

§ 1174.2 Definitions.

For the purposes of this part—

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 National Endowment for the Humanities (NEH).

Authority head means the NEH Chairperson or the Chairperson's designee.

Benefit means 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 that a person makes—

(1) To the authority—

(i) For property, services, or money (including money representing grants, loans, insurance, or benefits); or

(ii) Which has the effect of decreasing an obligation to pay or account for property, services, or money; or

(2) 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—

(A) Provided such property or services;

(B) Provided any portion of the funds for the purchase of such property or services; or

(C) 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—

(A) Provided any portion of the money requested or demanded; or

(B) Will reimburse such recipient or party for any portion of the money paid on such request or demand.

Complaint means the administrative complaint that the reviewing official serves on the defendant under § 1174.8.

Defendant means any person alleged in a complaint to be liable for a civil penalty or assessment pursuant to the PFCRA.

Government means the United States Government.

Individual means a natural person.

Initial decision means the written decision of the ALJ under § 1174.33, and includes a revised initial decision issued following a remand or a motion for reconsideration.

Knows or has reason to know means that a person, with respect to a claim or statement—

- (1) Has actual knowledge that the claim or statement is false, fictitious, or fraudulent;
- (2) Acts in deliberate ignorance of the truth or falsity of the claim or statement; or
- (3) Acts in reckless disregard of the truth or falsity of the claim or statement; and no proof of specific intent to defraud is required.

Makes shall include the terms presents, submits, and causes to be made, presented, or submitted. As the context requires, making or made shall likewise include the corresponding forms of such terms.

Person means any individual, partnership, corporation, association, or private organization, and includes the plural of that term.

Representative means an attorney who is in good standing of the bar of any State, Territory, or possession of the United States, or the District of Columbia, or the Commonwealth of Puerto Rico, or any other individual who the defendant designates in writing.

Reviewing official means the NEH General Counsel or the General Counsel's designee.

Statement means any representation, certification, affirmation, document, record, or accounting or bookkeeping entry that a person makes—

- (1) With respect to a claim (or eligibility to make a claim) or to obtain the approval or payment of a claim; or
- (2) With respect to (or with respect to eligibility for)—
 - (i) A contract with, or a bid or proposal for a contract with, or
 - (ii) A grant, loan, or benefit from, the authority, or any State, political subdivision of a State, or other party, if the United States Government provides any portion of the money or property under such contract or for such grant, loan, or benefit, or if the Government will reimburse such State, political subdivision, or party for any portion of the money or property under such contract or for such grant, loan, or benefit.