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(vi) Benefits under title XX of the Social Security Act;
(vii) Benefits under section 336 of the Older Americans Act; or,
(viii) Benefits under the Low-Income Home Energy Assistance Act of 1981, which are intended for the personal use of the individual who receives the benefits or for a member of the individual’s family.

(d) No proof of specific intent to defraud is required to establish liability under this section.

(e) In any case in which it is determined that more than one person is liable for making a claim or statement under this section, each such person may be held liable for a civil penalty.

(f) In any case in which it is determined that more than one person is liable for making a claim under this section on which the Government has made payment (including transferred property or provided services), an assessment may be imposed against any such person or jointly and severally against any combination of such persons.


§ 79.5 Review by the reviewing official.

(a) If, based on the report of the investigating official under §79.4(b), the reviewing official determines that there is adequate evidence to believe that a person is liable under §79.3, the reviewing official shall transmit to the Attorney General a written notice of the reviewing official’s attention to issue a complaint under §79.7.

(b) Such notice shall include—
(1) A statement of the reviewing official’s reasons for issuing a complaint;
(2) A statement specifying the evidence that supports the allegations of liability;
(3) A description of the claims or statements upon which the allegations of liability are based;
(4) An estimate of the amount of money, or the value of property, services, or other benefits, requested or demanded in violation of §79.3 of this part;
(5) A statement of any exculpatory or mitigating circumstances that may relate to the claims or statements known by the reviewing official or the investigating official; and
(6) A statement that there is a reasonable prospect of collecting an appropriate amount of penalties and assessments.

§ 79.6 Prerequisites for issuing a complaint.

(a) The reviewing official may issue a complaint under §79.7 only if—
(1) The Department of Justice approves the issuance of a complaint in a