

offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with the Department of Education's Records Disposition Schedules (ED/RDS).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of the Planning and Evaluation Service, Office of the Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 6W231, Washington, DC 20202.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the system manager. Your request must meet the requirements of regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURES:

If you wish to gain access to a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

Responses from program participants.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-03-01

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: Contracts & Purchasing Office, Office of the Chief Financial Officer, U.S. Department of Education, Seventh and D Streets, SW., Room 3600, ROB-3, Washington, DC 20202-4249.

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, 330 C Street, SW., Room 4022, Switzer Building, Washington, DC 20202-1510.

For records regarding actions under E.O. 12549 against principals of institutions of higher education, principals of lenders, or principals of guarantee agencies: Administrative Actions and Appeals Division, Institutional Participation and Oversight Service, Office of Student Financial Assistance Programs, U.S. Department of Education, Seventh & D Streets, SW., Room 3082, ROB-3, Washington, DC 20202-5267.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Principals undergoing debarment or suspension proceedings and principals that have been debarred or suspended. Principals are officers, directors, owners, partners, key employees, or other persons who have a critical influence on or substantive control over a covered transaction, whether or not employed by a participant. A participant is any person who submits a proposal for, enters into, or reasonably may be expected to enter into a covered transaction. A covered transaction is described in the Department's regulations at 34 CFR 85.110(a)(1). Individuals receiving grants subject to requirements under the Drug-Free Workplace Act. Individual contractors undergoing debarment or suspension proceedings and contractors that have been debarred or suspended. Contractors covered by this system of records are individuals that directly or indirectly submit offers for or are awarded, or may reasonably be expected to submit offers for or be awarded, a government contract, or who conduct business, or may reasonably be expected to conduct business with the Department as an agent or representative of another contractor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains documents including written referrals, communications between the Department and the respondent, intra-agency and inter-agency communications regarding proposed or completed debarments or suspensions, and a record of any findings from debarment or suspension proceedings against individuals under E.O. 12549, the Drug-Free Workplace Act, and the FAR 9.4.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12549, Debarment and Suspension; secs. 5151-5160 of the Drug-Free Workplace Act; and the Federal Acquisition Regulation, 48 CFR part 9, subpart 9.4, Debarment, Suspension, and Ineligibility; Pub. L. 103-355, sec. 2455.

PURPOSE(S):

Information contained in this system of records is used to protect the Federal Government from the actions prohibited under the Department of Education (Department) debarment and suspension regulations, Drug-Free Workplace regulations, and the FAR; make decisions regarding debarments and suspensions; and ensure that other Federal agencies give effect to debarment or suspension decisions rendered by the Department.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Act, under a computer matching agreement.

(1) *Litigation Disclosure*. In the event that one of the parties listed below is involved in litigation, or has an interest in litigation, the Department may disclose certain records to the parties described in paragraphs (2), (3), and (4) of this routine use under the conditions specified in those paragraphs:

- (i) The Department of Education, or any component of the Department; or
- (ii) Any Department employee in his or her official capacity; or
- (iii) Any employee of Department in his or her individual capacity where the Department of Justice has agreed to provide or arrange for representation for the employee; or

(iv) Any employee of Department in his or her individual capacity where the agency has agreed to represent the employee; or

(v) The United States where Department determines that the litigation is likely to affect the Department or any of its components.

(2) *Disclosure to the Department of Justice.* If the Department determines that disclosure of certain records to the Department of Justice or attorneys engaged by the Department of Justice is relevant and necessary to litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the Department of Justice.

(3) *Administrative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, individual or entity designated by the Department or otherwise empowered to resolve disputes is relevant and necessary to the administrative litigation and is compatible with the purposes for which the records were collected, the Department may disclose those records as a routine use to the adjudicative body, individual or entity.

(4) *Opposing counsels, representatives and witnesses.* If the Department determines that disclosure of certain records to an opposing counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the counsel, representative or witness.

(5) *Disclosure to the General Services Administration.* The Department makes information contained in this system of records available to the General Services Administration for inclusion in the Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs.

(6) *Disclosure to the Public.* The Department provides information to persons inquiring about individuals who have been debarred or suspended by the Department as necessary to enforce debarment and suspension actions.

(7) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the relevant records in the system of records may be referred, as a routine use, to the

appropriate agency, whether foreign, Federal, State, tribal, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or executive order or rule, regulation, or order issued pursuant thereto.

(8) *FOIA Advice Disclosure.* In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(9) *Contract disclosure.* If the Department contracts with an entity for the purpose of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records as a routine use to those employees. Before entering such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

(10) *Research Disclosure.* Where the appropriate official of the Department determines that an individual or organization is qualified to carry out specific research, that official may disclose information from this system of records to that researcher solely for the purpose of carrying out that research. The researcher shall be required to maintain Privacy Act safeguards with respect to such records.

(11) *Congressional Member Disclosure.* The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept in file folders in locked file cabinets.

RETRIEVABILITY:

The records are indexed by the names of the individuals.

SAFEGUARDS:

All physical access to the site where this system of records is maintained is controlled and monitored by security personnel who check each individual entering the building for his or her employee badge. Files are kept in locked

file cabinets. Immediate access to these records is restricted to authorized staff.

RETENTION AND DISPOSAL:

Pending disposal, Debarment and Suspension records are retained at the system location. The Department will retain and dispose of the records in accordance with the Department of Education Records Disposition Schedules (ED/RDS).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Grants Policy & Oversight Staff, Contracts & Purchasing Office, Office of the Chief Financial Officer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3652, ROB-3, Washington, DC 20202-0498.

