



THE FALSE CLAIMS ACT LEGAL CENTER

TAXPAYERS
AGAINST
FRAUD

January 10, 2019

The Honorable Lindsey Graham, Chairman
Senate Judiciary Committee
290 Russell Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein, Ranking Member
Senate Judiciary Committee
331 Hart Senate Office Building
Washington, DC 20510

Re: Nomination of William P. Barr to serve as United States Attorney General

Dear Chairman Graham and Ranking Member Feinstein:

As the leading non-profit organization dedicated to the promotion and protection of the effectiveness of federal whistleblower programs, Taxpayers Against Fraud (TAF) takes this opportunity to communicate its serious concerns in connection with the nomination of William P. Barr to serve as Attorney General of the United States. This letter describes the basis for these concerns.

TAF and its sister organization, the TAF Education Fund, are uniquely situated to comment on the government's enforcement efforts to identify, remedy and prevent fraud, waste and abuse in government contracting and procurement and the delivery of government-funded healthcare services. Since 1986, TAFEF's members, in partnership with the Department of Justice (DOJ), have represented whistleblowers in False Claims Act (FCA) matters that have generated tens of billions of dollars in civil and criminal recoveries. The FCA's whistleblower provisions are recognized as DOJ's chief civil fraud enforcement tool and have served as a model for the states and for other federal agencies that have adopted whistleblower statutes. FCA whistleblower enforcement has also yielded serious efforts to improve internal compliance within various sectors of the U.S. economy and is estimated to have saved tens of billions of dollars through deterrent effects.

I. **Mr. Barr's comments on the False Claims Act made in connection with an Oral History of the Presidency of George H.W. Bush (April 5, 2001)**

In an April 5, 2001 interview, conducted in connection with the preparation of an oral history of the presidency of George H.W. Bush, Mr. Barr was asked whether, during the time he served in the Justice Department, there had been significant disagreements within the Department on particular issues. He identified the debate between the Solicitor General's Office and the Office of Legal Counsel (which he directed at the time) over the constitutionality of the *qui tam* provisions of the False Claims Act as one such contentious issue. In his response, he referred to these provisions, which incentivize private persons to bring allegations of fraud to the attention of the Department, as "an abomination."

"One of the big [disagreements] was [over] the *qui tam* statute [the False Claims Act], which is basically a bounty hunter statute that lets private citizens sue in the name of the United States and get a bounty. I felt then, and feel now, that is an abomination and a violation of the appointments clause under the due powers of the President as well as the standing issue of the Supreme Court. So I wanted to attack the *qui tam* statute, and the SG's office wanted to defend it. That was a big dispute."

In 2000, the U.S. Supreme Court had just made it clear, in a decision authored by Justice Scalia, that the *qui tam* provisions of the False Claims Act pass constitutional muster. *See Vermont Agency of Natural Resources v. United States ex rel. Stevens*, 529 US 765. In our view, it is cause for significant concern that Mr. Barr's comments were made the year after *Stevens* was decided.

II. **Mr. Barr's Memorandum to Attorney General Richard Thornburgh on behalf of the Office of Legal Counsel of the Department of Justice (July 18, 1989)**

On July 18, 1989, in his capacity as Assistant Attorney General in charge of DOJ's Office of Legal Counsel, Mr. Barr sent a memorandum to the Attorney General describing in detail the dispute between his office and the Solicitor General's Office and setting forth his arguments that the *qui tam* provisions of the False Claims Act are unconstitutional. (Here is a link to the Memorandum: [Opinion of the Office of Legal Counsel - July 18, 1989.](#))

A. **The drafters of the Memorandum demonstrated a profound misunderstanding of Congress's intent in enacting the 1986 amendments to the False Claims Act.**

Congress enacted the 1986 amendments to the False Claims Act to address what it considered to be a growing epidemic of procurement fraud by incentivizing insiders to report and

assist the Government in prosecuting false claims, broadening the liability provisions of the statute, and adding civil investigative demand authority to the tools available to the Department of Justice to investigate allegations of false claims. The Memorandum articulates an intense and unwarranted negative view of Congressional intent:

“The congressional proponents of [the 1986] amendments made no pretense about the fact that they distrusted the Executive’s willingness or ability to enforce the law properly. . . .

“[T]he 1986 Amendments substantially interfere with the Executive's functions. The Executive Branch today is fully capable of policing claims against the Government. Indeed, procurement is now one of the most heavily regulated and policed sectors of public activity. In resuscitating the dormant *qui tam* device, Congress’s express purpose was to interfere with the Executive’s law enforcement activities, to displace official prosecutorial discretion with the mercenary motives of private bounty hunters.”

