INTRODUCTION

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The Civil False Claims Act, 31 U.S.C. § 3729 et seq. (FCA) was enacted in 1863 to address the submission of fraudulent claims for payment by unethical government contractors during the Civil War. Notably, the original FCA contained a *qui tam* provision pursuant to which private citizens known as relators could step into the shoes of the government to file suit and recover under the FCA. In 1986, Congress substantively amended the FCA, and after over 100 years in which the FCA was infrequently used, the FCA became the government’s primary civil enforcement weapon for combating fraud, waste and abuse of federal funds. The FCA was substantively amended again in 2009 and 2010 to further strengthen its efficacy.

Today, the FCA is the federal government’s principal civil tool in its anti-fraud efforts. Litigation under the FCA that involves government contracts is a complicated dance involving the Department of Justice (DOJ), contracting agencies, contractors, and, frequently, relators who have availed themselves of the *qui tam* provisions of the FCA. In 2016, the government and relators collectively recovered over $4.7 billion under the FCA.

In this book, the authors explore the relationship between federal procurement and the FCA. The chapters describe the regulated nature of government contracting and the players in the policy and enforcement communities who regulate and police government contracts. They also describe the complex process for initiating, litigating, and resolving FCA actions, and how those processes interact with the complexities of performing and closing out government contracts. In addition, they describe the substantive requirements and evolving evidentiary challenges of litigating a FCA case in a government contracts context. Finally, they describe possible modifications to the FCA that have the potential to improve compliance and reduce costs, as well as additional areas of likely FCA enforcement outside of the traditional realms of government contracts and government-funded healthcare. The authors hope this volume will serve as a desk book that will become a first stop for any inside, outside, government or relator’s counsel who faces issues at the intersection of the FCA and federal government contracting.