

99TH CONGRESS  
1ST SESSION

# H. R. 2264

To amend title 5, United States Code, to provide civil penalties for false claims and statements made to the United States, to certain recipients of property, services, or money from the United States, or to parties to contracts with the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 1985

Mr. HERTEL of Michigan introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 5, United States Code, to provide civil penalties for false claims and statements made to the United States, to certain recipients of property, services, or money from the United States, or to parties to contracts with the United States, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That this Act may be cited as the "Program Fraud Civil  
4 Penalties Act of 1985".

5        SEC. 2. (a)(1) The Congress finds that—

6                (A) fraud in Government programs is a serious  
7        and growing problem;

1           (B) present civil and criminal remedies for pro-  
2           gram fraud are not sufficiently responsive to this prob-  
3           lem;

4           (C) fraud in Government programs results in the  
5           loss of millions of dollars annually; and

6           (D) fraud in Government programs undermines  
7           the integrity of these programs by allowing ineligible  
8           persons to participate and receive Federal funds to  
9           which they are not entitled.

10          (2) The Congress further finds that it is desirable to  
11          create an expeditious and inexpensive administrative proce-  
12          dure which Federal agencies may use to impose an adminis-  
13          trative penalty for false, fictitious, or fraudulent claims and  
14          statements.

15          (b) The purposes of this Act are—

16                (1) to allow Federal agencies which are the vic-  
17                tims of false, fictitious, and fraudulent claims and state-  
18                ments to have an administrative remedy penalizing  
19                persons who submit such claims and statements;

20                (2) to provide an administrative penalty procedure  
21                which is comparable with administrative penalty proce-  
22                dures with respect to Government contracts, personnel  
23                disciplinary proceedings, and Government grants; and

24                (3) to provide reasonable due process protections  
25                to all persons who are subject to the adjudication of

1 administrative penalties for false, fictitious, or fraudu-  
 2 lent claims or statements.

3 SEC. 3. (a) Title 5 of the United States Code is amended  
 4 by inserting after chapter 7 the following new chapter:

5 **“CHAPTER 8—ADMINISTRATIVE PENALTIES AND**  
 6 **ASSESSMENTS FOR FALSE CLAIMS AND STATE-**  
 7 **MENTS**

“Sec.

“801. Definitions.

“802. False claims and statements; liability.

“803. Hearing and determination by authority head; subpoena authority.

“804. Judicial review.

“805. Collection of civil penalties and assessments.

“806. Limitations.

“807. Right to setoff.

“808. Regulations.

“809. Reports.

8 **“§ 801. Definitions**

9 **“(a) As used in this chapter—**

10 **“(1) ‘authority’ means any establishment as de-**  
 11 **defined in section 11(2) of the Inspector General Act of**  
 12 **1978 (92 Stat. 1109), any executive department, any**  
 13 **military department, and the United States Postal**  
 14 **Service;**

15 **“(2) ‘authority head’ means—**

16 **“(A) the head of an authority, or**

17 **“(B) an official or employee of the authority**  
 18 **designated, in regulations promulgated by the**  
 19 **head of the authority, to make findings and deter-**

1           minations under this chapter on behalf of the head  
2           of the authority;

3           “(3) ‘claim’ means any request or demand, wheth-  
4           er under a contract or otherwise—

5                   “(A) to an authority for property, services,  
6                   or money (including money representing grants,  
7                   loans, insurance, or benefits); or

8                   “(B) to a recipient of property, services, or  
9                   money from an authority or to a party to a con-  
10                  tract with an authority—

11                           “(i) for property or services if the  
12                           United States provided such property or  
13                           services or any portion of the funds for the  
14                           purchase of such property or services or will  
15                           reimburse such recipient or party for the pur-  
16                           chase of such property or services; or

17                           “(ii) for the payment of money (includ-  
18                           ing money representing grants, loans, insur-  
19                           ance, or benefits) if the United States provid-  
20                           ed any portion of the money requested or de-  
21                           manded or will reimburse such recipient for  
22                           any portion of the money paid on such re-  
23                           quest or demand;

24                  “(4) ‘statement’ means any written representation  
25                  or certification—

1           “(A) with respect to a claim; or

2           “(B) with respect to—

3                 “(i) a contract with, or a bid or proposal  
4           for a contract with,