Assistant Inspector General for Planning, Analysis, and Management Services, Office of Inspector General, U.S. Department of Education, Maryland Avenue, SW., Room 4022, Mary E. Switzer Building, Washington, DC 20202-1510.

Director, Administrative Actions and Appeals Division, Institutional Participation and Oversight Service, Office of Student Financial Assistance Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3082, ROB-3, Washington, DC 20202-5267.

NOTIFICATION PROCEDURE:

If an individual wishes to determine whether a record exists regarding him or her in this system of records, the individual must provide the system manager his or her name, date of birth and social security number. Requests for notification about an individual record must meet the requirements of the regulations at 34 CFR 5b.5.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she must contact the system manager and provide information as described in the notification procedure. Requests for access to an individual's record must meet the requirements of the regulations at 34 CFR 5b.5. Consistent with 5 U.S.C. 552a(e)(5), the Department retains the discretion not to disclose records to an individual during the course of a debarment or suspension proceeding against the individual.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she must contact the system manager with the information described in the notification procedure, identify the specific item(s) to be changed, and provide a written justification for the change, including

any supporting documentation. Requests to amend a record must meet the requirements of the regulations at 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

Department employees involved in the management of grants and contracts, and other organizations or persons that may have relevant information regarding participants and their principals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-03-02

SYSTEM NAME:

Education's Central Automated Processing System (EDCAPS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION(S):

Recipient System (RS), Payment Management Service & Reporting Unit, Financial Payments & Cash Management Operations, Office of the Chief Financial Officer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4W202, Washington, DC 20202.

Financial Management Software System (FMSS), General Ledger Systems Group, Financial Reporting and Systems Operations, Office of the Chief Financial Officer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4W202, Washington, DC 20202.

Contracts and Purchasing Support System, Support Services Group, Contracts and Purchasing Operations, Office of the Chief Financial Officer, U.S. Department of Education, Seventh & D Streets, SW., Room 3616, ROB-3, Washington, DC 20202-4651. Contracts and Purchasing Support System (CPSS) National Finance Center, Department of Agriculture, New Orleans, Louisiana.

Grants Administration and Payments System (GAPS) Grants and Contract Management System (GCMS) and the Payment Management System (PMS). The grant application portion of GAPS will be managed by the Grants Policy & Oversight Staff, Office of the Chief Financial Officer, GSA Regional Office Building 3, Seventh & D Streets, SW, Room 3652, Washington, DC 20202-4651. The GAPS payment process will be managed by Payment Management Service & Reporting Unit, Financial Payments & Cash Management Operations, Office of the Chief Financial Officer, Washington, DC 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals include employees of the Department, consultants, contractors, grantees, advisory committee members, and other individuals receiving funds from the department for performing services for the Department. Although EDCAPS contains information about institutions associated with individuals, the purpose for which the Department collects and maintains information under this system of records, and its usage of this information, pertains only to individuals protected under the Privacy Act of 1974 (5 U.S.C. 552a).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system contain the individual's name, address, Social Security number, eligibility codes, detailed and summary obligation data, reports of expenditures, and grant management data, including application and close out information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 301.

PURPOSE(S):

The purpose of EDCAPS is to maintain financial and management records associated with the normal operations of the Department. Records are used for managing grant and contract awards, making payments, accounting for goods and services provided and received, enforcing eligibility requirements, conditions in awards and U.S. law relating to transactions covered by the system, and defending the Department in actions relating to those transactions. EDCAPS consists of four subsystems, as follows:

RS (Recipient System)

RS serves as the recipient database for EDCAPS and the central repository of recipients having a relationship with the Department (e.g., receiving grantees.) It maintains core information about a recipient and tracks reference data to support information on recipients (e.g., countries, states, and congressional districts).

FMSS (Financial Management Software System)

The purpose of FMSS is to serve as the official general ledger for the Department. It also performs all funds control checks for all EDCAPS obligations, either by the GAPS or by a contractor of the Department. FMSS maintains detailed information about obligations paid to the contractor and maintains general ledger level balance information for obligations paid directly by the Department through GAPS.

GAPS (Grants Administration and Payment System)

The purpose of GAPS is to administer the grants award processing from planning through closeout including disbursing funds to grants recipients for certain Department programs. Summary payment data are returned to FMSS for processing. GAPS maintains a record of grant awards by the Department, including management information collected during the award process. Payment information is retrievable in GAPS by Taxpayer Identification Number (TIN). The TIN for an individual is the social security number. The name, mailing address and other characteristic data related to federal grants or institutional loans are also maintained.

CPSS (Contract and Purchasing Support System)

The purpose of CPSS is to administer the contracts award process from planning to closeout. CPSS shares information with FMSS. CPSS maintains a record of contact awards by the Department, including management information collected during the award process.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department of Education (Department) may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching agreement.

(a) *Litigation disclosure.*

(1) *Disclosure to the Department of Justice.* If the Department determines that disclosure of certain records to the Department of Justice is relevant and necessary to litigation and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the Department of Justice. Such a disclosure may be made in the event that one of the parties listed below is involved in the litigation, or has an interest in such litigation:

(i) The Department or any component of the Department; or

(ii) Any employee of the Department in his or her official capacity; or

(iii) Any employee of the Department in his or her individual capacity where the Department of Justice has agreed to represent the employee; or