Congress understood that fraud, waste and abuse can easily evade detection, and wisely concluded that strengthening the False Claims Act would provide the Department of Justice with powerful legal tools, vital sources of information and enhanced resources through public-private partnerships. Government agencies expend extraordinarily large sums of money in fulfilling their mandates, but have limited resources for oversight and investigation. Congress recognized the importance of incentivizing individuals and companies with knowledge of wrongdoing to come forward, and DOJ’s extraordinary success in enforcing the False Claims Act has amply validated the good sense that motivated the 1986 amendments.

B. The Memorandum’s arguments concerning the purported unconstitutionality of the False Claims Act have been definitively rejected, explicitly or implicitly, by the Supreme Court.

The fundamental thrust of the Memorandum is an aggressive attack on the constitutionality of the False Claims Act’s *qui tam* provisions:

“First, we believe that private *qui tam* actions violate the Appointments Clause of the Constitution. . . . The Constitution . . . does not permit Congress to vest governmental law enforcement authority in self-selected private parties, who have not been injured and who act from mercenary motives, without commitment to the United States’ interests and without accountability.

“Second, we believe *qui tam* suits violate Article III standing doctrine. . . . *Qui tam* relators suffer no injury in fact and thus, fail to meet this bedrock constitutional requirement. Because Congress may not abrogate this requirement, the False Claims Act’s grant of universal standing to any person violates Article III.

“Third, we believe that *qui tam* actions violate the doctrine of separation of powers. The Supreme Court has consistently ruled that the authority to enforce the laws is a core power vested in the Executive. The False Claims Act effectively strips this power away from the Executive and vests it in private individuals, depriving the Executive of sufficient supervision and control over the exercise of these sovereign powers. The Act thus impermissibly infringes on the President’s authority to ensure faithful execution of the laws.”

The Supreme Court’s 2000 decision in *Vermont Agency of Natural Resources v. U.S. ex rel. Stevens* clearly affirmed the Article III standing of relators to bring suit on behalf of the United States. While the case is reported as a 7-2 decision written by Justice Scalia, the dissenters (Justices Stevens and Souter) implicitly agreed with the Court’s conclusion on standing. They dissented in order to argue for a more expansive reading of the False Claims Act and to opine that a state or state agency should be considered a “person” subject to liability in a *qui tam* suit. Challenges to the constitutionality of the FCA on grounds that it violates the Appointments Clause or the Separation of Powers have never gained traction with the Court.

C. The “parade of horrors” predicted in the Memorandum has not materialized.

In addition to these constitutional arguments, the Memorandum predicts that the failure to challenge and eliminate the FCA’s *qui tam* provisions would have devastating effects on governmental operations and law enforcement, disrupting DOJ’s civil and criminal enforcement activities and undermining the Executive’s ability to administer complex procurement contracts:

“The relator is empowered to prosecute the Government’s claim even when the Attorney General has determined that there is no valid claim or that pursuing the suit is not in the interests of the United States. . . .

“[T]he relator retains primary control over the case despite the Government’s intervention. . . .

“[E]very routine decision that an agency makes as a contracting party is now subject to the relator’s influence. . . .

“[R]elators are empowered to overrule the judgment of Executive officials as to whether [a] contractor has, in fact, committed fraud and whether it is appropriate under the circumstances to prosecute the Government’s claim.”

The statutory language itself and three decades of robust and extraordinarily successful FCA enforcement by the Department of Justice have demonstrated that the fears expressed by Mr. Barr are unfounded.

A *qui tam* relator who files a False Claims Action under seal must serve the complaint and a written disclosure of material evidence upon the United States Attorney General and the United States Attorney for the judicial district in which the case is filed. DOJ personnel will typically meet with the *qui tam* relator and his or her attorneys and then will conduct an independent investigation and evaluation of the claims. After investigation, the government may intervene in the case; may decline to intervene; or may seek to resolve the matter through negotiation with the defendant prior to making an intervention decision. If the government intervenes, it assumes primary responsibility for the litigation. The statute explicitly states that “[i]f the Government proceeds with the action, it shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the person bringing the action.” In practice, participation by relator and relator’s counsel in any of the scenarios described in this paragraph occurs at the discretion of the Department of Justice.