5                 “(ii) a grant, loan, or benefit from,

6                 “(iii) an application for insurance from,

7           or

8                 “(iv) an application for employment  
9           with,

10           an authority, or any State, political subdivision of  
11           a State, or other party acting on behalf of, or  
12           based upon the credit or guarantee of, an  
13           authority;

14           “(5) ‘person’ means any individual, partnership,  
15           corporation, association, or private organization;

16           “(6) ‘investigating official’ means—

17                 “(A) the Inspector General in an authority  
18           which is authorized an Inspector General by the  
19           Inspector General Act of 1978 (92 Stat. 1101) or  
20           any other Federal law; or

21                 “(B) in the case of an authority which is not  
22           authorized an Inspector General by the Inspector  
23           General Act of 1978 (91 Stat. 1101) or any other  
24           Federal law, any official or employee of the au-  
25           thority when designated by the head of the au-

1           thority to conduct investigations under the provi-  
2           sions of section 803(a)(1) of this title; and

3           “(7) ‘reviewing official’ means any official or em-  
4           ployee of an authority—

5                     “(A) whose rate of basic pay is equal to or  
6                     greater than the minimum rate of basic pay for  
7                     grade GS-18 under section 5332 of this title; and

8                     “(B) who is designated by the head of the  
9                     authority to make the determination provided in  
10                    section 803(a)(2) of this title.

11           “(b) For the purposes of subsection (a)(3) of this  
12           section—

13                     “(1) each voucher, invoice, claim form, or other  
14                     individual request or demand for property, services, or  
15                     money constitutes a separate claim whether submitted  
16                     separately or together with other claims;

17                     “(2) each request or demand for property, serv-  
18                     ices, or money constitutes a claim regardless of wheth-  
19                     er such property, services, or money is actually deliv-  
20                     ered or paid; and

21                     “(3) a claim shall be considered made to an au-  
22                     thority, recipient, or party when such claim is made to  
23                     an agent, fiscal intermediary, or other entity, including  
24                     any State or political subdivision thereof, acting for or  
25                     on behalf of such authority, recipient, or party.

1       “(c) For the purposes of subsection (a)(4) of this sec-  
2 tion—

3               “(1) each written representation or certification  
4 constitutes a separate statement whether submitted  
5 separately or together with other statements; and

6               “(2) a statement shall be considered made to an  
7 authority although such statement is actually made to  
8 an agent, fiscal intermediary, or other entity, including  
9 any State or political subdivision thereof, acting for or  
10 on behalf of such authority.

11 **“§ 802. False claims and statements; liability**

12       “(a) For purposes of this chapter—

13               “(1) a claim is false when the claim—

14                       “(A) includes or is supported by any false,  
15 fictitious, fraudulent, or intentionally misleading  
16 statement, document, record, or accounting or  
17 bookkeeping entry;

18                       “(B) is for payment for the provision of prop-  
19 erty or services which the claimant has not pro-  
20 vided, or has not provided in accordance with the  
21 terms of the contract on which such claim is  
22 based, or has provided in violation of any applica-  
23 ble Federal or State statute or regulation; or

24                       “(C) is for the payment of an amount in  
25 excess of the amount which is properly due; and

1           “(2) a statement is false when a material fact—

2                   “(A) is asserted in such statement and is  
3 false, fictitious, fraudulent, or intentionally mis-  
4 leading; or

5                   “(B) is omitted from such statement and—

6                           “(i) as a result of the omission, such  
7 statement is substantially false, fictitious, or  
8 fraudulent or, in the case of an intentional  
9 omission, is intentionally misleading; or

10                           “(ii) the person making such statement  
11 has a duty to include such material fact in  
12 the statement.

13           “(b) Any person who, on or after the effective date of  
14 the Program Fraud Civil Penalties Act of 1983, knowingly  
15 makes, presents, or submits, or knowingly causes to be made,  
16 presented, or submitted, a false claim or statement, is liable  
17 to the United States for—

18                   “(1) a civil penalty of not more than \$10,000 for  
19 each false claim or statement; and

20                   “(2) an assessment of not more than double—

21                           “(A) the full amount of money paid to and  
22 the full value of property or services delivered to  
23 a person as a result of the false claim or state-  
24 ment of such person; or

1           “(B) the amount of damages, including the  
2           amount of consequential damages and the cost of  
3           investigating such false claim or statement, sus-  
4           tained by the United States as a result of the  
5           false claim or statement.

