

March 16, 2020

URGENT MATTER

Hon. William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

Dear Attorney General Barr:

I am writing on behalf of the [National Whistleblower Center](#) and my law firm to formally request the U.S. Department of Justice to establish a task force to monitor and investigate violations of the False Claims Act related to allegations of fraud committed in federal programs related to the Coronavirus crisis.

As you are aware, the False Claims Act was originally enacted in response to corruption during a national crisis (the Civil War). [As explained by the Senate sponsor](#) of the original 1863 law, the False Claims Act was designed to stop frauds in the sale of defective products to the Union Army that placed soldiers' lives at risk. The law was recognized as the "most expeditious way" to "bring rogues to justice."

More recently, federal contractors were found liable under the False Claims Act for [stealing from disaster sites](#), [selling defective body armor](#) to police, and providing [deficient healthcare to Medicaid](#). Given that the [False Claims Act](#) will cover all federal funding related to the Coronavirus (which will be billions of dollars), and already covers the major federally sponsored medical programs, including [Medicaid and Medicare](#), it is imperative that the Department of Justice take prompt and effective action to insure that no money is defrauded from any program designed to combat the Coronavirus.

This is particularly true in regard to violations occurring in nursing homes, where many at-risk patients reside. As recently as March 3, 2020, the Justice Department announced a [National Nursing Home Initiative](#), [targeting abuses at nursing homes and advocating using the False Claims Act to police these abuses](#). The types of nursing home violations the government was seeking to stop include:

- Failure to provide adequate staff for residents
- Substandard hygiene and infection controls
- Inadequate nutrition for residents
- Improper use of physical or chemical restraints, including withholding of pain medication

- Inadequate facility cleanliness

We hereby request that the Department of Justice create a nation-wide task force to monitor and investigate all cases filed under the False Claims Act. This task force should have the following mandate;

1. Insure a prompt and aggressive federal response to any allegations of fraud related to the Coronavirus, including fraud that impacts patient care.
2. Investigations of any whistleblower claim should be initiated on the basis of a whistleblower's "disclosure statement." The Department should not wait to commence an investigation until a formal complaint is filed in federal court.
3. Prioritize the investigation of all Coronavirus cases. As you know, it sometimes takes over 1-year for the DOJ to investigate a False Claims Act case. Given the current crisis the investigation of Coronavirus cases should take priority over other cases.
4. If a False Claims Act has merit, the case should be promptly prosecuted, and any fraudster should be held accountable to the fullest extent of the law (both civilly and criminally).
5. If a case lacks merit, the whistleblower should be immediately informed so that they can continue to work without concern as to the legality of what they have witnessed.

By establishing a special task force, and aggressively pursuing investigations of the fraud cases, the Department of Justice can send a message to all persons involved in fighting the Coronavirus that they must act honestly and ethically in their administration of these critical programs. It is well documented that the False Claims Act has a deterrent effect on crime. The key during this crisis is to deter anyone from engaging in misconduct in the administration of government sponsored medical or health and safety programs.

Thank you very much for your time and attention to these matters. We look forward to hearing from you by March 23, 2020. If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

/s/

[Stephen M. Kohn](#)

/s/ Stephen M. Kohn

Chairman of the Board of Directors

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