The Attorney General has broad authority to dismiss *qui tam* cases that are without merit or would interfere with significant governmental interests, and the Circuit Courts of Appeals that have addressed this issue have taken an expansive view of the Department’s discretion to do so. The District of Columbia Circuit has characterized DOJ’s authority in this context as “an unfettered right to dismiss a *qui tam* action.” *Hoyte v. Am. Nat’l Red Cross*, 518 F.3d 61, 64-65 (D.C. Cir. 2008). The Ninth Circuit has held that *qui tam* cases must be dismissed if the government identifies a valid government purpose for the dismissal “and a rational relation between dismissal and accomplishment of the purpose.” *U.S. ex rel. Sequoia Orange Co. v. Baird-Neece Packing Corp.*, 151 F.3d 1139, 1341 (9th Cir. 1998). If the government makes this showing, a court must dismiss the case unless it determines “that dismissal is fraudulent, arbitrary and capricious, or illegal.” *Id.* at 1347. The Tenth Circuit has followed the Ninth’s Circuit reasoning in *Sequoia*. See *Ridenour v. Kaiser-Hill Co., L.L.C.*, 397 F.3d 925 (10th Cir. 2005)

In practice, when the Department concludes after investigation and analysis that *qui tam* allegations are factually or legally weak or are unlikely to lead to a significant recovery for the government, the cases are often dismissed voluntarily by relators’ counsel. If relators do not move voluntarily to dismiss such matters, DOJ attorneys are authorized to move to dismiss the cases if they are meritless on their face and/or threaten specific government interests. See Justice Manual, Commercial Litigation § 4-4.111. (Here is a [link to § 4-4.111 of the Justice Manual](#).) If the government declines to intervene in a potentially meritorious matter based upon litigation

priorities or lack of resources, it generally will permit the case to move forward and will closely monitor the proceedings to safeguard the legal and financial interests of the United States. From 1986 through 2018, declined *qui tam* cases have resulted in more than \$2.4 billion in recoveries for the government. See Fraud Statistics Overview, October 1, 1986 – September 30, 2018, Civil Division, U.S. Department of Justice, at p. 2, attached to this letter (also available at [this link](#)). A *qui tam* relator may settle and dismiss a declined case only if the Attorney General gives written consent to the dismissal. 31 U.S.C. § 3730 (b)(1).

D. The False Claims Act has proven to be an invaluable tool for the Justice Department in its efforts to uncover and remedy fraud against the government.

The Memorandum goes into great detail in arguing that the constitutionality of the False Claims Act's *qui tam* provisions cannot be supported by our nation's use of *qui tam* incentives as a law enforcement tool during the early years of the republic or to combat procurement fraud during the Civil War.

“The Solicitor General vastly overstates the historical acceptance of *qui tam*. . . . A fair reading of the history of *qui tam* in the United States reveals it as a transitory and aberrational device that never gained a secure foothold within our constitutional structure because of its fundamental incompatibility with that structure. . . . Never more than a marginal device, it is today an anachronism that easily can be excised without disruption.”

However, in addition to the historical significance of *qui tam* prior to the drafting of Mr. Barr's 1989 Memorandum, its importance as a law enforcement mechanism is amply demonstrated by its extraordinary effectiveness in subsequent years. The False Claims Act's *qui tam* provisions permit private individuals and organizations who meet the law's rigorous knowledge and pleading requirements to bring suit in the name of the government and recover awards if their cases result in the successful recoupment of government funds. The *qui tam* provisions provide the essential incentive that has made the FCA an extraordinarily powerful tool for the Department of Justice. During the 32 years since President Reagan signed the 1986 FCA amendments into law, the United States has realized nearly \$60 billion in FCA recoveries, and 85% of this figure is attributable to *qui tam* cases initiated by whistleblowers. The 31 states that have enacted false claims acts modeled on the federal statute have recovered an additional \$7 billion.

Here are links to the Department of Justice press releases reporting annual False Claims Act recoveries over the past ten years, totaling more than \$37 billion:

[2018: \\$2.8 billion](#)

[2013: \\$3.8 billion](#)

[2017: \\$3.7 billion](#)

[2012: \\$4.9 billion](#)

[2016: \\$4.7 billion](#)

[2011: \\$3 billion](#)

[2015: \\$3.5 billion](#)

[2010: \\$3 billion](#)

[2014: \\$5.69 billion](#)

[2009: \\$2.4 billion](#)

See also Fraud Statistics Overview, October 1, 1986 - September 30, 2018, Civil Division, U.S. Department of Justice, attached to this letter (also available at [this link](#)).

The *qui tam* provisions have also played an important role in ensuring a level playing field among competitors in an industry. Many of the practices that are remediable under the False Claims Act are also unfair business practices that create barriers to entry within industries or unjustly deprive competitors of opportunities to do business with the Government. Kickbacks, bribes, bid-rigging, evasion of the requirements of the Buy America Act, and violations of “best price” regulations and customs duty laws are just several examples. Because corporate entities may sue on behalf of the United States under the *qui tam* provisions, companies that are aggrieved by such practices may find relief through *qui tam* actions, thereby increasing open and fair competition within their industries.

