suspend participants in affected programs.

(b) Send to the agency designated pursuant to Section 5 identifying information concerning debarred and suspended participants in affected programs, participants who have agreed to exclusion from participation, and participants declared ineligible under applicable law, including Executive Orders. This information shall be included in the list to be maintained pursuant to Section 5.

(c) Not allow a party to participate in any affected program if any Executive department or agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in an affected program. An agency may grant an exception permitting a debarred, suspended, or excluded party to participate in a particular transaction upon a written determination by the agency head or authorized designee stating the reason(s) for deviating from this Presidential policy. However, I intend that exceptions to this policy should be granted only infrequently.

SEC. 3. Executive departments and agencies shall issue regulations governing their implementation of this Order that shall be consistent with the guidelines issued under Section 6. Proposed regulations shall be submitted to the Office of Management and Budget for review within four months of the date of the guidelines issued under Section 6. The Director of the Office of Management and Budget may return for reconsideration proposed regulations that the Director believes are inconsistent with the guidelines. Final regulations shall be published within twelve months of the date of the guidelines.

SEC. 4. There is hereby constituted the Interagency Committee on Debarment and Suspension, which shall monitor implementation of this Order. The Committee shall consist of representatives of agencies designated by the Director of the Office of Management and Budget.

SEC. 5. The Director of the Office of Management and Budget shall designate a Federal agency to perform the following functions: maintain a current list of all individuals and organizations excluded from program participation under this Order, periodically distribute the list to Federal agencies, and study the feasibility of automating the list; coordinate with the lead agency responsible for government-wide debarment and suspension of contractors; chair the Interagency Committee established by Section 4; and report periodically to the Director on implementation of this Order, with the first report due within two years of the date of the Order.

SEC. 6. The Director of the Office of Management and Budget is authorized to issue guidelines to Executive departments and agencies that govern which programs

and activities are covered by this Order, prescribe government-wide criteria and government-wide minimum due process procedures, and set forth other related details for the effective administration of the guidelines.

SEC. 7. The Director of the Office of Management and Budget shall report to the President within three years of the date of this Order on Federal agency compliance with the Order, including the number of exceptions made under Section 2(c), and shall make such recommendations as are appropriate further to curb fraud, waste, and abuse.

RONALD REAGAN.

EX. ORD. NO. 12689. DEBARMENT AND SUSPENSION

Ex. Ord. No. 12689, Aug. 16, 1989, 54 F.R. 34131, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to protect the interest of the Federal Government, to deal only with responsible persons, and to insure proper management and integrity in Federal activities, it is hereby ordered as follows:

SECTION 1. *Definitions.* For purposes of this order:

(a) "Procurement activities" refers to all acquisition programs and activities of the Federal Government, as defined in the Federal Acquisition Regulation.

(b) "Nonprocurement activities" refers to all programs and activities involving Federal financial and nonfinancial assistance and benefits, as covered by Executive Order No. 12549 [set out above] and the Office of Management and Budget guidelines implementing that order.

(c) "Agency" refers to executive departments and agencies.

SEC. 2. *Governmentwide Effect.*

(a) To the extent permitted by law and upon resolution of differences and promulgation of final regulations pursuant to section 3 of this order, the debarment, suspension, or other exclusion of a participant in a procurement activity under the Federal Acquisition Regulation, or in a nonprocurement activity under regulations issued pursuant to Executive Order No. 12549, shall have governmentwide effect. No agency shall allow a party to participate in any procurement or nonprocurement activity if any agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in a procurement or nonprocurement activity.

(b) An agency may grant an exception permitting a debarred, suspended, or otherwise excluded party to participate in procurement activities of that agency to the extent exceptions are authorized under the Federal Acquisition Regulation, or to participate in nonprocurement activities of that agency to the extent exceptions are authorized under regulations issued pursuant to Executive Order No. 12549.

SEC. 3. *Implementation.*

(a) The Office of Management and Budget may assist Federal agencies in resolving differences between the provisions contained in the Federal Acquisition Regulation and in regulations issued pursuant to Executive Order No. 12549. The Office of Management and Budget may determine the date of resolution of differences and then shall notify affected agencies of that date.

(b) To implement this order, proposed regulations amending the Federal Acquisition Regulation and the agency regulations issued pursuant to Executive Order No. 12549 shall be published simultaneously within 6 months of the resolution of differences.

