

Office of the Secretary of Transportation

§ 31.2

Buy American Act, 41 U.S.C. 10a-10d, and Buy American provisions in legislation governing DOT provisions. Normal evaluation methods for implementing the provisions of the Buy American Act in contracts for the construction, alteration, or repair of public buildings or public works will be applied after determining the offeror's eligible for award on the basis of application of the provisions in this part.

PART 31—PROGRAM FRAUD CIVIL REMEDIES

Sec.

- 31.1 Basis and purpose.
- 31.2 Definitions.
- 31.3 Basis for civil penalties and assessments.
- 31.4 Investigation.
- 31.5 Review by the reviewing official.
- 31.6 Prerequisites for issuing a complaint.
- 31.7 Complaint.
- 31.8 Service of complaint.
- 31.9 Answer.
- 31.10 Default upon failure to answer.
- 31.11 Referral of complaint and answer to the ALJ.
- 31.12 Notice of hearing.
- 31.13 Parties to the hearing.
- 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 liability 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