III. Conclusion

For more than three decades, the False Claims Act has served the Department of Justice and the American taxpayer extraordinarily well. Based upon Mr. Barr’s own words, it is essential to determine his willingness to respect the intent of Congress and support the *qui tam* provisions of the False Claims Act. We strongly recommend that you ask Mr. Barr to state publicly and in detail his current views on the constitutionality and efficacy of the *qui tam* statute, and on any negative consequences that he believes have resulted from its enforcement. We further recommend that you ask Mr. Barr to affirm that, if confirmed, he will ensure that DOJ enforces the False Claims Act and implements the *qui tam* provisions diligently and in strict accordance with the statutory language and Congressional intent.

Thank you for considering the views of Taxpayers Against Fraud. Please feel free to contact me at (202) 293-1117 or rpatten@taf.org if you have any questions.

Very truly yours,



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cc: Sen. Chuck Grassley
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Sen. Ted Cruz
Sen. Ben Sasse
Sen. Joshua D. Hawley
Sen. Thom Tillis
Sen. Joni Ernst
Sen. Mike Crapo
Sen. John Kennedy
Sen. Marsha Blackburn

Sen. Patrick Leahy
Sen. Dick Durbin
Sen. Sheldon Whitehouse
Sen. Amy Klobuchar
Sen. Christopher A. Coons
Sen. Richard Blumenthal
Sen. Mazie Hirono
Sen. Cory Booker
Sen. Kamala Harris

FRAUD STATISTICS - OVERVIEW

October 1, 1986 - September 30, 2018

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹					RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
			TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL				
1987	341	30	86,479,949	0	0	0	86,479,949	0	0	0
1988	209	43	173,287,663	2,309,354	33,750	2,343,104	175,630,767	88,750	8,438	97,188
1989	222	87	197,202,180	15,111,719	1,681	15,113,400	212,315,580	1,446,770	200	1,446,970
1990	243	72	189,564,367	40,483,367	75,000	40,558,367	230,122,734	6,590,936	20,670	6,611,606
1991	234	84	270,530,467	70,384,431	69,500	70,453,931	340,984,398	10,667,537	18,750	10,686,287
1992	284	114	137,958,206	133,949,447	994,456	134,943,903	272,902,109	24,121,648	259,784	24,381,432
1993	304	138	181,945,576	183,643,787	6,603,000	190,246,787	372,192,363	27,576,235	1,766,902	29,343,137
1994	279	216	706,022,897	379,018,205	2,822,323	381,840,528	1,087,863,425	69,453,350	838,896	70,292,246
1995	232	269	269,989,642	239,024,292	1,635,000	240,659,292	510,648,934	45,162,296	465,800	45,628,096
1996	185	340	247,357,271	124,361,203	13,522,433	137,883,636	385,240,908	22,119,619	3,731,978	25,851,597
1997	183	547	465,568,061	621,919,274	6,021,200	627,940,474	1,093,508,535	65,857,419	1,658,485	67,515,904
1998	118	469	151,435,794	438,834,846	30,248,075	469,082,921	620,518,715	70,264,372	8,486,645	78,751,017
1999	140	493	195,390,485	482,565,233	5,067,503	487,632,736	683,023,221	63,018,064	1,374,487	64,392,552
2000	94	363	367,887,197	1,208,370,688	1,688,957	1,210,059,645	1,577,946,841	183,679,377	375,143	184,054,520
2001	85	314	494,496,974	1,215,525,916	128,587,151	1,344,113,067	1,838,610,042	187,590,470	30,701,881	218,292,350
2002	61	319	119,598,292	1,078,174,023	25,786,140	1,103,960,162	1,223,558,454	161,377,822	4,582,319	165,960,141
2003	92	334	711,098,299	1,534,862,352	5,185,911	1,540,048,263	2,251,146,563	337,307,857	1,382,741	338,690,598
2004	111	432	115,656,023	561,717,502	9,261,879	570,979,382	686,635,404	110,224,220	2,376,128	112,600,348
2005	105	406	276,914,983	1,149,047,524	7,481,593	1,156,529,117	1,433,444,099	168,580,543	2,031,695	170,612,237
2006	70	385	1,712,459,257	1,491,105,499	22,711,363	1,513,816,862	3,226,276,119	219,976,072	5,647,836	225,623,908
2007	129	365	564,826,844	1,251,726,955	160,246,894	1,411,973,849	1,976,800,693	192,888,212	4,616,899	197,505,111
2008	160	379	312,193,480	1,060,582,229	12,678,936	1,073,261,165	1,385,454,645	201,932,144	2,997,615	204,929,759
2009	131	433	468,685,686	1,964,005,251	33,776,480	1,997,781,730	2,466,467,417	249,567,135	9,684,147	259,251,282
2010	143	577	641,956,368	2,279,055,248	109,778,613	2,388,833,862	3,030,790,230	379,518,436	30,915,991	410,434,427
2011	125	634	241,365,995	2,656,802,414	173,888,703	2,830,691,117	3,072,057,112	525,035,022	49,041,606	574,076,628
2012	146	655	1,608,112,862	3,305,495,169	90,248,343	3,395,743,512	5,003,856,374	424,922,456	24,861,743	449,784,199
2013	101	757	188,376,772	2,796,819,362	200,298,056	2,997,117,418	3,185,494,190	509,000,518	50,123,937	559,124,455
2014	100	716	1,676,608,226	4,386,812,989	81,378,451	4,468,191,440	6,144,799,665	697,206,106	14,868,000	712,074,107
2015	114	640	738,442,487	1,897,040,808	514,160,695	2,411,201,503	3,149,643,990	344,105,281	138,316,127	482,421,408
2016	149	707	1,896,930,624	2,925,411,797	108,298,069	3,033,709,866	4,930,640,490	524,261,529	29,658,600	553,920,129
2017	145	680	280,997,308	2,585,063,111	599,038,273	3,184,101,384	3,465,098,692	343,852,898	134,519,097	478,371,995
2018	122	645	767,115,453	1,994,733,622	118,671,636	2,113,405,258	2,880,520,711	269,055,335	32,673,319	301,728,654

