



The False Claims Act Enforcement and Investigations

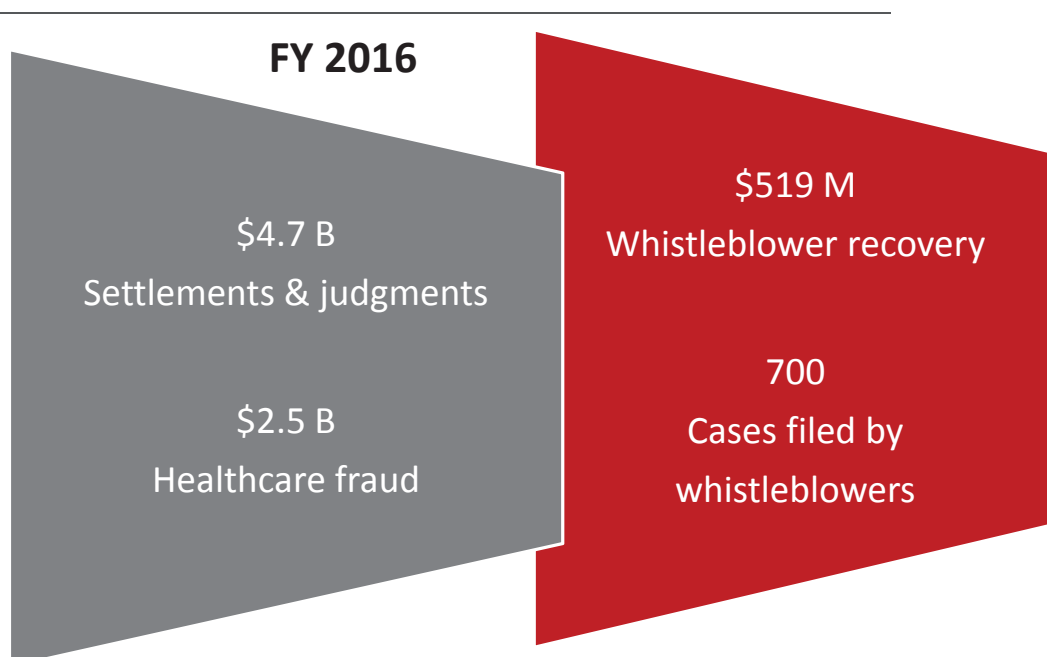
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FCA Enforcement Stats



Federal False Claims Act

- 1863 FCA targets corruption by private contractors to the Union Army
- 1986 Amendments lower burden of proof and relax prior knowledge bar
- 2009 Amendments expand liability and reach of FCA
- 2010 Additional amendments



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Whistleblower

“Use a rogue to catch a rogue.”

- Actions brought on behalf of the federal government by a private party having direct knowledge of the fraud
- Whistleblowers or “qui tam relators” may receive up to 30% of recovery



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Liability

- **Imposes civil liability on a person or corporation that**
 - 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; or
 - Conspires to commit a False Claims Act violation
 - And more ...

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“Knowing” or “Knowingly”

- **Means that persons or corporations, with respect to information**
 - Have actual knowledge of the information;
 - Act in deliberate ignorance of the truth or falsity of the information; or
 - Act in reckless disregard of the truth or falsity of the information; and
- **Requires no proof of specific intent to defraud**

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"Recent Trends in the False Claims Act and Government Enforcement"