(c) Final regulations shall be published simultaneously within 12 months of the publication of the proposed regulations, to be effective 30 days thereafter.

GEORGE BUSH.

§ 6102. Program information requirements

(a) The Director shall collect and review information on domestic assistance programs and shall provide such information to the Adminis-

trator. The information on each domestic assistance program shall include the following:

- (1) identification of the program by—
 - (A) title;
 - (B) authorizing law;
 - (C) administering office; and
 - (D) an identifying number assigned by the Director.
- (2) a description of the—
 - (A) program;
 - (B) objectives of the program;
 - (C) types of activities financed under the program;
 - (D) eligibility requirements;
 - (E) types of assistance;
 - (F) uses, and restrictions on the use, of assistance; and
 - (G) duties of recipients under the program.

(3) a specification of each formula governing eligibility for assistance or the distribution of assistance under the program, which shall be described through the use of—

- (A) the language used to specify each such formula in the law authorizing the program;
- (B) the language used to specify each such formula in any Federal rule promulgated pursuant to the law authorizing the program; or
- (C) a mathematical statement which is derived from the language referred to in subparagraphs (A) and (B) of this paragraph;

(4) a description of all data and statistical estimates used to carry out each formula specified pursuant to paragraph (3), and an identification of the sources of such data and estimates;

(5) financial information, including the—

- (A) amounts appropriated for the current fiscal year or, if unavailable, the amounts requested by the President and the amounts obligated; and
- (B) average amounts of awards made in past years.

(6) identification of information contacts, including the administering office and regional and local offices with their addresses and telephone numbers.

(7) a general description of—

- (A) the application requirements and procedures; and
- (B) to the extent practical, an estimate of the time required to process the application.

(b) On request of the Director, an agency shall give to the Director current information on all domestic assistance programs administered by the agency. The Director shall be responsible for ensuring that the Administrator incorporates all relevant information received on a regular basis.

(c) The Administrator—

(1) shall ensure that information and catalogs under this chapter are made available to the public at reasonable prices;

(2) may develop information services to assist State and local governments in identifying and obtaining sources of assistance;

(3) shall ensure that the information in the computerized system is made current on a regular basis and that the printed catalog and

supplements thereto contain the most current data available at the time of printing; and

(4) shall transmit annually the information compiled under paragraphs (3) and (4) of subsection (a) to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1001; Pub. L. 98-169, §§1(2), 2, 3(b), (c), Nov. 29, 1983, 97 Stat. 1113, 1114.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6102(a).	31:1703(a)	Dec. 28, 1977, Pub. L. 95-220, §§4, 5(d), (e), 91 Stat. 1615, 1616.
6102(b)	31:1703(b).	
6102(c)	31:1704(d), (e).	

In subsection (a), before clause (1), the words in parentheses are omitted as unnecessary because of the restatement. The words “information on domestic assistance programs. The information on each domestic assistance program shall include the following” are substituted for “a Federal Assistance Information Data Base . . . For each Federal domestic assistance program the data base shall” for clarity and consistency. In clause (1)(A), the word “law” is substituted for “statute” for consistency. In clause (2)(H), the word “obligations” is omitted as surplus.

In subsection (c)(1), the word “catalogs” is added for clarity.

In subsection (c)(2), the words “further”, “officials”, and “Federal” are omitted as unnecessary.

Editorial Notes

AMENDMENTS

1983—Subsec. (a). Pub. L. 98-169, §2(1), substituted “collect and review information on domestic assistance programs and shall provide such information to the Administrator” for “prepare and maintain information on domestic assistance programs”.

Pub. L. 98-169, §1(2), substituted “Director” for “Director of the Office of Management and Budget”.

Subsec. (a)(2)(E) to (H). Pub. L. 98-169, §3(b)(1), struck out subpar. (E) relating to formulas governing distribution of amounts, and redesignated subpars. (F) to (H) as (E) to (G), respectively.

Subsec. (a)(3) to (7). Pub. L. 98-169, §3(b)(2), (3), added pars. (3) and (4) and redesignated former pars. (3) to (5) as (5) to (7), respectively.

Subsec. (b). Pub. L. 98-169, §2(2), substituted “The Director shall be responsible for ensuring that the Administrator incorporates all relevant information received on a regular basis” for “The Director shall incorporate on a regular basis all relevant information received”.

Subsec. (c). Pub. L. 98-169, §2(3), substituted “Administrator” for “Director”.

Subsec. (c)(3). Pub. L. 98-169, §2(4), added par. (3).