6           “(c) Except as provided in section 803(b)(5) or 805(f)(1)  
7 of this title, the total amount of the penalty and assessment  
8 determined under this section shall not be less than the  
9 amount of damages sustained by the United States as a result  
10 of the false claim or statement.

11          “(d)(1) The penalties and assessments provided in this  
12 section shall be in addition to all criminal penalties provided  
13 by law.

14          “(2) Except as provided in subsection (e) of this section,  
15 the authority head may use any administrative and contrac-  
16 tual remedy authorized by any other applicable provision of  
17 Federal law in addition to the provisions of this chapter to  
18 impose or enforce a civil penalty and assessment for false  
19 claims and statements.

20          “(e) Notwithstanding any other provision of Federal  
21 law, a civil penalty or assessment imposed under any other  
22 provision of Federal law in any case subject to this chapter  
23 may be in any amount authorized in this section.

1 **“§ 803. Hearing and determination by authority head; sub-**  
2 **pena authority**

3 “(a)(1) The investigating official of an authority shall  
4 investigate allegations that a person is liable under section  
5 802(b) of this title and report the findings and conclusions to  
6 the reviewing official of the authority.

7 “(2) If the reviewing official determines, based upon the  
8 report of the investigating official or upon information from  
9 any other source, that there is probable cause to believe that  
10 a person is liable under section 802(b) of this title, the re-  
11 viewing official shall refer the allegations contained in such  
12 report to the authority head for a hearing. Before referring  
13 the allegations to the authority head, the reviewing official  
14 may refer the allegations to the investigating official and re-  
15 quire the investigating official to obtain more information  
16 with respect to the allegations.

17 “(b)(1) The authority head shall conduct a hearing on  
18 the record regarding any allegation referred to him pursuant  
19 to subsection (a) of this section to determine, based on the  
20 preponderance of the evidence—

21 “(A) the liability of any person under section  
22 802(b) of this title;

23 “(B) the amount of damages suffered by the  
24 United States as a result of the false claim or state-  
25 ment creating the liability of such person; and

1           “(C) the amount of any penalty and assessment to  
2           be imposed on such person.

3           “(2) The person alleged to be liable under section 802(b)  
4 of this title shall be entitled—

5           “(A) to written notice of the hearing specifically  
6           setting forth all allegations and the date, time, and  
7           place for such hearing;

8           “(B) to be present at such hearing;

9           “(C) to be represented by counsel;

10          “(D) to present evidence; and

11          “(E) to cross-examine any witnesses.

12          “(3) Each hearing under paragraph (1) of this subsection  
13 shall be conducted in an impartial manner and resolve the  
14 issues expeditiously and inexpensively consistent with funda-  
15 mental fairness. A written decision including findings and de-  
16 terminations shall be issued after the conclusion of the hear-  
17 ing.

18          “(4)(A) *Except as provided in subparagraph (B) of this*  
19 *paragraph and section 804 of this title, the findings and de-*  
20 *terminations of the authority head issued in connection with a*  
21 *hearing conducted under paragraph (1) of this subsection are*  
22 *final.*

23          “(B) If the authority head conducting the hearing under  
24 paragraph (1) of this subsection is an individual described in  
25 section 801(a)(2)(B) of this title, the amount of the penalty

1 and assessment imposed on a person may be reduced by the  
2 authority head described in section 801(a)(2)(A) of this title  
3 to any amount not less than the amount provided in section  
4 802(c) of this title.

5       “(5) The total amount of the penalty and assessment  
6 determined under this section may be less than the amount  
7 provided in section 802(c) of this title if the authority head  
8 determines that a lower amount is in the best interest of the  
9 United States and enters in the written decision and makes  
10 available for public inspection the determination and the rea-  
11 sons for the determination.

12       “(c) After a hearing pursuant to subsection (b) of this  
13 section, the authority head shall promptly send to any person  
14 determined to be liable under section 802(b) of this title writ-  
15 ten notice of the findings and determinations of the authority  
16 head and the right to judicial review under section 804 of this  
17 title.

18       “(d) For the purposes of an investigation under subsec-  
19 tion (a) of this section the investigating official is author-  
20 ized—

21               “(1) to administer oaths or affirmations; and

22               “(2) to require by subpoena the attendance and tes-  
23 timony of witnesses and the production of all informa-  
24 tion, documents, reports, answers, records, accounts,

1 papers, and other data and documentary evidence nec-  
2 essary to conduct such investigation.

