

## § 224.1

## 22 CFR Ch. I (4–1–01 Edition)

- 224.31 Determining the amount of penalties and assessments.
- 224.32 Location of hearing.
- 224.33 Witnesses.
- 224.34 Evidence.
- 224.35 The record.
- 224.36 Post-hearing briefs.
- 224.37 Initial decision.
- 224.38 Reconsideration of initial decision.
- 224.39 Appeal to A.I.D. Administrator.
- 224.40 Stays ordered by the Department of Justice.
- 224.41 Stay pending appeal.
- 224.42 Judicial review.
- 224.43 Collection of civil penalties and assessments.
- 224.44 Right to administrative offset.
- 224.45 Deposit in Treasury of United States.
- 224.46 Compromise or settlement.
- 224.47 Limitations.

AUTHORITY: 22 U.S.C. 2381; 31 U.S.C. 3801–3812.

SOURCE: 52 FR 45313, Nov. 27, 1987, unless otherwise noted.

### § 224.1 Basis and purpose.

(a) *Basis.* This part implements the Program Fraud Civil Remedies Act of 1986, Pub. L. 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 to 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 Agency for International Development or to its agents, and (2) specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

### § 224.2 Definitions.

*A.I.D.* means the Agency for International Development.

*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.

*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 A.I.D. for property, services, or money (including money representing grants, loans, insurance, or benefits);

(b) Made to a recipient of property, services, or money from A.I.D. or to a party to a contract with A.I.D.—

(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 A.I.D. 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 § 224.7.

*Defendant* means any person alleged in a complaint under § 224.7 to be liable for a civil penalty or assessment under § 224.3.

*Government* means the United States Government.

*Individual* means a natural person.

*Initial decision* means the written decision of the ALJ required by § 224.10 or § 224.37, and includes a revised initial decision issued following a remand or a motion for reconsideration.

*Investigating official* means the Inspector General for A.I.D. or an officer or employee of the Office of Inspector General designated by the Inspector General and serving in a position for which the rate of basic pay is not less than the minimum rate of basic pay for grade GS–16 under the General Schedule.

*Knows or has reason to know*, means that a person, with respect to a claim or statement—