

## § 223.21

Reviewing Official, the hearing transcript, and the Reviewing Official's Recommendation Memorandum.

(11) The provisions of paragraphs (e), (f), and (g) of this section shall apply to the adjudication of the agency complaint when an informal hearing is conducted.

[79 FR 62002, Oct. 16, 2014]

### § 223.21 Reinstatement.

If, after one year from the date of the non-renewal or the revocation of its certificate of authority under this part, a company can demonstrate that the basis for the non-renewal or revocation has been cured, as determined by Treasury in its discretion, and that it can comply with, and does meet, all continuing requirements for certification under 31 U.S.C. 9304-9308 and this part, the company may submit an application to Treasury for reinstatement or reissuance of a certificate of authority, which will be granted without prejudice, *provided* all such requirements are met.

[79 FR 62003, Oct. 16, 2014]

### § 223.22 Fees for services of the Treasury Department.

(a) Fees shall be imposed and collected, for the services listed in paragraphs (a) (1) through (4) of this section which are performed by the Treasury Department, regardless of whether the action requested is granted or denied. The payee of the check or other instrument shall be the Bureau of the Fiscal Service, Treasury Department. The amount of the fee will be based on which of the following categories of service is requested:

(1) Examination of a company's application for a certificate of authority as an acceptable surety on Federal bonds or for a certificate of authority as an acceptable reinsuring company on such bonds (see § 223.2);

(2) Examination of a company's application for recognition as an admitted reinsurer (except on excess risks running to the United States) of surety companies doing business with the United States (see § 223.12(a) and (b));

(3) Determination of a company's continuing qualifications for annual re-

## 31 CFR Ch. II (7-1-23 Edition)

newal of its certificate of authority (see § 223.3); or

(4) Determination of a company's continuing qualifications for annual renewal of its authority as an admitted reinsurer (see § 223.12(c)).

(b) In a given year a uniform fee will be collected from every company requesting a particular category of service, e.g., determination of a company's continuing qualifications for annual renewal of its certificate of authority. However, the Treasury Department reserves the right to redetermine the amounts of fees annually. Fees are determined in accordance with Office of Management and Budget Circular A-25, as amended.

(c) Specific fee information may be obtained from the designated Treasury official, or online at [http://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/surety\\_home.htm](http://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/surety_home.htm). In addition, a notice of the amount of a fee referred to in paragraphs (a)(1) through (4) of this section will be published in the FEDERAL REGISTER as each change in such fee is made.

[43 FR 12678, Mar. 27, 1978, as amended at 49 FR 47001, 47002, Nov. 30, 1984; 79 FR 62003, Oct. 16, 2014]

## PART 224—FEDERAL PROCESS AGENTS OF SURETY CORPORATIONS

Sec.

224.1 What does this part cover?

224.2 Definitions.

224.3 When may a surety corporation provide a bond without appointing a process agent?

224.4 When must a surety corporation appoint a process agent?

224.5 Who may a surety corporation appoint to be a process agent?

224.6 Where can I find a sample power of attorney form?

224.7 Where can I find a list of United States district court offices?

224.8 When must a surety corporation appoint a new process agent?

AUTHORITY: 31 U.S.C. 9306 and 9307.

SOURCE: 71 FR 60848, Oct. 7, 2006, unless otherwise noted.

### § 224.1 What does this part cover?

This part provides guidance on when a surety corporation must appoint a service of process agent and how the

surety corporation complies with this requirement.

#### **§ 224.2 Definitions.**

For purposes of this regulation:

- (a) *Principal* means the person or entity required to provide a surety bond.
- (b) *Process agent* means a resident agent for service of process.
- (c) *State* means a State, the District of Columbia, or a territory or possession of the United States.

#### **§ 224.3 When may a surety corporation provide a bond without appointing a process agent?**

A surety corporation may provide a bond without appointing a process agent when the State where the bond is filed, the State where the principal resides, and the State where the surety corporation is incorporated are the same.

#### **§ 224.4 When must a surety corporation appoint a process agent?**

A surety corporation must appoint a process agent when either the State where the bond is filed or the State where the principal resides is different from the State where the surety corporation is incorporated. In such a case, the surety corporation must appoint a process agent in each such State that is different from the State where the surety is incorporated.

#### **§ 224.5 Who may a surety corporation appoint to be a process agent?**

A surety corporation may appoint either of the following as process agent—

- (a) An official of the State who is authorized or appointed under the law of that jurisdiction to receive service of process on the surety corporation; or

- (b) An individual who resides in the jurisdiction of the district court for the district in which a surety bond is filed and who is appointed by the surety corporation by means of a power of attorney. A certified copy of the power of attorney must be filed with the clerk of the district court for the district in which a surety bond is to be provided. In addition, the surety corporation must provide the clerk of the United States District Court at the main office in each judicial district with the required number of authenticated cop-

ies of the power of attorney for each divisional office of the court within that judicial district.

#### **§ 224.6 Where can I find a sample power of attorney form?**

The Surety Bond Branch provides a sample form on its Web page located at: <http://www.fiscal.treasury.gov/c570>. While use of the sample form is not required, any power of attorney provided should be substantially the same as the sample form.

#### **§ 224.7 Where can I find a list of United States district court offices?**

A list of the divisional offices of the court in each judicial district may be obtained from the Federal Judiciary, U.S. Courts Web page at <http://www.uscourts.gov>, or by mail by writing to: Office of Public Affairs, Administrative Office of the U.S. Courts, Washington, DC 20544.

#### **§ 224.8 When must a surety corporation appoint a new process agent?**

The surety corporation must immediately appoint a new process agent whenever the authority of a process agent is terminated by reason of revocation, disability, removal from the district, or any other cause.

### **PART 225—ACCEPTANCE OF BONDS SECURED BY GOVERNMENT OBLIGATIONS IN LIEU OF BONDS WITH SURETIES**

Sec.

225.1 Scope.

225.2 Definitions.

225.3 Pledge of Government obligations in lieu of a bond with surety or sureties.

225.4 Pledge of book-entry Government obligations.

225.5 Pledge of definitive Government obligations.

225.6 Payment of interest.

225.7 Custodian duties and responsibilities.

225.8 Bond official duties and responsibilities.

225.9 Return of Government obligations to obligor.

225.10 Other agency practices and authorities.

225.11 Courts.

AUTHORITY: 12 U.S.C. 391; 31 U.S.C. 321, 9301 and 9303.