

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards – False Claims Act

1. Ref.: [2 CFR Part 200.415](#), [2 CFR Part 200.113](#), [U.S. Code Title 18, Section 1001](#) and Title 31 U.S. Code §§ [3729-3733](#)

2. Effective Date: July 1, 2015

3. Originating Office/Agency: Office of Management and Budget

4. Key Words: false claims, research misconduct; mandatory disclosures; research terms and conditions, Federal award; allowable costs; fundamental premises; falsification or fraudulent statements

Scope

This document provides guidance for faculty, staff and others who perform research at Eastern Washington University (EWU), and summarizes their responsibility to comply with the False Claims Act, to promote ethical conduct in research and to ensure that government dollars are expended appropriately.

As the certifying entity, EWU is responsible for maintaining integrity in all aspects of research and scholarship, and ensuring compliance to all applicable policies, regulations, and grant terms and conditions. The Office of Grant and Research Development is the primary point of contact and maintains oversight to ensure compliance with the requirements of all applicable laws and regulations.

Background

2 CFR Part 200- *Uniform Administrative Requirements, Cost Principles, and Audit*, [section 200.415](#) requires certification by an authorized official of the institution that guarantees all financial information submitted is free from false, fictitious, or fraudulent information. In addition, [section 200.113](#) mandates all non-federal entities and applicants for funding to disclose in writing all violations of Federal criminal law involving fraud, bribery or gratuity violations potentially affecting a Federal award. Furthermore the *guidance* cites the *U.S. False Claims Act*, [U.S. Code Title 18, Section 1001](#) and *Title 31 U.S. Code §§ 3729-3730* in defining false and fraudulent claims, and establishes liability for any person who knowingly presents, or causes to be presented, a false claim to the U.S. Government for payment. The law also outlines the penalties associated with any false claim finding.

Definition

The *Federal False Claims Act* is intended to prevent and detect fraud, waste and abuse of government funds. It is a violation for any person working with federal funds who:

- Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;
- Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;
- Falsely certifies the type or amount of property to be used by the Government;

- Certifies receipt of property on a document without completely knowing that the information is true;
- Knowingly buys Government property from an unauthorized officer of the Government, and;
- Knowingly makes, uses, or causes to be made or used a false record to avoid, or decrease an obligation to pay or transmit property to the Government.

Principal Investigators (PI), Project Directors (PD), and other key personnel who engage in these actions can be liable for civil or criminal penalty. While there is a strong focus on unlawful financial activities, false claims can also be related to research misconduct, which is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

Sponsored research projects can be the basis of a *False Claims* case. These cases can stem from expenses charged to a grant that were not allowable, allocable, reasonable or consistent, as well as that performed outside the scope of the intent of the proposal.

False claims/research misconduct may include:

- Falsifying a grant application in order to secure a grant
- Falsifying, fabricating or excluding research data and/or results
- Plagiarism which consists of any attempt to receive credit for the work of another, including taking credit for someone else's work, ideas, or methods, copying the writing of others without proper acknowledgment, or otherwise taking credit falsely
- Abuse of confidentiality, which can include the use or release of information given to one under the understanding of confidentiality
- Over-charging for time, costs and other expenses associated with a grant, improper or false effort certification
- Falsifying purchase orders for equipment or materials
- Using grant funds for unrelated research
- Using grant funds for personal use or expenses
- Improper conflicts of interest by principal investigators or key personnel
- Falsifying progress reports or other documentation
- Failing to comply with applicable government safety and other regulations
- Violations of research-related property rights: such as deliberately taking or destroying the research related property of others (e.g., data, research papers, notebooks, equipment, or supplies).

Requirements

All submissions for external funding at EWU require PIs/PDs to sign a *Certification and Assurance* form, attesting that all information is true, accurate and free from false statements, and that the PD or PI will comply with all regulatory requirements and participate in mandatory training as applicable to the award terms and conditions.