

Guaranteed Payments, as defined in § 221.01(f) of the Standard Terms and Conditions of the above-mentioned Guarantee)]¹ was due on _____, 19 ____, on \$ _____ principal [maturity]¹ amount of Notes held by the undersigned of the Government of Israel, on behalf of the State of Israel (the "Borrower"). Of such amount \$ _____ was not received on such date and has not been received by the undersigned at the date hereof. In accordance with the terms and provisions of the above-mentioned Guarantee, the undersigned hereby applies, under § 221.21 of said Guarantee, for payment of \$ _____, representing \$ _____, the principal amount of the presently outstanding Note(s) of the Borrower held by the undersigned that was due and payable on _____ and that remains unpaid, and \$ _____, the interest amount on such Note(s) that was due and payable by the Borrower on _____ and that remains unpaid, [\$ _____, the maturity amount of such Note that was due and payable on _____ and that remains unpaid]² and \$ _____ in Further Guaranteed Payments,³ plus accrued and unpaid interest thereon from the date of default with respect to such payments to and including the date payment in full is made by you pursuant to said Guarantee, at the rate of ____% per annum, being the rate for such interest accrual specified in such Note. Such payment is to be made at [state payment instructions of Noteholder.]

[Name of Applicant]
 By _____
 Name _____
 Title _____
 Dated _____

PART 223—ADMINISTRATIVE ENFORCEMENT PROCEDURES OF POST-EMPLOYMENT RESTRICTIONS

- Sec.
- 223.1 General.
- 223.2 Report of violations.
- 223.3 Initiation of proceeding.
- 223.4 Examiner.
- 223.5 Agency representative.
- 223.6 Time, date and place of hearing.
- 223.7 Rights of parties at hearing.

¹ Alternate language for zero-coupon Eligible Notes.

² Alternate language for zero-coupon Eligible Notes.

³ In the event the Application for Compensation relates to Further Guaranteed Payments, such Application must also contain a statement of the nature and circumstances of the related loss.

- 223.8 Initial decision.
- 223.9 Appeal.
- 223.10 Final decision.
- 223.11 Appropriate action.

AUTHORITY: 18 U.S.C. 207.

SOURCE: 46 FR 55957, Nov. 13, 1981, unless otherwise noted.

§ 223.1 General.

The following procedures are hereby established with respect to the administrative enforcement of restrictions on post-employment activities (18 U.S.C. 207 (a), (b) or (c)) and implementing regulations published by the Office of Government Ethics (5 CFR part 737).

§ 223.2 Report of violations.

On receipt of information regarding a possible violation of the statutory or regulatory post-employment restrictions by a former employee and after determining that such information does not appear to be frivolous, the General Counsel shall provide such information to the Director of the Office of Government Ethics and to the Criminal Division, Department of Justice. Any investigation or administrative action shall be coordinated with the Department of Justice to avoid prejudicing possible criminal proceedings. If the Department of Justice informs the Agency that it does not intend to institute criminal proceedings, such coordination shall no longer be required and the General Counsel is free to decide whether to pursue administrative action.

§ 223.3 Initiation of proceeding.

Whenever the General Counsel has reasonable cause to believe that a former Government employee has violated the statutory or regulatory post-employment restrictions, he or she shall initiate an administrative action by providing the former Government employee with written notice of intention to institute administrative action. Notice must include:

- (a) A statement of allegations and the basis thereof sufficiently detailed to enable the former Government employee to prepare an adequate defense;
- (b) Notification of the right to respond to the allegations in writing and/or to request a hearing, together with

Agency for International Development

§ 223.11

an explanation of the method by which a hearing may be requested; and

(c) A statement that, in the absence of a request for a hearing, the General Counsel shall issue a final decision based upon the evidence gathered to date, including any written reply made by the former Government employee.

§ 223.4 Examiner.

When a former Government employee after receiving adequate notice requests a hearing, a presiding official (hereinafter referred to as “examiner”) shall be appointed by the Administrator to make an initial decision. The examiner shall be a responsible person who is impartial and who has not participated in any manner in the decision to initiate the proceeding. The hearing officer shall be an individual with suitable experience and training to conduct the hearing, reach a determination and render an initial decision in an equitable manner.

§ 223.5 Agency representative.

The General Counsel shall appoint an agency representative to present evidence and otherwise participate in the hearing.

§ 223.6 Time, date and place of hearing.

The examiner shall establish a reasonable time, date and place to conduct the hearing. In establishing a date, the examiner shall give due regard to the former employee’s need for:

- (a) Adequate time to prepare a defense properly, and
- (b) An expeditious resolution of allegations that may be damaging to his or her reputation.

