

Sec.	
3805.	Judicial review.
3806.	Collection of civil penalties and assessments.
3807.	Right to administrative offset.
3808.	Limitations.
3809.	Regulations.
[3810.	Repealed.]
3811.	Effect on other law.
3812.	Prohibition against delegation.

## AMENDMENTS

1995—Pub. L. 104-66, title III, §3001(c)(2), Dec. 21, 1995, 109 Stat. 734, struck out item 3810 “Reports”.

## § 3801. Definitions

- (a) For purposes of this chapter—
- (1) “authority” means—
- (A) an executive department;
  - (B) a military department;
  - (C) an establishment (as such term is defined in section 11(2) of the Inspector General Act of 1978) which is not an executive department;
  - (D) the United States Postal Service;
  - (E) the National Science Foundation; and
  - (F) a designated Federal entity (as such term is defined under section 8G(a)(2) of the Inspector General Act of 1978);
- (2) “authority head” means—
- (A) the head of an authority; or
  - (B) an official or employee of the authority designated, in regulations promulgated by the head of the authority, to act on behalf of the head of the authority;
- (3) “claim” means any request, demand, or submission—
- (A) made to an 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 an authority or to a party to a contract with an authority—
    - (i) for property or services if the United States—
      - (I) provided such property or services;
      - (II) provided any portion of the funds for the purchase of such property or services; or
      - (III) will reimburse such recipient or party for the purchase of such property or services; or
    - (ii) for the payment of money (including money representing grants, loans, insurance, or benefits) if the United States—
      - (I) provided any portion of the money requested or demanded; or
      - (II) will reimburse such recipient or party for any portion of the money paid on such request or demand; or
  - (C) made to an authority which has the effect of decreasing an obligation to pay or account for property, services, or money,
- except that such term does not include any claim made in any return of tax imposed by the Internal Revenue Code of 1986;
- (4) “investigating official” means an individual who—
- (A)(i) in the case of an authority in which an Office of Inspector General is established

by the Inspector General Act of 1978 or by any other Federal law, is the Inspector General of that authority or an officer or employee of such Office designated by the Inspector General;

(ii) in the case of an authority in which an Office of Inspector General is not established by the Inspector General Act of 1978 or by any other Federal law, is an officer or employee of the authority designated by the authority head to conduct investigations under section 3803(a)(1) of this title; or

(iii) in the case of a military department, is the Inspector General of the Department of Defense or an officer or employee of the Office of Inspector General of the Department of Defense who is designated by the Inspector General; and

(B) who, if a member of the Armed Forces of the United States on active duty, is serving in grade O-7 or above or, if a civilian employee, is serving in a position for which the rate of basic pay is not less than the minimum rate of basic pay for grade GS-16 under the General Schedule;

(5) “knows or has reason to know”, for purposes of establishing liability under section 3802, means that a person, with respect to a claim or statement—

- (A) has actual knowledge that the claim or statement is false, fictitious, or fraudulent;
- (B) acts in deliberate ignorance of the truth or falsity of the claim or statement; or
- (C) acts in reckless disregard of the truth or falsity of the claim or statement,

and no proof of specific intent to defraud is required;

(6) “person” means any individual, partnership, corporation, association, or private organization;

(7) “presiding officer” means—

(A) in the case of an authority to which the provisions of subchapter II of chapter 5 of title 5 apply, an administrative law judge appointed in the authority pursuant to section 3105 of such title or detailed to the authority pursuant to section 3344 of such title; or

(B) in the case of an authority to which the provisions of such subchapter do not apply, an officer or employee of the authority who—

- (i) is selected under chapter 33 of title 5 pursuant to the competitive examination process applicable to administrative law judges;
- (ii) is appointed by the authority head to conduct hearings under section 3803 of this title;
- (iii) is assigned to cases in rotation so far as practicable;
- (iv) may not perform duties inconsistent with the duties and responsibilities of a presiding officer;
- (v) is entitled to pay prescribed by the Office of Personnel Management independently of ratings and recommendations made by the authority and in accordance with chapter 51 of such title and subchapter III of chapter 53 of such title;