3 “(e) For the purposes of conducting a hearing under  
4 subsection (b) of this section, the authority head is author-  
5 ized—

6 “(1) to administer oaths or affirmations; and

7 “(2) to require by subpoena the attendance and tes-  
8 timony of witnesses and the production of all informa-  
9 tion, documents, reports, answers, records, accounts,  
10 papers, and other data and documentary evidence  
11 which the authority head considers relevant and mate-  
12 rial to the hearing.

13 “(f) In the case of contumacy or refusal to obey a subpe-  
14 na issued pursuant to subsection (d) or (e) of this section, the  
15 investigating official or authority head, as the case may be,  
16 may invoke the aid of any district court of the United States  
17 where such investigation or hearing is being conducted, or  
18 where such subpoenaed person resides or conducts business.  
19 The district courts of the United States shall have jurisdiction  
20 to issue an appropriate order for the enforcement of any such  
21 subpoena. Any failure to obey such order of the court is pun-  
22 ishable by such court as contempt.

23 “(g) Unless a petition is filed as provided in section 804  
24 of this title, the determination of liability pursuant to this

1 section shall be final and shall not be subject to judicial  
2 review.

3 **“§ 804. Judicial review**

4       “(a) Any person who has been determined pursuant to  
5 section 803 of this title to be liable under section 802(b) of  
6 this title may obtain review of such determination in the  
7 *United States Court of Appeals* for the circuit in which such  
8 person resides or in which the claim or statement upon which  
9 the determination of liability is based was made, presented,  
10 or submitted, or for the *District of Columbia Circuit*, by filing  
11 in such court, within sixty days after the date on which the  
12 notice required by section 803(c) of this title is sent, a written  
13 petition that such determination be modified or set aside. The  
14 clerk of the court shall transmit a copy of such petition to the  
15 authority head concerned and to the Attorney General. Upon  
16 receipt of the copy of such petition the authority head shall  
17 transmit to the Attorney General the record in the proceed-  
18 ing resulting in the determination of liability. Except as oth-  
19 erwise provided in this section, the courts of appeals of the  
20 *United States* shall have jurisdiction to review the findings  
21 and determinations in issue and to affirm, modify, remand for  
22 further consideration, or set aside, in whole or in part, the  
23 findings and determinations of the authority head, and to en-  
24 force such findings and determinations to the extent that such  
25 findings and determinations are affirmed or modified.

1       “(b) The findings of the authority head with respect to  
2 questions of fact, if supported by substantial evidence on the  
3 record considered as a whole, shall be conclusive.

4       “(c) The determination of the authority head as to the  
5 amount of any penalty and assessment shall be conclusive  
6 and shall not be subject to review except to determine wheth-  
7 er such amount exceeds the maximum amount provided in  
8 section 802 of this title.

9       “(d) Any court of appeals reviewing, under this section,  
10 the findings and determinations of the authority head shall  
11 not consider any objection that was not raised in the hearing  
12 conducted pursuant to section 803(b) of this title, if any,  
13 absent a showing of extraordinary circumstances causing the  
14 failure to raise the objection. If any party shows to the satis-  
15 faction of the court that additional evidence not presented at  
16 such hearing is material and that there were reasonable  
17 grounds for the failure to present such evidence at such hear-  
18 ing, the court shall remand the matter to the authority head  
19 for consideration of such additional evidence.

20       “(e) Upon a final determination by the court of appeals  
21 that a person is liable under section 802(b) of this title, the  
22 court shall enter a final judgment for the appropriate amount  
23 in favor of the United States, and such judgment may be  
24 recorded and enforced by the Attorney General to the same

1 extent and in the same manner as a judgment entered by any  
2 United States district court.

3 **“§ 805. Collection of civil penalties and assessments**

4       “(a) The Attorney General, with the support of the au-  
5 thority head when required, shall be responsible for judicial  
6 enforcement of any civil penalty or assessment imposed pur-  
7 suant to the provisions of this chapter.

8       “(b) Any penalty or assessment imposed in a determina-  
9 tion which has become final pursuant to section 803(g) of this  
10 chapter may be recovered in a civil action brought by the  
11 Attorney General. In any such action, no matters that were  
12 raised or that could have been raised in a hearing conducted  
13 under section 803(b) of this title or in a review pursuant to  
14 section 804 of this title may be raised as a defense, and the  
15 determination of liability and the determination of amounts of  
16 penalties and assessments shall not be subject to review.

