The statute, first passed in 1863, includes an ancient legal device called a “qui tam” provision (from a Latin phrase meaning “he who brings a case on behalf of our lord the King, as well as for himself”). This provision allows a private person, known as a “relator,” to bring a lawsuit on behalf of the United States, where the private person has information that the named defendant has knowingly submitted or caused the submission of false or fraudulent claims to the United States. The relator need not have been personally harmed by the defendant’s conduct.

In summary, the False Claims Act (“FCA”) imposes liability on:

- any person who submits a claim to the federal government that he or she knows (or should know) is false;
- an individual who may knowingly submit a false record in order to obtain payment from the government; and
- anyone who obtains money from the federal government to which he/she may not be entitled, and then uses false statements or records in order to retain the money.

In 1986, FCA was amended to include, among other provisions, protection against retaliation for certain employees that are the qui tam relator, anyone assisting the qui tam relator, and anyone working with the U.S. government “in furtherance of” a FCA action.

This memorandum provides a brief, general overview of the False Claims Act. It does not constitute legal advice and does not represent the official policy of Fairleigh Dickinson University. The False Claims Act has a very detailed process for the filing and pursuit of these claims. The qui tam relator must be represented by an attorney.