

General Services Administration

§ 105-70.002

PART 105-70—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

SOURCE: 52 FR 45188, Nov. 25, 1987, unless otherwise noted.

- Sec.
- 105-70.000 Scope.
- 105-70.001 Basis.
- 105-70.002 Definitions.
- 105-70.003 Basis for civil penalties and assessments.
- 105-70.004 Investigation.
- 105-70.005 Review by the reviewing official.
- 105-70.006 Prerequisites for issuing a complaint.
- 105-70.007 Complaint.
- 105-70.008 Service of complaint.
- 105-70.009 Answer.
- 105-70.010 Default upon failure to file an answer.
- 105-70.011 Referral of complaint and answer to the ALJ.
- 105-70.012 Notice of hearing.
- 105-70.013 Parties to the hearing.
- 105-70.014 Separation of functions.
- 105-70.015 Ex parte contacts.
- 105-70.016 Disqualification of reviewing official or ALJ.
- 105-70.017 Rights of parties.
- 105-70.018 Authority of the ALJ.
- 105-70.019 Prehearing conferences.
- 105-70.020 Disclosure of documents.
- 105-70.021 Discovery.
- 105-70.022 Exchange of witness lists, statements, and exhibits.
- 105-70.023 Subpoena for attendance at hearing.
- 105-70.024 Protective order.
- 105-70.025 Fees.
- 105-70.026 Form, filing and service of papers.
- 105-70.027 Computation of time.
- 105-70.028 Motions.
- 105-70.029 Sanctions.
- 105-70.030 The hearing and burden of proof.
- 105-70.031 Determining the amount of penalties and assessments.
- 105-70.032 Location of hearing.
- 105-70.033 Witnesses.
- 105-70.034 Evidence.
- 105-70.035 The record.
- 105-70.036 Post-hearing briefs.
- 105-70.037 Initial decision.
- 105-70.038 Reconsideration of initial decision.
- 105-70.039 Appeal to Authority Head.
- 105-70.040 Stays ordered by the Department of Justice.
- 105-70.041 Stay pending appeal.
- 105-70.042 Judicial review.
- 105-70.043 Collection of civil penalties and assessments.
- 105-70.044 Right to administrative offset.
- 105-70.045 Deposit in Treasury of United States.
- 105-70.046 Compromise or settlement.
- 105-70.047 Limitations.

AUTHORITY: 40 U.S.C. 486(c); 31 U.S.C. 3809.

§ 105-70.000 Scope.

This part (a) 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 (b) specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

§ 105-70.001 Basis.

This part implements the Program Fraud Civil Remedies Act of 1986, Pub. L. No. 99-509, 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.

§ 105-70.002 Definitions.

The following shall have the meanings ascribed to them below unless the context clearly indicates otherwise:

(a) *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.

(b) *Authority* means the General Services Administration.

(c) *Authority Head* means the Administrator or Deputy Administrator of General Services.

(d) *Benefit* means, in the context of statements, anything of value, including but not limited to any advantage, preference, privilege, license, permit, favorable decision, ruling, status, or loan guarantee.

(e) *Claim* means any request, demand or submission—

(1) Made to the Authority for property, services, or money (including money representing grants, loans, insurance, or benefits);

(2) Made to a recipient of property, services, or money from the Authority or to a party to a contract with the Authority—

(i) For property or services if the United States—