

OPINION

BROOKER: Big Government Spending Requires Extra Protection For Taxpayers



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Fighting government waste and fraud, protecting taxpayer money and empowering whistleblowers to expose wrongdoing are ideas we can, and should, all get behind.

Congress has allocated nearly **\$6 trillion** in response to the COVID-19 pandemic. Unfortunately, but not surprisingly, some have used this public health emergency to take from the taxpayer's coffers for their own benefit, from purchasing a **Lamborghini** to defrauding **New York City** of personal protective equipment during the height of the pandemic. Tracking each cent of these funds is nothing short of a gargantuan task, and our government must have the capabilities needed at the ready to stop fraud in its tracks as it happens, ensure government resources are going to those who actually need it and protect taxpayers from being fleeced.

Later this month, the Senate Judiciary Committee will likely consider the **False Claims Amendments Act of 2021**, authored by Republican Iowa Sen. Chuck Grassley, which would hold fraudsters accountable and not let them get away with their crimes through existing legal loopholes. These types of laws, which award whistleblowers for exposing fraud, have been incredibly effective in ensuring more accountable government spending. They must be regularly improved and updated to continue to ensure they remain just as effective, especially in an era of trillion-dollar spending sprees.

The idea of fighting government waste can be traced back to President Abraham Lincoln, the first Republican president, signing the False Claims Act, which combatted fraud against the government during the Civil War, into law. Since then, the False Claims Act has been used to recover billions of dollars from waste, fraud and abuse. In 1986, the False Claims Act went through its most significant change to date when amendments were passed to strengthen the Act's qui tam, or whistleblower, provisions. These changes allowed for private citizens to uncover government fraud, thus providing a powerful tool to further protect taxpayer money. This provision has led to the recovery of more than \$64 billion in taxpayer money, or more than two-thirds of all False Claims Act recoveries since its adoption. The False Claims Act has also contributed to a generational shift, empowering everyday Americans to report fraud without fear of repercussion.

But that was 35 years ago, and a lot has changed since then. Government spending continues to climb, and with that, the opportunity for bad actors to engage in undesirable practices. The massive amount of funds allocated for COVID relief are ripe for massive abuse, making this legislation more important than ever. "In light of the trillions of dollars that Congress has appropriated recently for COVID relief, these bills are needed, more than ever, to fight the significant amounts of fraud that we are already seeing," said **Senator Grassley**, announcing the introduction of this legislation.

This legislation has bipartisan support, with Democratic Sens. Patrick Leahy of Vermont and Dick Durbin of Illinois as well as Republican Sens. John Kennedy of Louisiana and Roger Wicker of Mississippi signing on as original **cosponsors**, signifying the importance this legislation carries.

At its core, this amendment aims to clarify the current law amidst the confusing and misconstrued 2016 Supreme Court ruling in *United Health Services v. United States ex rel. Escobar*. First, the legislation would clarify the “materiality” standard to make it harder for powerful companies to use the courts to require the government to provide more burden of proof when fraud occurs. Second, the bill would give the Justice Department less discretion to dismiss whistleblowers — who have initiated the bulk of FCA recoveries over the last 100 years — from stepping forward when they see fraud occurring. Finally, the legislation would provide for anti-retaliation protections to former employees who call out abuse in our government when they see it.

Thankfully, taxpayers have many strong advocates on the Senate Judiciary Committee fighting every day on their behalf. Taxpayer champions against wasteful government spending such as Republican Sens. Lindsey Graham, John Cornyn, Mike Lee, Ted Cruz, Ben Sasse, Josh Hawley and Marsha Blackburn should support enacting this common sense legislation to prevent billions of dollars from being lost to fraud and waste.

In an era of big government spending, from COVID relief funds to the trillion-dollar packages currently up for debate in Congress, this legislation will serve as the first line of defense our government can use to combat fraud, waste and abuse. Our elected officials have a responsibility to the taxpayers to ensure our hard-earned dollars are accounted for, and that each of those dollars is spent as efficiently and effectively as possible. Elected officials should do everything in their power to equip themselves with the most powerful tools to hold accountable the fraudsters who attempt to steal from taxpayers. The False Claims Amendments Act of 2021 does just that.