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False Claims Act Qui Tam Lawsuits Increased to 979 in FY 2024—the Highest Ever



Whistleblowers filed 979 *qui tam* lawsuits under the False Claims Act (FCA) in Fiscal Year 2024—the highest number in a single year and 35% more than in the prior year—the U.S. Department of Justice (DOJ) announced. Overall, DOJ recovered more than \$2.9 billion in FCA settlements and judgments in FY 2024, a nearly 5% increase from FY 2023 (\$2.7 billion).

Each year, DOJ releases statistics regarding its settlements and judgments obtained in the prior year under the FCA. DOJ's FCA enforcement [statistics](#) for FY 2024 ([announced](#) on January 15, 2025) show that DOJ and whistleblowers were party to 558 settlements and judgments under the FCA, the second highest total after the 566 record number of recoveries in FY 2023. Notably, of the 979 new *qui tam* cases filed in FY 2024, 575 involved allegations of fraud concerning areas other than healthcare and defense contracting, including pandemic relief programs, underscoring the scope and breadth of the FCA.

In this Update, we provide an overview of DOJ's latest FCA statistics and their significance for companies that seek government funding and other stakeholders.

### **DOJ's Statistics and their Significance**

The government's primary remedy to combat fraud against the government, the FCA produces significant settlements and judgments every year in such areas as healthcare and life sciences, government contracting, and grant programs. DOJ has obtained more than \$78 billion under the FCA since the statute was amended in 1986 to add provisions aimed at incentivizing whistleblowers (relators). The annual recoveries tend to fluctuate from one year to the next, often driven by one or more settlements or judgments. The total dollar value of recoveries (\$2.9 billion) is not as high as in certain prior years (\$5.6 billion in FY 2021, for example), but is largely consistent over time. DOJ has obtained more than \$2 billion under the FCA every year since 2008.

Key findings from FY 2024 include:

- **Increased *qui tam* lawsuits triggering DOJ investigations.** The record-high number of new *qui tam* cases filed in FY 2024 is a major jump from prior years and part of a steady increase in the number of new *qui tam* cases being filed around the country in recent years. Over the past several years, relators have filed more than 600 new cases per year. In FY 2024, that number jumped to 979, surpassing the previous record-high number (713) filed in FY 2023. Each of these cases triggers a DOJ investigation to determine whether the government wishes to take over the *qui tam* suit or, alternatively, decline, in which case the relator can elect to continue the case on its own under DOJ supervision. The increased number of new *qui tam* suits signals a substantial volume of DOJ investigations, many of which are likely to extend into 2025 and beyond.
- **Relators were the source of most (\$2.4 billion) of DOJ's total recoveries.** Of the \$2.9 billion in FCA settlements and judgments obtained in FY 2024, more than \$2.4 billion arose from lawsuits filed by *qui tam* relators. By statute, relators are entitled to receive between 15% and 30% of any recovery by DOJ. In FY 2024, relators obtained more than \$400 million in settlements and judgments, a slight drop from FY 2023 (\$450 million) and FY 2022 (\$497 million) but higher than FY 2018 through FY 2021. Of the more than \$400 million shared with relators, \$59 million was in cases in which DOJ declined to intervene, and \$344 million was in cases in which DOJ intervened.
- **A sharp jump in "other" fraud cases.** DOJ breaks its statistics into three categories: Health and Human Services, Department of Defense (DoD), and Other. Notably, of the 1,402 new FCA cases brought in FY 2024 by DOJ and relators, 887 fell into DOJ's Other category (575 *qui tam* suits and 312 non-*qui tam* suits). This spike reflects DOJ's ongoing focus on cases involving areas such as fraud in connection with pandemic relief loans. In its press release, DOJ highlighted cases it pursued last year involving alleged fraud against the Paycheck Protection Program (PPP) and other pandemic relief funding. According to DOJ, during FY 2024, DOJ obtained more than 250 FCA settlements and judgments resolving allegations of pandemic-related fraud, which collectively amounted to more than \$250 million. DOJ's Other category of settlements also included areas such as grants for military housing and disaster assistance funds.
- **DOJ-intervened cases produced \$2.1 billion in recoveries.** Underscoring the importance of DOJ's decision of whether to intervene in a *qui tam* case and pursue it (or decline and let the relator decide whether to pursue the case on their own), of the \$2.9 billion in total recoveries, \$2.1 billion arose in *qui tam* cases in which the United States intervened. Still, non-intervened cases produced more than \$217 million in settlements and judgments, and relators consistently pursue declined cases.
- **Defense-related fraud recoveries dropped.** In FY 2024, DOJ obtained more than \$93 million in total settlements and judgments under the FCA in cases involving defense contracting. That is a sharp drop from FY 2023's \$556 million recovered in DoD-related FCA matters, but FY 2023's figures were largely driven by a single large settlement. The number of new DoD-related FCA cases in FY 2024 was largely consistent with prior years. DOJ initiated 26 new defense-related FCA cases in FY 2024, and relators filed 34 new cases related to defense. DOJ's statistics do not indicate the subject matter of those cases, but DOJ highlighted its Civil Cyber-Fraud Initiative as a priority and cited recent and pending cases involving cybersecurity. Cybersecurity remains an area of enforcement risk for companies doing business with the government.
- **DOJ-initiated FCA cases continue to be robust.** The number of cases initiated by DOJ without a *qui tam* suit was significant (423 new cases in FY 2024) compared to prior years but not as high as FY 2023's record-high number of DOJ-initiated cases (505). DOJ-initiated cases are attributable in part to the agency's active pursuit of pandemic relief cases.
- **DOJ's healthcare-related FCA recoveries fell slightly.** DOJ recovered more than \$1.69 billion in FCA settlements and judgments in FY 2024, a slight drop from FY 2023 (\$1.8 billion) and FY 2022 (\$1.7 billion). Still, almost 60% of total recoveries this year related to the healthcare and life sciences industries, representing the single largest industry paying the settlements and recoveries.

## Final Thoughts

The increased number of new *qui tam* cases triggering DOJ investigations in FY 2024 indicates that DOJ will continue to actively conduct FCA investigations for the foreseeable future (even if a substantial number of those cases result in a declination by DOJ). The impact on FCA enforcement of the transition to new DOJ leadership under the Trump administration remains to be seen, but DOJ's statistics over the years demonstrate relative consistency from one administration to the next, and FCA enforcement was relatively robust during the first Trump administration. One area to watch in 2025 is a pending appeal before the U.S. Court of Appeals for the Eleventh Circuit involving a district court's novel decision holding that the *qui tam* statute is unconstitutional (*United States ex rel. Zafirov v. Florida Medical Associates LLC*). So far, that case is an outlier (other circuits have rejected this theory), but is likely to invite further arguments and litigation focusing on the viability of the *qui tam* device.

DOJ's statistics underscore the FCA's significance for companies in regulated industries that receive government funding. Strong compliance programs and reporting mechanisms for employees to raise concerns are critical to mitigating risks related to allegations of fraud.

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