Office of the Secretary of the Treasury

“List of Parties Excluded or Disqualified from Federal Procurement and Nonprocurement Programs,” so long as published.

§ 19.955  **Indictment.**

*Indictment* means an indictment for a criminal offense. A presentment, information, or other filing by a competent authority charging a criminal offense shall be given the same effect as an indictment.

§ 19.960  **Ineligible or ineligibility.**

*Ineligible or ineligibility* means that a person or commodity is prohibited from covered transactions because of an exclusion or disqualification.

§ 19.965  **Legal proceedings.**

*Legal proceedings* means any criminal proceeding or any civil judicial proceeding, including a proceeding under the Program Fraud Civil Remedies Act (31 U.S.C. 3801–3812), to which the Federal Government or a State or local government or quasi-governmental authority is a party. The term also includes appeals from those proceedings.

§ 19.970  **Nonprocurement transaction.**

(a)  **Nonprocurement transaction** means any transaction, regardless of type (except procurement contracts), including, but not limited to the following:

(1)  Grants.
(2)  Cooperative agreements.
(3)  Scholarships.
(4)  Fellowships.
(5)  Contracts of assistance.
(6)  Loans.
(7)  Loan guarantees.
(8)  Subsidies.
(9)  Insurances.
(10)  Payments for specified uses.
(11)  Donation agreements.

(b)  A nonprocurement transaction at any tier does not require the transfer of Federal funds.

§ 19.975  **Notice.**

*Notice* means a written communication served in person, sent by certified mail or its equivalent, or sent electronically by e-mail or facsimile. (See §19.615.)

§ 19.980  **Participant.**

*Participant* means any person who submits a proposal for or who enters into a covered transaction, including an agent or representative of a participant.

§ 19.985  **Person.**

*Person* means any individual, corporation, partnership, association, unit of government, or legal entity, however organized.

§ 19.990  **Preponderance of the evidence.**

*Preponderance of the evidence* means proof by information that, compared with information opposing it, leads to the conclusion that the fact at issue is more probably true than not.

§ 19.995  **Principal.**

*Principal* means—

(a)  An officer, director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or

(b)  A consultant or other person, whether or not employed by the participant or paid with Federal funds, who—

1.  Is in a position to handle Federal funds;
2.  Is in a position to influence or control the use of those funds; or,
3.  Occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform the covered transaction.

§ 19.1000  **Respondent.**

*Respondent* means a person against whom an agency has initiated a debarment or suspension action.

§ 19.1005  **State.**

(a)  **State** means—

1.  Any of the states of the United States;
2.  The District of Columbia;
3.  The Commonwealth of Puerto Rico;
4.  Any territory or possession of the United States;
5.  Any agency or instrumentality of a state.