

Office of the Secretary, Interior

§ 35.1

of interfering with any right or privilege secured by section 17, Condition 11 the President's *Decision*, and implementing rules, regulations, orders, because such individual has opposed a practice prohibited by section 17 or by this part, made a complaint, testified, assisted in, benefited from, or participated in any manner in an investigation, compliance review, proceeding or hearing, conducted pursuant to these regulations. The identity of complainants may be kept confidential except to the extent necessary to carry out the purpose of this part, including investigatory actions, hearings, or judicial proceedings.

§ 34.11 Enforcement sanctions.

The provisions of section 17, the President's *Decision*, and implementing rules, regulations, and orders, as appropriate, will be enforced through:

(a) The issuance of a compliance order by the Federal Inspector pursuant to section 11 of ANGTA; or

(b) The commencement of a civil action for appropriate relief, including a permanent or temporary injunction, or a civil penalty not to exceed \$25,000 per day; or

(c) By any other means authorized by law.

PART 35—ADMINISTRATIVE REMEDIES FOR FRAUDULENT CLAIMS AND STATEMENTS

- Sec.
- 35.1 Basis and purpose.
 - 35.2 Definitions.
 - 35.3 Basis for civil penalties and assessments.
 - 35.4 Investigation.
 - 35.5 Review by reviewing official.
 - 35.6 Prerequisites for issuing a complaint.
 - 35.7 Complaint.
 - 35.8 Service of complaint.
 - 35.9 Answer.
 - 35.10 Default upon failure to file an answer.
 - 35.11 Referral of complaint and answer to the ALJ.
 - 35.12 Notice of hearing.
 - 35.13 Parties to the hearing.
 - 35.14 Separation of functions.
 - 35.15 Ex parte contacts.
 - 35.16 Disqualification of reviewing official or ALJ.
 - 35.17 Rights of parties.
 - 35.18 Authority of the ALJ.
 - 35.19 Pre-hearing conferences.

- 35.20 Disclosure of documents.
- 35.21 Discovery.
- 35.22 Exchange of witness lists, statements and exhibits.
- 35.23 Subpoenas for attendance at hearing.
- 35.24 Protective order.
- 35.25 Fees.
- 35.26 Form, filing and service of papers.
- 35.27 Computation of time.
- 35.28 Motions.
- 35.29 Sanctions.
- 35.30 The hearing and burden of proof.
- 35.31 Determining the amount of penalties and assessments.
- 35.32 Location of hearing.
- 35.33 Witnesses.
- 35.34 Evidence.
- 35.35 The record.
- 35.36 Post-hearing briefs.
- 35.37 Initial decision.
- 35.38 Reconsideration of initial decision.
- 35.39 Appeal to the Secretary of the Interior.
- 35.40 Stays ordered by the Department of Justice.
- 35.41 Stay pending appeal.
- 35.42 Judicial review.
- 35.43 Collection of civil penalties and assessments.
- 35.44 Right to administrative offset.
- 35.45 Deposit in Treasury of United States.
- 35.46 Compromise or settlement.
- 35.47 Limitations.

AUTHORITY: 5 U.S.C. 301; 31 U.S.C. 3801-3812.

SOURCE: 53 FR 4160, Feb. 12, 1988, unless otherwise noted.

§ 35.1 Basis and purpose.

(a) *Basis*. This part implements the Program Fraud Civil Remedies Act of 1986, Public Law 99-509, sections 6101-6104, 100 Stat. 1874 (Oct. 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 authorities or to their agents, and

(2) Specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.