17       “(c) The district courts of the United States and of any  
18 territory or possession of the United States shall have juris-  
19 diction of any action commenced by the United States under  
20 subsection (b) of this section.

21       “(d) Any action under subsection (b) of this section may,  
22 without regard to venue requirements, be joined and consoli-  
23 dated with or asserted as a counterclaim, cross-claim, or  
24 setoff by the United States in any other civil action which

1 includes as parties the United States and the person against  
2 whom such action may be brought.

3       “(e)(1) The United States Claims Court shall have juris-  
4 diction of any action under subsection (b) of this section to  
5 recover any penalty and assessment if the cause of action is  
6 asserted by the United States as a counterclaim in a matter  
7 pending in such court. The United States may join as addi-  
8 tional parties in such counterclaim all persons who may be  
9 jointly and severally liable with the person against whom  
10 such counterclaim is asserted.

11       “(2) No cross-claims or third-party claims not otherwise  
12 within the jurisdiction of the United States Claims Court  
13 shall be asserted among additional parties joined under para-  
14 graph (1) of this subsection.

15       “(f)(1) Except as provided in paragraph (2) of this sub-  
16 section, the authority head may compromise or settle any  
17 penalty and assessment determined pursuant to section 803  
18 of this title. No compromise or settlement under this subsec-  
19 tion shall provide for a recovery of an amount less than the  
20 amount described in section 802(c) of this title unless the  
21 authority head makes the determination and takes the action  
22 provided in section 803(b)(5) of this title.

23       “(2) The Attorney General shall have exclusive author-  
24 ity to compromise or settle any penalty and assessment the  
25 determination of which is the subject of a pending petition

1 pursuant to section 804 of this title or a pending action to  
2 recover such penalty or assessment pursuant to this section.

3       “(g) Whenever a penalty and assessment is imposed and  
4 collected pursuant to this chapter and part of any money paid  
5 or property or services delivered as a result of the false claim  
6 or statement on which such penalty and assessment is based  
7 was provided by a State or political subdivision thereof which  
8 has not previously been reimbursed for such money or prop-  
9 erty, the United States shall reimburse such State or political  
10 subdivision the lesser of—

11               “(1) an amount bearing the same ratio to the civil  
12 penalty and assessment recovered as the amount paid,  
13 or the cost to the State or political subdivision of prop-  
14 erty or services delivered, by the State or political sub-  
15 division on the basis of such false claim or statement  
16 bears to the total amount paid, or total cost of property  
17 or services delivered, based on such false claim or  
18 statement; or

19               “(2) the total amount actually paid, or the total  
20 actual cost to the State or political subdivision of prop-  
21 erty or services delivered, by the State or political sub-  
22 division on the basis of such false claim or statement.

23       “(h) Except as provided in subsection (g) of this section,  
24 any amount of penalty and assessment collected under this

1 chapter shall be deposited as miscellaneous receipts in the  
2 Treasury of the United States.

3 **“§ 806. Limitations**

4       “(a)(1) Prior to initiating a proceeding under section  
5 803(b) of this title the authority head shall transmit to the  
6 Attorney General written notice of the intention to initiate  
7 such proceeding together with the reasons for such intention.

8       “(2) The authority head may initiate a proceeding under  
9 section 803(b) of this title if—

10           “(A) the Attorney General approves the initiation  
11 of such proceeding; or

12           “(B) the Attorney General takes no action to dis-  
13 approve the initiation of such proceeding within ninety  
14 days after the date on which the notice required by  
15 paragraph (1) of this subsection is received or within  
16 such longer period after such date as is provided in a  
17 memorandum of understanding entered into by the au-  
18 thority head and the Attorney General with respect to  
19 such proceeding.

20       “(b)(1) No proceeding under section 803(b) of this title  
21 shall be commenced more than six years after the date on  
22 which the claim or statement alleged to be a false claim or  
23 statement is made, presented, or submitted.

1       “(2) A proceeding under such section is commenced by  
2 mailing by registered or certified mail the notice required in  
3 section 803(b)(2)(A) of this title.

4       “(c) A civil action to recover a penalty and assessment  
5 under section 805 of this title shall be commenced within  
6 three years after the date on which the determination of li-  
7 ability for such penalty and assessment becomes final.

