

CIVIL FALSE CLAIMS ACT QUI TAM STATISTICS

Copyright 2020 Richard D. Lieberman, Consultant & Retired Attorney

The Federal Government in Fiscal Year 2019 recovered more than \$3 billion in Civil False Claims Act settlements and judgments. This included \$844 million in non-*Qui Tam* amounts and \$2.2 billion in *Qui Tam* amounts. The relator's share in FY 2019 amounted to \$272 million.

Note: The False Claims Act Amendments of 1986 provide civil liability for federal government contractors that have defrauded government programs. This law includes a *Qui Tam* provision that permits whistleblowers (called "relators" under the law—including those employed by the contractor who defrauded the government), to file lawsuits on behalf of the government. Whistleblowers may receive a portion of the recoveries, generally 15-30 per cent, depending on certain factors in the litigation. (*Qui tam* is an abbreviation of the Latin phrase *qui tam pro domino rege quam pro se ipso in hac parte sequitur* which means "he who brings a case on behalf of our lord the King, as well as for himself").

The following table shows *Qui Tam Settlements and Judgments* by Federal agency since the law was strengthened in 1986.

Qui Tam Settlements and Judgments (\$Billions)

	<u>FY 87-2019</u>	<u>Relator Share Awards</u>
Health and Human Services	34.0	5.7
Department of Defense	3.5	0.6
Non-HHS or DOD	7.3	1.1
All Federal Agencies	44.7	7.4 (17%)
Memo: FY 2019 All agencies (included in the above)	(2.2)	(0.3)

Takeaway. The numbers in the recoveries are very large. The Civil False Claims Act is generally said to be the federal Government's primary litigation tool in combating fraud against the Government.

For other helpful suggestions on government contracting, visit:
Richard D. Lieberman's FAR Consulting & Training at <https://www.richarddlieberman.com/>, and
Mistakes in Government Contracting at <https://richarddlieberman.wixsite.com/mistakes>.