§ 223.7 Rights of parties at hearing.

A hearing shall include, at a minimum, the following rights for both parties:

- (a) To represent oneself or to be represented by counsel;
- (b) To examine or cross-examine witnesses;
- (c) To submit evidence (including the use of interrogatories);
- (d) To present oral arguments; and
- (e) To receive a transcript of recording of the proceedings on request.

In any hearing, the agency has the burden of proof and must establish substantial evidence of a violation.

§ 223.8 Initial decision.

The examiner shall issue an initial decision based exclusively on matters of record in the proceedings and shall set forth all findings of fact and conclusions of law relevant to the matters at issue.

§ 223.9 Appeal.

Within twenty days of the date of initial decision, either party may appeal the decision to the Administrator. The opposing party shall have ten days after receipt of a copy of the appeal to reply.

§ 223.10 Final decision.

(a) In cases where the former employee failed to request a hearing after receiving adequate notice, the General Counsel shall decide the matter on its merits based upon the evidence gathered to date, including any written reply of the former employee.

(b) In cases of appeal under § 223.9, the Administrator shall accept, reject or modify the initial decision based solely on the record of the proceedings or those portions cited by the parties to limit the issues.

§ 223.11 Appropriate action.

The Administrator may take appropriate action in the case of any individual who is found in violation of the statutory or regulatory post employment restrictions after a final decision by:

- (a) Prohibiting the individual from making, on behalf of any other person (except the United States), any formal or informal appearance before, or with the intent to influence, any oral or written communication to, the Agency on any matter of business for a period not to exceed five years, which may be accomplished by directing Agency employees to refuse to participate in such appearance or to accept any such communication; and
- (b) Taking other appropriate disciplinary action.

**PART 224—IMPLEMENTATION OF
THE PROGRAM FRAUD CIVIL
REMEDIES ACT**

- Sec.
- 224.1 Basis and purpose.
- 224.2 Definitions.
- 224.3 Basis for civil penalties and assessments.
- 224.4 Investigation.
- 224.5 Review by the reviewing official.
- 224.6 Prerequisites for issuing a complaint.
- 224.7 Complaint.
- 224.8 Service of complaint.
- 224.9 Answer.
- 224.10 Default upon failure to file an answer.
- 224.11 Referral of complaint and answer to the ALJ.
- 224.12 Notice of hearing.
- 224.13 Parties to the hearing.
- 224.14 Separation of functions.
- 224.15 Ex parte contacts.
- 224.16 Disqualification of reviewing official or ALJ.
- 224.17 Rights of parties.
- 224.18 Authority of the ALJ.
- 224.19 Prehearing conferences.
- 224.20 Disclosure of documents.
- 224.21 Discovery.
- 224.22 Exchange of witness lists, statements, and exhibits.
- 224.23 Subpoenas for attendance at hearing.
- 224.24 Protective order.
- 224.25 Fees.
- 224.26 Form, filing and service of papers.
- 224.27 Computation of time.
- 224.28 Motions.
- 224.29 Sanctions.
- 224.30 The hearing and burden of proof.
- 224.31 Determining the amount of penalties and assessments.
- 224.32 Location of hearing.
- 224.33 Witnesses.
- 224.34 Evidence.
- 224.35 The record.
- 224.36 Post-hearing briefs.
- 224.37 Initial decision.
- 224.38 Reconsideration of initial decision.
- 224.39 Appeal to A.I.D. Administrator.
- 224.40 Stays ordered by the Department of Justice.
- 224.41 Stay pending appeal.
- 224.42 Judicial review.
- 224.43 Collection of civil penalties and assessments.
- 224.44 Right to administrative offset.
- 224.45 Deposit in Treasury of United States.
- 224.46 Compromise or settlement.
- 224.47 Limitations.

AUTHORITY: 22 U.S.C. 2381; 31 U.S.C. 3801-3812.

SOURCE: 52 FR 45313, Nov. 27, 1987, unless otherwise noted.

§ 224.1 Basis and purpose.

(a) *Basis.* This part implements the Program Fraud Civil Remedies Act of 1986, Pub. L. 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 to 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 Agency for International Development or to its agents, and (2) specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

§ 224.2 Definitions.

A.I.D. means the Agency for International Development.

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.

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 A.I.D. for property, services, or money (including money representing grants, loans, insurance, or benefits);

(b) Made to a recipient of property, services, or money from A.I.D. or to a party to a contract with A.I.D.—

(1) 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

(2) For the payment of money (including money representing grants, loans, insurance, or benefits) if the United States—