FRAUD STATISTICS - OVERVIEW

October 1, 1986 - September 30, 2018

Civil Division, U.S. Department of Justice

FY	NEW MATTERS°		SETTLEMENTS AND JUDGMENTS¹					RELATOR SHARE AWARDS²		
	NON QUI TAM	QUI TAM	NON QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
			TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL				
TOTAL	5,157	12,643	16,456,455,689	40,073,957,617	2,470,260,064	42,544,217,681	59,000,673,370	6,436,448,430	588,005,858	7,024,454,288

NOTES:

0. "New Matters" refers to newly received referrals, investigations, and qui tam actions.

1. Non qui tam settlements and judgments do not include matters delegated to United States Attorneys' offices. The Civil Division maintains no data on such matters.

2. Relator share awards are calculated on the portion of the settlement or judgment attributable to the relator's claims, which may be less than the total settlement or judgment.
Relator share awards do not include amounts recovered in subsection (h) or other personal claims. See 31 U. S. C. 3730(h).

FRAUD STATISTICS - HEALTH AND HUMAN SERVICES°

October 1, 1986 - September 30, 2018

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ¹		SETTLEMENTS AND JUDGMENTS ²					RELATOR SHARE AWARDS ³		
	NON QUI TAM	QUI TAM	NON QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
			TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL				
1987	12	3	11,361,826	0	0	0	11,361,826	0	0	0
1988	7	5	2,182,675	355,000	0	355,000	2,537,675	88,750	0	88,750
1989	19	16	350,460	5,099,661	0	5,099,661	5,450,121	50,000	0	50,000
1990	27	11	10,327,500	903,158	0	903,158	11,230,658	119,474	0	119,474
1991	19	12	8,670,735	5,420,000	0	5,420,000	14,090,735	861,401	0	861,401
1992	26	15	9,821,640	2,192,478	0	2,192,478	12,014,118	446,648	0	446,648
1993	22	38	12,523,165	151,760,404	0	151,760,404	164,283,569	22,946,101	0	22,946,101
1994	42	75	381,470,015	6,280,815	240,000	6,520,815	387,990,830	1,113,597	72,000	1,185,597
1995	26	87	96,290,779	84,061,789	1,620,000	85,681,789	181,972,568	14,337,982	465,800	14,803,782
1996	20	177	63,059,873	49,236,698	2,340,000	51,576,698	114,636,572	8,707,168	667,400	9,374,568
1997	48	269	351,440,027	578,987,081	92,500	579,079,581	930,519,608	58,852,605	20,250	58,872,855
1998	35	276	40,107,920	251,824,167	2,526,075	254,350,242	294,458,162	46,863,357	187,015	47,050,372
1999	27	315	38,000,792	396,402,128	1,366,699	397,768,827	435,769,619	45,174,556	317,829	45,492,385
2000	35	212	208,899,015	723,152,746	333,457	723,486,203	932,385,218	115,397,403	87,343	115,484,746
2001	34	181	435,849,179	931,262,922	14,991,554	946,254,475	1,382,103,654	143,904,700	3,735,500	147,640,200
2002	22	194	74,454,427	937,841,186	23,407,571	961,248,757	1,035,703,184	150,280,717	4,008,686	154,289,403
2003	26	215	541,929,810	1,304,920,314	2,880,785	1,307,801,099	1,849,730,909	284,074,368	722,233	284,796,601
2004	28	273	34,816,447	470,335,081	5,775,062	476,110,142	510,926,589	95,920,149	1,625,129	97,545,278
2005	34	270	204,821,548	906,656,836	6,671,593	913,328,429	1,118,149,977	120,989,298	1,900,095	122,889,393
2006	18	216	1,050,520,714	1,227,114,221	16,229,540	1,243,343,761	2,293,864,475	163,167,984	3,921,996	167,089,981
2007	25	199	465,052,993	929,615,846	152,456,640	1,082,072,486	1,547,125,480	156,285,623	2,497,177	158,782,799
2008	60	231	162,972,022	962,461,088	6,852,571	969,313,659	1,132,285,682	185,933,162	1,522,164	187,455,327
2009	34	279	238,061,424	1,368,411,522	30,283,452	1,398,694,974	1,636,756,398	155,440,550	8,669,822	164,110,372
2010	42	386	546,963,732	1,955,805,336	16,366,232	1,972,171,568	2,519,135,301	335,084,132	4,639,804	339,723,936
2011	38	417	178,287,545	2,183,142,674	88,291,393	2,271,434,067	2,449,721,612	446,890,505	24,055,563	470,946,068
2012	26	417	557,273,967	2,510,255,899	37,838,668	2,548,094,567	3,105,368,534	281,818,575	10,598,793	292,417,368
2013	27	504	61,354,329	2,553,768,951	119,260,369	2,673,029,320	2,734,383,649	470,977,353	28,526,451	499,503,804
2014	32	470	88,054,490	2,278,174,137	66,322,326	2,344,496,462	2,432,550,952	383,908,380	10,877,186	394,785,566
2015	26	426	160,758,915	1,492,103,005	474,408,065	1,966,511,070	2,127,269,985	272,916,832	132,579,390	405,496,221
2016	70	503	97,354,415	2,552,004,363	75,145,688	2,627,150,052	2,724,504,467	463,973,837	20,481,847	484,455,684
2017	55	495	32,627,357	1,706,262,991	445,241,304	2,151,504,294	2,184,131,652	234,954,141	123,462,284	358,416,425
2018	60	446	568,069,015	1,864,452,427	80,834,205	1,945,286,632	2,513,355,647	244,377,541	22,259,609	266,637,149

