



**U.S. Department of Justice**  
Civil Division

*Office of the Assistant Attorney General*

*Washington, DC 20044*

May 27, 2026

**MEMORANDUM**

TO: Attorneys, Commercial Litigation Branch, Fraud Section

Assistant U.S. Attorneys Handling False Claims Act Cases  
Offices of the U.S. Attorneys

FROM: Brett A. Shumate, Assistant Attorney General, Civil Division

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SUBJECT: Accelerating Review and Enhancing Enforcement in Benefits Fraud Matters

The False Claims Act (FCA) is one of the government’s most powerful weapons for fighting fraud and ensuring that government funds are spent properly. The Department has a stellar track record of successful FCA enforcement, returning billions of dollars to the public fisc, protecting the integrity of federal programs, and holding accountable fraudsters who exploit and squander taxpayer dollars for their own financial gain.

FCA enforcement is particularly important to combat the rise in fraudulent schemes that seek to take advantage of the generosity of American benefits programs. As detailed in the Executive Order entitled “Establishing the Task Force to Eliminate Fraud” (March 16, 2026) (EO on Eliminating Fraud), American taxpayers fund a vast benefits system for citizens in need that includes housing, food, medical care, cash assistance, and more. Unscrupulous actors exploit these programs for their own financial gain, defrauding the government and harming the people these programs are designed to aid and protect.

Congress has historically relied on private whistleblowers to combat a wide range of misconduct that violated federal law. In particular, Congress enacted the FCA to provide the Department with discretion to permit whistleblowers to stand in the shoes of the government to pursue fraud on its behalf, subject to its oversight and control, and to reward whistleblowers for doing so.

The EO on Eliminating Fraud directed the Department to take appropriate action to promote meritorious qui tams filed under the FCA and ensure prompt review of such actions, including within the 60-day period contemplated by 31 U.S.C. § 3730(b)(4) to the maximum extent practicable. To that end, the Department is taking the following steps to support meritorious qui tam actions concerning fraud on federally-funded benefits programs administered by states (benefits fraud).

The Department will prioritize and, to the maximum extent practicable, complete its review of new benefits fraud qui tam actions within the 60-day period described in 31 U.S.C.

§ 3730(b)(4), but no later than 120 days. At the conclusion of its review, the Department shall make one of the following determinations: 1) permit the relator to proceed with the action and to assume primary responsibility for litigating it, subject to the government's ongoing supervision and ultimate control of the matter; 2) conclude the allegations warrant further government investigation; or 3) determine the qui tam should be dismissed under 31 U.S.C. § 3730(c)(2)(A) because the allegations lack adequate specificity or are legally deficient. This streamlined review will expedite potentially meritorious qui tam cases and supplement the government's finite resources. It also will allow the government to concentrate its efforts on dismantling and holding accountable sophisticated actors that are responsible for the largest, most complex, and harmful fraud schemes. Although this protocol will increase the number of benefits fraud matters primarily litigated by relators, the Department nonetheless expects that its attorneys will continue to assume primary responsibility for investigating and pursuing the majority of incoming qui tam matters.

In making a determination that the relator should promptly proceed to litigate the qui tam, relevant considerations may include, but are not limited to:

- (i) The complaint alleges conduct that, if true, would constitute a violation of the False Claims Act;
- (ii) The complaint alleges facts that are supported or corroborated by available information, including data analytics, agency information, or the relator's inside information;
- (iii) The case involves a scheme or course of misconduct that is not novel or complex;
- (iv) The amount of the potential damages is below the settlement authority delegated to the Director of Civil Fraud in Section 1(b)(4) of Civil Division Directive No. 1-15 (i.e., \$10,000,000); and
- v) Aggravating factors are present, such as beneficiary harm, ongoing misuse of federal funds, or concealment or deceit by the defendant.

When electing to allow a relator to quickly proceed to litigate a new benefits fraud matter, Department attorneys should communicate that it is the Department's expectation that the whistleblower and his counsel will be prepared to shoulder the obligations of the litigation. Accordingly, the complaint should have sufficient details and particularity to meet pleading requirements, and the burdens and costs on the government should be minimized to the greatest extent possible. The suit will proceed subject to the Department's oversight and ultimate control of the matter, as contemplated by the FCA's qui tam provisions, and will include the Department's ongoing evaluation of the matter, including its consideration of whether to object to dismissal on public disclosure grounds or to dismiss the action if the allegations are not substantiated and it is no longer in the government's interest for the matter to be pursued.

Where the Department concludes that further investigation of a benefits fraud qui tam is appropriate, the Fraud Section and the applicable U.S. Attorney's Office will confer about assignment and handling of the matter consistent with Civil Division Directive No. 1-15. The government's investigation shall proceed on an expedited basis of 120 days (the Investigative Period):

- *Investigative Plan*: The assigned attorneys will develop an investigative plan that includes a schedule for prompt issuance of Inspector General subpoenas and/or Civil Investigative Demands (CIDs) and early witness interviews. The plan should take into account whether any steps will potentially disturb a covert investigation.
- *Use Targeted Requests for Information*: Requests should be appropriately tailored to the issues under investigation, and early witness interviews and oral examinations should be considered as possible alternatives to the production of certain categories of documents.
- *Make Appropriate Use of Subpoena and CID Enforcement*: Defendants should be provided a definitive time frame to respond to information requests and CIDs that is appropriate in light of the information requested. If the defendant fails to meet that deadline, then absent a justifiable reason for that failure, an action to enforce the subpoena or CID should be filed.
- *Request Assistance of Relator's Counsel*: Relator's counsel may be a valuable resource who can help expedite the Department's investigation. Consider requesting relator's counsel to assist with the investigation as warranted.
- *Consider Refining Damages Estimates During Discovery*: If the prospect of a settlement is not likely, and it would unduly extend the government's investigation to develop a detailed assessment of the government's damages, it may be appropriate to make an intervention decision once there is evidence to support liability and the general parameters of the government's loss. Further refinement of damages can occur during discovery after the government intervenes in the action.
- *Use of Supervisory Case Reviews*: At the expiration of the Investigative Period, attorneys should assess the case for an election decision. If further time is needed to complete the investigation, approval for an additional 120 days must be sought from the Deputy Assistant Attorney General of the Commercial Litigation Branch. Any subsequent extension of the Investigative Period will require approval from the Assistant Attorney General of the Civil Division.

The Department will also leverage a whole-of-government approach to ensure that new benefits fraud matters receive accelerated review and evaluation for all available enforcement options. New matters will be promptly referred to the Criminal Division and/or the National Fraud Enforcement Division for evaluation of potential criminal violations. In addition, new matters will be shared with the affected agency to evaluate potential administrative action, including payment suspension. Throughout its review, the Department also will seek information from the agency about the operation of the impacted program, data analysis, and other information to assist in corroborating the whistleblower's allegations. The Civil Division will continue to assess how it can enhance processes and procedures to support prompt resolution of benefits fraud qui tams.