

authority head shall stay the process immediately. If the process is before the presiding officer, the authority head shall promptly transmit the finding to the presiding officer, who, in turn, must stay the proceeding and give notice to all parties and their representatives. The authority head may order the process resumed only upon receipt of the written authorization of the Attorney General.

§ 1264.140 Stay pending appeal.

(a) An initial decision is stayed automatically pending disposition of a motion for reconsideration or of an appeal to the authority head.

(b) No administrative stay is available following a final decision of the authority head.

§ 1264.141 Judicial review.

Section 3805 of Title 31, United States Code, authorizes judicial review by an appropriate United States District Court of a final decision of the authority head imposing penalties or assessments under this part and specifies the procedures for such review.

§ 1264.142 Collection of civil penalties and assessments.

Sections 3806 and 3808(b) of Title 31, United States Code, authorize actions for collection of civil penalties and assessments imposed under this part and specify the procedures for such actions.

§ 1264.143 Right to administrative offset.

The amount of any penalty or assessment which has become final, or for which a judgment has been entered under § 1264.141 or § 1264.142, or any amount agreed upon in a compromise or settlement under § 1264.145, may be collected by administrative offset under 31 U.S.C. 3716, except that an administrative offset may not be made under this subsection against a refund of an overpayment of Federal taxes, then or later owing by the United States to the defendant.

§ 1264.144 Deposit in Treasury of United States.

All amounts collected pursuant to this part shall be deposited as miscellaneous receipts in the Treasury of the

United States, except as provided in 31 U.S.C. 3806(g).

§ 1264.145 Compromise or settlement.

(a) Parties may make offers of compromise or settlement at any time, including proposals for alternative dispute resolution.

(b) The reviewing official has the exclusive authority to compromise or settle a case under this part at any time after the date on which the reviewing official is permitted to refer allegations of liability to a presiding officer and before the date on which the presiding officer issues an initial decision.

(c) The authority head has exclusive authority to compromise or settle a case under this part at any time after the date on which the presiding officer issues an initial decision, except during the pendency of any judicial review under § 1264.141 or during the pendency of any civil action to collect penalties and assessments under § 1264.142.

(d) The Attorney General has exclusive authority to compromise or settle a case under this part during the pendency of any judicial review under 31 U.S.C. 3805 or of any civil action to recover penalties and assessments under 31 U.S.C. 3806.

(e) The investigating official may recommend settlement terms to the reviewing official, the authority head, or the Attorney General, as appropriate. The reviewing official may recommend settlement terms to the authority head, or the Attorney General, as appropriate.

(f) Any compromise or settlement must be in writing.

§ 1264.146 Limitations.

(a) The notice of hearing with respect to a claim or statement must be served in the manner specified in § 1264.107 within 6 years after the date on which such claim or statement is made.

(b) If the defendant fails to file a timely answer, service of a notice under § 1264.109(b) shall be deemed a notice of hearing for purposes of this section.

(c) The statute of limitations may be extended by agreement of the parties.

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**APPENDIX A TO PART 1264—NOTICE TO
CONSENT TO THE CHAIRPERSON,
NASA BOARD OF CONTRACT APPEALS
(BCA), OR DESIGNEE, AS PRESIDING
OFFICER**

In accordance with the provisions of 14 CFR 1264.106, you are hereby notified that the Chairperson, NASA Board of Contract Appeals (BCA), or designee, in addition to other duties, upon your consent, may conduct any or all proceedings as the presiding officer, pursuant to 14 CFR part 1264 which implements the Program Fraud Civil Penalties Act of 1986.

You should be aware that your decision to consent, or not to consent, to the referral of this case to the NASA/BCA must be entirely voluntary. Only if you and the authority head consent to this reference will either the Chairperson or the designee to whom the case may be assigned be informed of your decision.

An appeal from a decision by the presiding officer under this consent procedure may be taken in the same manner as an appeal from a decision by any other presiding officer, as provided in 14 CFR 1264.136(d), 1264.137, 1264.138, and 1264.141.

If you consent, you must sign, date, and return this form within the 30-day period provided for your answer (see 14 CFR 1264.108, 1264.109).

consent: _____
(Signature of person alleged to be liable)

(Print name)

(Date of signature)

**PART 1265—GOVERNMENTWIDE
DEBARMENT AND SUSPENSION
(NONPROCUREMENT) AND GOV-
ERNMENTWIDE REQUIREMENTS
FOR DRUG-FREE WORKPLACE
(GRANTS)**

Subpart A—General

- Sec.
- 1265.100 Purpose.
- 1265.105 Definitions.
- 1265.110 Coverage.
- 1265.115 Policy.

Subpart B—Effect of Action

- 1265.200 Debarment or suspension.
- 1265.205 Ineligible persons.
- 1265.210 Voluntary exclusion.
- 1265.215 Exception provision.
- 1265.220 Continuation of covered trans-
actions.
- 1265.225 Failure to adhere to restrictions.

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Subpart C—Debarment

- 1265.300 General.
- 1265.305 Causes for debarment.
- 1265.310 Procedures.
- 1265.311 Investigation and referral.
- 1265.312 Notice of proposed debarment.
- 1265.313 Opportunity to contest proposed de-
barment.
- 1265.314 Debarring official’s decision.
- 1265.315 Settlement and voluntary exclu-
sion.
- 1265.320 Period of debarment.
- 1265.325 Scope of debarment.

Subpart D—Suspension

- 1265.400 General.
- 1265.405 Causes for suspension.
- 1265.410 Procedures.
- 1265.411 Notice of suspension.
- 1265.412 Opportunity to contest suspension.
- 1265.413 Suspending official’s decision.
- 1265.415 Period of suspension.
- 1265.420 Scope of suspension.

**Subpart E—Responsibilities of GSA, Agency
and Participants**

- 1265.500 GSA responsibilities.
- 1265.505 NASA responsibilities.
- 1265.510 Participants’ responsibilities.

**Subpart F—Drug-Free Workplace
Requirements (Grants)**

- 1265.600 Purpose.
- 1265.605 Definitions.
- 1265.610 Coverage.
- 1265.615 Grounds for suspension of pay-
ments, suspension or termination of
grants, or suspension or debarment.
- 1265.620 Effect of violation.
- 1265.625 Exception provision.
- 1265.630 Certification requirements and pro-
cedures.
- 1265.635 Reporting of and employee sanc-
tions for convictions of criminal drug of-
fenses.

APPENDIX A TO PART 1265—CERTIFICATION RE-
GARDING DEBARMENT, SUSPENSION, AND
OTHER RESPONSIBILITY MATTERS—PRI-
MARY COVERED TRANSACTIONS

APPENDIX B TO PART 1265—CERTIFICATION RE-
GARDING DEBARMENT, SUSPENSION, INELI-
GIBILITY AND VOLUNTARY EXCLUSION—
LOWER TIER COVERED TRANSACTIONS

APPENDIX C TO PART 1265—CERTIFICATION RE-
GARDING DRUG-FREE WORKPLACE RE-
QUIREMENTS

AUTHORITY: E.O. 12549; Secs. 5151–5160 of
the Drug-Free Workplace Act of 1988 (Pub. L.
100–690, Title V, Subtitle D; 41 U.S.C. 701 et
seq.); National Aeronautics and Space Act,
Pub. L. 85–568, July 29, 1958, as amended, sec.
203(c)(1).