FRAUD STATISTICS - HEALTH AND HUMAN SERVICES°

October 1, 1986 - September 30, 2018

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ¹		SETTLEMENTS AND JUDGMENTS ²					RELATOR SHARE AWARDS ³		
	NON QUI TAM	QUI TAM	NON QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
			TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL				
TOTAL	1,022	7,633	6,733,728,753	30,390,264,925	1,671,775,748	32,062,040,673	38,795,769,426	4,905,856,887	407,901,364	5,313,758,251

NOTES:

0. The information reported in this table covers matters in which the Department of Health and Human Services is the primary client agency.
1. "New Matters" refers to newly received referrals, investigations, and qui tam actions.
2. Non qui tam settlements and judgments do not include matters delegated to United States Attorneys' offices. The Civil Division maintains no data on such matters.
3. Relator share awards are calculated on the portion of the settlement or judgment attributable to the relator's claims, which may be less than the total settlement or judgment.
Relator share awards do not include amounts recovered in subsection (h) or other personal claims. See 31 U. S. C. 3730(h).

FRAUD STATISTICS - DEPARTMENT OF DEFENSE°

October 1, 1986 - September 30, 2018

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ¹		SETTLEMENTS AND JUDGMENTS ²					RELATOR SHARE AWARDS ³		
	NON QUI TAM	QUI TAM	NON QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
			TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL				
1987	237	20	27,897,128	0	0	0	27,897,128	0	0	0
1988	122	28	149,136,213	0	33,750	33,750	149,169,963	0	8,438	8,438
1989	120	31	154,588,297	10,002,058	0	10,002,058	164,590,355	1,394,770	0	1,394,770
1990	74	41	117,115,978	21,630,713	69,000	21,699,713	138,815,691	3,776,850	18,870	3,795,720
1991	78	44	227,898,245	57,200,000	42,000	57,242,000	285,140,245	8,625,800	10,500	8,636,300
1992	73	61	62,603,695	127,700,000	994,456	128,694,456	191,298,151	23,540,000	259,784	23,799,784
1993	93	53	83,742,840	24,000,000	5,707,641	29,707,641	113,450,481	3,280,425	1,671,498	4,951,923
1994	62	80	222,799,421	369,136,206	1,530,000	370,666,206	593,465,627	67,712,678	451,200	68,163,878
1995	54	88	110,459,386	140,548,237	15,000	140,563,237	251,022,623	28,348,711	0	28,348,711
1996	44	75	78,085,099	55,908,927	5,924,726	61,833,653	139,918,752	10,825,550	1,696,923	12,522,473
1997	45	79	30,734,273	35,090,213	1,513,700	36,603,913	67,338,186	6,018,810	379,435	6,398,244
1998	29	61	71,063,139	122,463,185	27,717,000	150,180,185	221,243,324	12,213,171	8,298,630	20,511,801
1999	33	66	30,522,711	15,114,509	745,137	15,859,646	46,382,357	2,684,186	179,750	2,863,936
2000	9	40	53,007,693	95,607,325	505,500	96,112,825	149,120,518	15,668,259	122,800	15,791,059
