

**§ 97.24**

to: federal laws regulating the possession of weapons, Federal Aviation Administration or Transportation Security Administration rules and regulations governing travel on commercial aircraft, and all applicable federal, State, or local motor carrier regulations. The regulations in this part in no way pre-empt, displace, or affect the authority of States, local governments, or other federal agencies to address these issues.

**§ 97.24 No civil defense created.**

The regulations in this part on private prisoner transport companies are not intended to create a defense to any civil action, whether initiated by a unit of government or any other party. Compliance with the regulations in this part is not intended to and does not establish a defense against an allegation of negligence or breach of contract. Regardless of whether a contractual agreement establishes minimum precautions, the companies affected by the regulations in this part will remain subject to the standards of care that are imposed by constitutional, statutory, and common law upon their activities (or other activities of a similarly hazardous nature).

**§ 97.30 Enforcement.**

Any person who is found in violation of the regulations in this part will:

- (a) Be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each violation;
- (b) Be liable to the United States for the costs of prosecution; and
- (c) Make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, that expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of the regulations in this part promulgated pursuant to the Act.

**28 CFR Ch. I (7-1-03 Edition)**

**PART 100—COST RECOVERY REGULATIONS, COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT OF 1994**

- Sec.
- 100.9 General.
  - 100.10 Definitions.
  - 100.11 Allowable costs.
  - 100.12 Reasonable costs.
  - 100.13 Directly assignable costs.
  - 100.14 Directly allocable costs.
  - 100.15 Disallowed costs.
  - 100.16 Cost estimate submission.
  - 100.17 Request for payment.
  - 100.18 Audit.
  - 100.19 Adjustments to agreement estimate.
  - 100.20 Confidentiality of trade secrets/proprietary information.
  - 100.21 Alternative dispute resolution.

AUTHORITY: 47 U.S.C. 1001-1010; 28 CFR 0.85(o).

SOURCE: 62 FR 13324, Mar. 20, 1997, unless otherwise noted.

**§ 100.9 General.**

These Cost Recovery Regulations were developed to define allowable costs and establish reimbursement procedures in accordance with section 109(e) of Communications Assistance for Law Enforcement Act (CALEA) (Public Law 103-414, 108 Stat. 4279, 47 U.S.C. 1001-1010). Reimbursement of costs is subject to the availability of funds, the reasonableness of costs, and an agreement by the Attorney General or designee to reimburse costs prior to the carrier's incurrence of said costs.

**§ 100.10 Definitions.**

*Allocable* means chargeable to one or more cost objectives and can be distributed to them in reasonable proportion to the benefits received.

*Business unit* means any segment of an organization for which cost data are routinely accumulated by the carrier for tracking and measurement purposes.

*Cooperative agreement* means the legal instrument reflecting a relationship between the government and a party when—

- (1) The principal purpose of the relationship is to reimburse the carrier to carry out a public purpose of support