

governmental attorney, shall respectfully decline to comply with the demand and shall cite, "United States ex rel. Touhy v. Ragen, et al., 340 U.S. 462 (1951)."

**§ 1263.109 Considerations in determining whether these procedures should be waived.**

The General Counsel or designate may grant permission to deviate from the policy or procedure established in these regulations. Permission to deviate will be granted when the deviation will not interfere with matters of operational necessity and when:

- (a) It is necessary to prevent a miscarriage of justice; or
- (b) The deviation is in the best interests of NASA or the United States.

**§ 1263.110 Intention to provide guidance.**

This part is intended to provide guidance for the internal operation of NASA and is not intended to, does not, and may not be relied upon to create any right of benefit—substantive or procedural—enforceable at law against the United States or NASA.

**PART 1264—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL PENALTIES ACT OF 1986**

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APPENDIX A TO PART 1264—NOTICE TO CONSENT TO THE CHAIRPERSON, NASA BOARD OF CONTRACT APPEALS (BCA), OR DESIGNEE, AS PRESIDING OFFICER

AUTHORITY: 31 U.S.C. 3809, 42 U.S.C. 2473(c)(1).

SOURCE: 52 FR 39498, Oct. 22, 1987, unless otherwise noted.

**§ 1264.100 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 the provisions of the statute.

(b) *Purpose.* This part does the following:

(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 authorities or to their agents; and

(2) Specifies the hearing and appeal rights of persons subject to allegations