2001	10	41	17,472,751	30,030,696	88,083,098	118,113,794	135,586,545	5,955,566	19,451,866	25,407,432
2002	16	41	15,017,365	18,057,658	1,350,000	19,407,658	34,425,022	2,576,196	381,000	2,957,196
2003	10	36	107,337,000	204,884,468	0	204,884,468	312,221,468	48,592,795	0	48,592,795
2004	16	49	10,098,491	21,581,366	0	21,581,366	31,679,857	3,031,610	0	3,031,610
2005	16	49	19,049,935	101,125,200	0	101,125,200	120,175,135	21,428,085	0	21,428,085
2006	12	68	586,550,385	52,480,219	1,520,203	54,000,421	640,550,806	11,128,675	299,986	11,428,661
2007	25	50	16,400,000	36,230,796	496,909	36,727,705	53,127,705	4,983,718	126,419	5,110,137
2008	26	43	70,756,834	60,468,116	5,701,365	66,169,481	136,926,315	11,891,101	1,439,451	13,330,552
2009	17	51	21,739,266	416,852,869	140,000	416,992,869	438,732,135	64,469,853	26,600	64,496,453
2010	25	56	24,371,482	231,354,446	9,473,700	240,828,146	265,199,628	28,632,565	2,833,839	31,466,404
2011	19	45	29,484,345	113,130,570	0	113,130,570	142,614,915	23,428,627	0	23,428,627
2012	16	59	2,000,000	167,886,739	307,000	168,193,739	170,193,739	21,077,673	70,000	21,147,673
2013	12	78	5,119,169	47,118,462	154,000	47,272,462	52,391,631	7,246,939	41,580	7,288,519
2014	10	44	14,102,250	51,734,251	9,014,000	60,748,251	74,850,501	9,439,658	2,693,500	12,133,158
2015	7	36	109,991,660	145,989,076	26,572,197	172,561,273	282,552,933	24,600,368	2,561,920	27,162,288
2016	8	31	60,625,089	47,939,275	13,715,000	61,654,275	122,279,365	9,837,392	3,928,000	13,765,392
2017	21	29	10,900,000	208,679,712	500,000	209,179,712	220,079,712	42,686,422	135,000	42,821,422
2018	13	34	44,765,439	46,056,955	16,700,000	62,756,955	107,522,394	9,709,444	4,592,500	14,301,944

FRAUD STATISTICS - DEPARTMENT OF DEFENSE°

October 1, 1986 - September 30, 2018

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ¹		SETTLEMENTS AND JUDGMENTS ²					RELATOR SHARE AWARDS ³		
	NON QUI TAM	QUI TAM	NON QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
			TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL				
TOTAL	1,352	1,607	2,585,435,579	3,076,002,246	218,525,382	3,294,527,627	5,879,963,206	534,805,898	51,679,489	586,485,386

NOTES:

0. The information reported in this table covers matters in which the Department of Defense is the primary client agency.
1. "New Matters" refers to newly received referrals, investigations, and qui tam actions.
2. Non qui tam settlements and judgments do not include matters delegated to United States Attorneys' offices. The Civil Division maintains no data on such matters.
3. Relator share awards are calculated on the portion of the settlement or judgment attributable to the relator's claims, which may be less than the total settlement or judgment.
Relator share awards do not include amounts recovered in subsection (h) or other personal claims. See 31 U. S. C. 3730(h).