Subsec. (c)(4). Pub. L. 98-169, §3(c), added par. (4).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Operations of House of Representatives treated as referring to Committee on Government Reform and Oversight of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (c)(4) of this section relating to annually transmitting information to certain committees of Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of this title, and page 173 of House Document No. 103-7.

CONSOLIDATED FEDERAL FUNDS REPORT

Pub. L. 97-326, Oct. 15, 1982, 96 Stat. 1607, as amended by Pub. L. 97-452, §4(b), Jan. 12, 1983, 96 Stat. 2480, known as the “Consolidated Federal Funds Report Act of 1982”, which required the Director of the Office of Management and Budget to prepare Consolidated Federal Funds Reports for the fiscal years 1981 through 1985, was repealed by Pub. L. 99-547, §2(d), Oct. 27, 1986, 100 Stat. 3060, effective May 1, 1986.

§ 6102a. Assistance awards information system

- (a) The Director shall—
 - (1) maintain the United States Government assistance awards information system established as a result of the study conducted under section 9 of the Federal Program Information Act; and
 - (2) update the system on a quarterly basis.
- (b) To carry out subsection (a) of this section, the Director—
 - (1) may delegate the responsibility for carrying out subsection (a) of this section to the head of another executive agency;
 - (2) shall review a report the head of an agency submits to the Director on the method of carrying out subsection (a) of this section; and
 - (3) may validate, by appropriate means, the method by which an agency prepares the report.
- (c) The Director shall transmit promptly after the end of each calendar quarter, free of charge, the data in the system required by subsection (a) to the Committee on Rules and Administration of the Senate and to the Committee on House Oversight of the House of Representatives.

(Added Pub. L. 97-452, §1(23)(A), Jan. 12, 1983, 96 Stat. 2477; amended Pub. L. 98-169, §1(2), Nov. 29, 1983, 97 Stat. 1113; Pub. L. 99-547, §2(b)(1), Oct. 27, 1986, 100 Stat. 3060; Pub. L. 104-186, title II, §219(b)(2), Aug. 20, 1996, 110 Stat. 1748.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6102a	31 App.6102(note).	Oct. 15, 1982, Pub. L. 97-326, §8, 96 Stat. 1609.

In subsection (a)(1), the words “operate and” are omitted as surplus. The words “United States Government” are substituted for “Federal” for consistency in

the revised title and with other titles of the United States Code. The words “information system” are substituted for “data system” for consistency with 31:6102. The words “by the Director” are omitted as surplus.

In subsection (b)(1), the words “the head of another executive agency” are substituted for “any authority of the executive branch of the Federal Government” for consistency in the revised title and with other titles of the Code.

In subsection (b)(2), the words “the head of” are added for consistency in the revised title and with other titles of the Code.

Editorial Notes

REFERENCES IN TEXT

Section 9 of the Federal Program Information Act, referred to in subsec. (a)(1), is section 9 of Pub. L. 95-220, Dec. 28, 1977, 91 Stat. 1617, and was repealed by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068.

AMENDMENTS

- 1996—Subsec. (c). Pub. L. 104-186 substituted “House Oversight” for “House Administration”.
- 1986—Subsec. (c). Pub. L. 99-547 added subsec. (c).
- 1983—Subsec. (a). Pub. L. 98-169 substituted “Director” for “Director of the Office of Management and Budget”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 6103. Access to computer information system

- (a) The Administrator shall maintain a computerized information system providing access to—
 - (1) the information described in paragraphs (1), (2), (5), (6), and (7) of section 6102(a) of this title; and
 - (2) such portions or summaries, as the Administrator considers appropriate, of the information described in paragraphs (3) and (4) of such section.
- (b) To the greatest extent practicable, the Administrator shall provide for the widespread availability of the information by available computer terminals.
- (c) When the Administrator decides the efficiency of the information system under subsection (a) of this section requires it, the Administrator may make contracts with private organizations to obtain computer time-sharing services, including—
 - (1) computer telecommunications networks;
 - (2) computer software; and
 - (3) associated services.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1002; Pub. L. 98-169, §§1(2), 3(d), 4, Nov. 29, 1983, 97 Stat. 1113, 1114.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6103	31:1704(a)-(c).	Dec. 28, 1977, Pub. L. 95-220, §5(a)-(c), 91 Stat. 1616.

In subsection (a), the words “establish and” are omitted as surplus. The word “information” is substituted