

QUI TAM ACTION

Qui tam (Black's Law Dictionary pronunciation: kwày tæm) is an abbreviation from the Latin "*qui tam pro domino rege quam pro sic ipso in hoc parte sequitur*" meaning "who as well for the king as for himself sues in this matter."

1. Black's Law Dictionary defines a qui tam action as "an action brought by an informer, under a statute which establishes a penalty for the commission or omission of a certain act, and provides that the same shall be recoverable in a civil action, part of the penalty to go to any person who will bring such action and the remainder to the state or some other institution."

Qui tam is a provision of the **Federal Civil False Claims Act** that allows private citizens to file a lawsuit in the name of the U.S. Government charging fraud by government contractors and others who receive or use government funds, and share in any money recovered.

This unique law was enacted by Congress in order to effectively identify and prosecute government procurement and program fraud and recover revenue lost as a result of the fraud.

The qui tam provision has had the effect of privatizing government legal remedies by allowing private citizens to act as "private attorneys general" in the effort to prosecute government procurement and program fraud. Although most of the early successes in qui tam actions have been against defense contractors, more and more actions are being filed that involve other governmental agencies such as Health and Human Services, Environment, Energy, Education, NASA, Agriculture and Transportation. U.S. recoveries for qui tam cases, as of the end of 2003, has totaled \$7.8 billion. During the same period, relator shares, as a result of the recoveries, has totaled \$1.3 billion.

QUI TAM QUESTIONS:

1) Do you work for a company that contracts with any governmental entity (federal, state, county or local) to provide a good or service to any governmental entity?

2) If your answer to question 1, above, was yes, are you aware of any business practices by your employer and connected to any government contract that could be characterized as wrongful, fraudulent or illegal? (Some examples include over-charging; charging for goods or services not delivered or performed; conduct or practices that violate a contract or law; charging the government a higher price than what is charged a private company; or the marketing of a good or service for something other than what has been approved by any regulatory or governmental body.)