FRAUD STATISTICS - OTHER (NON-HHS, NON-DOD)°

October 1, 1986 - September 30, 2018

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ¹		SETTLEMENTS AND JUDGMENTS ²					RELATOR SHARE AWARDS ³		
	NON QUI TAM	QUI TAM	NON QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
			TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL				
1987	92	7	47,220,995	0	0	0	47,220,995	0	0	0
1988	80	10	21,968,775	1,954,354	0	1,954,354	23,923,129	0	0	0
1989	83	40	42,263,423	10,000	1,681	11,681	42,275,104	2,000	200	2,200
1990	142	20	62,120,889	17,949,496	6,000	17,955,496	80,076,385	2,694,612	1,800	2,696,412
1991	137	28	33,961,487	7,764,431	27,500	7,791,931	41,753,418	1,180,336	8,250	1,188,586
1992	185	38	65,532,871	4,056,969	0	4,056,969	69,589,840	135,000	0	135,000
1993	189	47	85,679,571	7,883,383	895,359	8,778,742	94,458,313	1,349,709	95,404	1,445,113
1994	175	61	101,753,461	3,601,184	1,052,323	4,653,507	106,406,968	627,074	315,696	942,770
1995	152	94	63,239,477	14,414,266	0	14,414,266	77,653,743	2,475,603	0	2,475,603
1996	121	88	106,212,299	19,215,578	5,257,707	24,473,285	130,685,584	2,586,902	1,367,655	3,954,557
1997	90	199	83,393,761	7,841,980	4,415,000	12,256,980	95,650,741	986,005	1,258,800	2,244,805
1998	54	132	40,264,735	64,547,494	5,000	64,552,494	104,817,229	11,187,844	1,000	11,188,844
1999	80	112	126,866,982	71,048,596	2,955,667	74,004,263	200,871,245	15,159,323	876,908	16,036,231
2000	50	111	105,980,489	389,610,617	850,000	390,460,617	496,441,106	52,613,715	165,000	52,778,715
2001	41	92	41,175,045	254,232,298	25,512,500	279,744,798	320,919,843	37,730,204	7,514,514	45,244,718
2002	23	84	30,126,500	122,275,178	1,028,569	123,303,748	153,430,248	8,520,908	192,633	8,713,542
2003	56	83	61,831,489	25,057,571	2,305,126	27,362,697	89,194,186	4,640,694	660,508	5,301,202
2004	67	110	70,741,084	69,801,056	3,486,818	73,287,873	144,028,957	11,272,462	750,999	12,023,461
2005	55	87	53,043,500	141,265,488	810,000	142,075,488	195,118,988	26,163,159	131,600	26,294,759
2006	40	101	75,388,158	211,511,060	4,961,620	216,472,680	291,860,838	45,679,413	1,425,854	47,105,266
2007	79	116	83,373,851	285,880,313	7,293,344	293,173,657	376,547,508	31,618,872	1,993,303	33,612,175
2008	74	105	78,464,624	37,653,025	125,000	37,778,025	116,242,649	4,107,880	36,000	4,143,880
2009	80	103	208,884,996	178,740,859	3,353,028	182,093,887	390,978,883	29,656,732	987,725	30,644,457
2010	76	135	70,621,154	91,895,466	83,938,681	175,834,147	246,455,301	15,801,739	23,442,348	39,244,087
2011	68	172	33,594,105	360,529,170	85,597,310	446,126,480	479,720,585	54,715,891	24,986,043	79,701,934
2012	104	179	1,048,838,895	627,352,531	52,102,675	679,455,206	1,728,294,101	122,026,208	14,192,949	136,219,158
2013	62	175	121,903,274	195,931,949	80,883,687	276,815,636	398,718,910	30,776,225	21,555,906	52,332,131
2014	58	201	1,574,451,486	2,056,904,602	6,042,125	2,062,946,727	3,637,398,213	303,858,069	1,297,314	305,155,383
2015	81	178	467,691,913	258,948,728	13,180,432	272,129,160	739,821,073	46,588,081	3,174,818	49,762,898
2016	71	173	1,738,951,119	325,468,159	19,437,381	344,905,540	2,083,856,659	50,450,300	5,248,753	55,699,052
2017	69	156	237,469,951	670,120,408	153,296,969	823,417,377	1,060,887,328	66,212,335	10,921,813	77,134,148
2018	49	165	154,281,000	84,224,239	21,137,431	105,361,670	259,642,670	14,968,350	5,821,211	20,789,561

FRAUD STATISTICS - OTHER (NON-HHS, NON-DOD)°

October 1, 1986 - September 30, 2018

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ¹		SETTLEMENTS AND JUDGMENTS ²					RELATOR SHARE AWARDS ³		
	NON QUI TAM	QUI TAM	NON QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
			TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL				
TOTAL	2,783	3,402	7,137,291,358	6,607,690,446	579,958,934	7,187,649,380	14,324,940,738	995,785,646	128,425,005	1,124,210,650

NOTES:

0. The information reported in this table covers matters in which the primary client agency is neither the Department of Health and Human Services nor the Department of Defense.
1. "New Matters" refers to newly received referrals, investigations, and qui tam actions.
2. Non qui tam settlements and judgments do not include matters delegated to United States Attorneys' offices. The Civil Division maintains no data on such matters.
3. Relator share awards are calculated on the portion of the settlement or judgment attributable to the relator's claims, which may be less than the total settlement or judgment.
Relator share awards do not include amounts recovered in subsection (h) or other personal claims. See 31 U. S. C. 3730(h).