

## Office of the Secretary of Transportation

## § 31.2

- 31.14 Separation of functions.
- 31.15 Ex parte contacts.
- 31.16 Disqualification of reviewing official or ALJ.
- 31.17 Rights of parties.
- 31.18 Authority of the ALJ.
- 31.19 Prehearing conferences.
- 31.20 Disclosure of documents.
- 31.21 Discovery.
- 31.22 Exchange of witness lists, statements, and exhibits.
- 31.23 Subpoenas for attendance at hearing.
- 31.24 Protective order.
- 31.25 Fees.
- 31.26 Filing, form, and service of papers.
- 31.27 Computation of time.
- 31.28 Motions.
- 31.29 Sanctions.
- 31.30 The hearing and burden of proof.
- 31.31 Determining the amount of penalties and assessments.
- 31.32 Location of hearing.
- 31.33 Witnesses.
- 31.34 Evidence.
- 31.35 The record.
- 31.36 Post-hearing briefs.
- 31.37 Initial decision.
- 31.38 Reconsideration of initial decision.
- 31.39 Appeal to authority head.
- 31.40 Stays ordered by the Department of Justice.
- 31.41 Stay pending appeal.
- 31.42 Judicial review.
- 31.43 Collection of civil penalties and assessments.
- 31.44 Right to administrative offset.
- 31.45 Deposit in Treasury of United States.
- 31.46 Compromise or settlement.
- 31.47 Limitations.

AUTHORITY: 31 U.S.C. 3801-3812.

SOURCE: 53 FR 881, Jan. 14, 1988, unless otherwise noted.

### § 31.1 Basis and purpose.

(a) *Basis.* This part implements the Program Fraud Civil Remedies Act of 1986, Public Law No. 99-509, sections 6101-6104, 100 Stat. 1874 (October 21, 1986), to be codified at 31 U.S.C. 3801-3812. 31 U.S.C. 3809 of the statute requires each authority head to promulgate regulations necessary to implement the provisions of the statute.

(b) *Purpose.* This part (1) establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to the authority or to certain others, and (2) specifies the hearing and appeal rights of persons subject to allegations of li-

ability for such penalties and assessments.

### § 31.2 Definitions.

*ALJ* means an Administrative Law Judge in the authority appointed pursuant to 5 U.S.C. 3105 or detailed to the authority pursuant to 5 U.S.C. 3344.

*Authority* means the Department of Transportation.

*Authority head* means the Assistant Secretary or Deputy Assistant Secretary for Budget and Programs, Department of Transportation.

*Benefit* means, in the context of "statement," anything of value, including but not limited to any advantage, preference, privilege, license, permit, favorable decision, ruling, status, or loan guarantee.

*Claim* means any request, demand, or submission—

(a) Made to the authority for property, services, or money (including money representing grants, loans, insurance, or benefits);

(b) Made to a recipient of property, services, or money from the authority or to a party to a contract with the authority—

(1) For property or services if the United States—

(i) Provided such property or services;

(ii) Provided any portion of the funds for the purchase of such property or services; or

(iii) Will reimburse such recipient or party for the purchase of such property or services; or

(2) For the payment of money (including money representing grants, loans, insurance, or benefits) if the United States—

(i) Provided any portion of the money requested or demanded; or

(ii) Will reimburse such recipient or party for any portion of the money paid on such request or demand; or

(c) Made to the authority which has the effect of decreasing an obligation to pay or account for property, services, or money.

*Complaint* means the administrative complaint served by the reviewing official on the defendant under § 31.7.

*Defendant* means any person alleged in a complaint under § 31.7 to be liable