



Real World Research:

# False Claims Act

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# History of the Law

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- Origins in Civil War
- Revisions that limited *qui tam*
- 1986 amendments ([31 USC 3729-3733](#))
- Proposed 2007 amendments ([S. 2041](#))



# Related legislation

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- Parallel state laws
- Deficit Reduction Act of 2005 – increased state share of Medicaid recoveries
- Tax Whistleblower Law, 26 USC §7623  
(not *qui tam*)



# Areas of Fraud

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- Defense contracts
- Health care
- Federal research grants
- Underpayment of oil and gas royalties  
(reverse false claim)
- Environmental cleanup fraud
- Etc.



# Types of fraud

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- Defense contracts: Mischarging, failure to test, product substitution
- Health care: Kickbacks, upcoding, unbundling, off-label marketing



# Role of relator

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- Who is the typical relator?
- Filing suit under seal
- Intervened/non-intervened cases
- Relator's share of recovery

Resources



# Legislative History

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- Legislative history on Westlaw:

Arnold & Porter Legislative History:  
False Claims Act of 1986 (FALSECLM-  
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## Resources

# Treatises

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- Sylvia, *The False Claims Act: Fraud Against the Government*
  - Westlaw database (FCA)
- Boese, *Civil False Claims Act and Qui Tam Litigation*
  - KF849 .B623
- Helmer, *False Claims Act: Whistleblower Litigation*
  - KF849 .H45 2002
- Scammell, *Giantkillers*
  - KF8896.5 .S28 2004



# Websites

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- Taxpayers Against Fraud
  - <http://www.taf.org/>
- Phillips & Cohen
  - <http://www.phillipsandcohen.com/>
- John Boese's FraudMail Alert
  - <http://www.ffhsj.com/wcc/fmamain.php3?sort=chron>



## Websites (2)

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- Office of Inspector General Websites:
  - HHS: <http://oig.hhs.gov/>
  - DoD: <http://www.dodig.osd.mil/>
  - GAO: <http://www.gao.gov/>



## Websites (3)

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- Other government websites:
  - CMS: <http://www.cms.hhs.gov/default.asp?>
  - FDA: <http://www.fda.gov/>
  - DOJ: <http://www.usdoj.gov/>

## Resources



# Blogs

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- Qui Tam Blog:  
<http://quitam.blogspot.com/>
- Tax Fraud Blog:  
<http://taxfraudblog.blogspot.com/>