8       “(d) If at any time during the course of proceedings  
9 brought pursuant to this chapter the authority head receives  
10 or discovers any specific information regarding bribery, gra-  
11 tuities, conflict of interest, or other corruption or similar ac-  
12 tivity in relation to a false claim or statement, the authority  
13 head shall immediately report such information to—

14               “(1) the Inspector General of the authority, if an  
15 Inspector General is authorized for the authority by  
16 the Inspector General Act of 1978 (92 Stat. 1101) or  
17 any other Federal law, for transmission to the Attor-  
18 ney General; or

19               “(2) the Attorney General, if the authority is not  
20 authorized an Inspector General by the Inspector Gen-  
21 eral Act of 1978 (92 Stat. 1101) or any other Federal  
22 law.

23       “(e) If the Attorney General transmits to an authority  
24 head a written finding that the continuation of any proceed-  
25 ing under section 803 of this title may adversely affect any

1 pending or potential criminal or civil action related to an al-  
2 leged false claim or statement under consideration in such  
3 proceeding, such proceeding shall be immediately stayed and  
4 may be resumed only upon written authorization of the At-  
5 torney General.

6       “(f) No proceeding shall be commenced under section  
7 803(b) of this title with respect to any claim, statement, or  
8 group of claims or statements submitted before the com-  
9 mencement of such proceedings by any person or group of  
10 persons acting in concert if (1) the amount of money or the  
11 value of property or services requested or demanded in such  
12 claim, statement, or group of claims or statements exceeds  
13 \$100,000, or (2) the amount of damages, including the  
14 amount of consequential damages, sustained by the United  
15 States as a result of such claim, statement, or group of claims  
16 or statements exceeds \$100,000.

17 **“§ 807. Right to setoff**

18       “(a)(1) The amount of any penalty and assessment  
19 which has become final under section 803(g) of this title, or  
20 for which a judgment has been entered under section 804(e)  
21 or 805 of this title, or any amount agreed upon in a settle-  
22 ment or compromise under section 805(f) of this title, may be  
23 deducted from any sum, including a refund of an overpay-  
24 ment of Federal taxes, then or later owing by the United  
25 States to the person liable for such penalty and assessment.

1       “(2) The authority head shall transmit written notice of  
2 each deduction made under this paragraph to the person  
3 liable for such penalty and assessment.

4       “(3) All amounts retained pursuant to this paragraph  
5 shall be remitted to the Secretary of the Treasury for deposit  
6 in accordance with section 805(h) of this title.

7       “(b) An authority head may forward a certified copy of  
8 any determination as to liability for any penalty and assess-  
9 ment which has become final under section 803(g) of this  
10 title, or a certified copy of any judgment which has been  
11 entered under section 804(e) or 805 of this title to the Secre-  
12 tary of the Treasury for action in accordance with subsection  
13 (a) of this section.

14       “§ 808. Regulations

15       “(a) The head of each authority shall issue rules and  
16 regulations implementing paragraphs (1), (2), and (3) of sec-  
17 tion 803(b) of this title and such additional rules and regula-  
18 tions as may be necessary to carry out the provisions of this  
19 chapter. Such rules and regulations shall insure that investi-  
20 gating officials are not responsible for making the determina-  
21 tions or conducting the hearing required in section 803(b) of  
22 this title or making the collections under section 805 of this  
23 title.

24       “(b) The Attorney General may enter into a memoran-  
25 dum of understanding with the head of any authority to pro-

1 vide expeditious procedures for approving or disapproving the  
2 initiation of proceedings under section 803(b) of this title and  
3 for referral of matters for action under sections 804, 805, and  
4 806(e) of this title. Such memorandum of understanding may  
5 provide advanced authorization to initiate proceedings under  
6 section 803(b) of this title with respect to any particular type  
7 or class of alleged false claims or statements if not otherwise  
8 barred by section 806 of this title.

9 **“§ 809. Reports**

10 “(a) Each investigating official shall, not later than Oc-  
11 tober 31 of each year, prepare an annual report summarizing  
12 actions taken under this chapter during the most recent  
13 twelve-month period ending September 30. Such report shall  
14 include—

15 “(1) a summary of matters referred to the author-  
16 ity head under section 803(a)(2) of this title during  
17 such period;

18 “(2) a summary of matters transmitted to the At-  
19 torney General under section 806(a)(1) of this title  
20 during such period;

21 “(3) a summary of all proceedings initiated by the  
22 authority head under section 803(b) of this title, and  
23 the results of such proceedings, during such period; and

