

DEFINITIONS APPLICABLE TO FALSE CLAIMS ACT

DISTRICT OF COLUMBIA OFFICIAL CODE

DIVISION I. GOVERNMENT OF DISTRICT. TITLE 2. GOVERNMENT ADMINISTRATION. CHAPTER 3B. OTHER PROCUREMENT MATTERS. SUBCHAPTER I. PROCUREMENT RELATED CLAIMS.

D.C. Code § 2-381.01 (2014)

§ 2-381.01. Definitions

For the purposes of this subchapter, and unless otherwise defined, the term:

(1) "Claim" means:

(A) Any request or demand, whether under a contract or otherwise, for money or property, and whether or not the District has title to the money or property, that:

(i) Is presented to an officer, employee, or agent of the District; or

(ii) Is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the District's behalf or to advance a District program or interest, and if the District:

(I) Provides or has provided any portion of the money or property requested or demanded; or

(II) Will reimburse the contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

(B) The term "claim" does not include requests or demands for money or property that the District has paid to an individual as compensation for District employment or as an income subsidy with no restrictions on that individual's use of the money or property.

(2) "Custodian" means the custodian, or any deputy custodian, designated by the Attorney General for the District of Columbia pursuant to § 2-381.07(j)(1).

(3) "Documentary material" includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations, and any

product of discovery.

(4) "False claims law" means this subchapter.

(5) "False claims law investigation" means any inquiry conducted by any false claims law investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of a false claims law.

(6) "False claims law investigator" means any attorney or investigator employed by the Office of the Attorney General for the District of Columbia who is charged with the duty of enforcing or carrying into effect any false claims law, or any officer or employee of the District government acting under the direction and supervision of such attorney or investigator in connection with a false claims law investigation.

(7) "Knowing" or "knowingly" means:

(A) That a person, with respect to information, does any of the following:

- (i) Has actual knowledge of the information;
- (ii) Acts in deliberate ignorance of the truth or falsity of the information; or
- (iii) Acts in reckless disregard of the truth or falsity of the information.

(B) The terms "knowing" and "knowingly" do not require proof of specific intent to defraud.

(8) "Material" means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

(9) "Obligation" means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee- based or similar relationship, from statute or regulation, or from the retention of any overpayment.

(10) "Original source" means an individual who:

(A) Has voluntarily disclosed to the District, before a public disclosure under § 2-381.03(c-1)(1), the information on which allegations or transactions in a claim are based; or

(B) Has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions, and who has voluntarily provided the information to the District before filing an action under this section.

(11) "Person" includes any natural person, corporation, firm, association, organization, partnership, business, or trust.

(12) "Proceeds" means civil penalties as well as double or treble damages as provided in § 2-381.02, and criminal fines as provided in § 2-381.09.

(Feb. 21, 1986, D.C. Law 6-85, § 813, 32 DCR 7396, as added May 8, 1998, D.C. Law 12-104, § 2(g); Apr. 20, 1999, D.C. Law 12-264, § 10(a), 46 DCR 2118; Mar. 19, 2013, D.C. Law 19-232, § 2(a), 59 DCR 13632.)