

# SARRAF GENTILE LLP

ATTORNEYS AT LAW

10 Bond Street, Suite 212 • Great Neck, New York 11021 • T 516.699.8890 • F 516.699.8968  
www.sarrafgentile.com

March 20, 2020

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

Re: Establishing a Coronavirus Initiative — Protecting Government  
Funds From Unlawful Profiteering From Coronavirus Programs

Dear Attorney General Barr:

We represent whistleblowers in recovering unlawfully obtained government funds and were among the counsel representing whistleblowers in the historic \$1.4 billion recovery from the Reckitt Benckiser Group that the U.S. Department of Justice announced late last year.

In light of our firm's commitment to the protection of tax dollars and the whistleblowers who stand on the front line of fighting government fraud, we write to encourage You and the Department of Justice to focus on the inevitable allegations of fraud committed in federal programs related to the Coronavirus crisis. In this respect, we call for the creation of an initiative to focus on investigating, preventing and prosecuting violations of the False Claims Act committed in connection with the Coronavirus.

As you know, the False Claims Act is a Civil War era law meant to address the rampant fraud suffered by the government (such as the sale of defective products to the Union Army). Now more than ever, especially given the government's growth and critical role in public safety, the FCA is essential in safeguarding government programs, such as Medicare, Medicaid and special stimulus efforts. More than money, the law also saves lives by ensuring that private companies do not unlawfully profit at the expense of patient safety.

The Coronavirus Initiative we urge here today is consistent with the FCA and the Department's own recent efforts. For example in 2018, the Department announced the creation of a new Prescription Interdiction & Litigation Task Force to fight the prescription opioid crisis. And just this month, the Department announced a National Nursing Home Initiative, designed to pursue nursing homes that provide grossly substandard care to residents.

Consistent with those prior efforts, a Coronavirus Initiative could allow for the Department, working in concert with state and local agencies, to quickly investigate, prevent and prosecute fraud related to any Coronavirus program, especially where patient health is concerned.

Some features of this initiative could include: centralizing and/or streamlining the process by which whistleblowers can inform the Department about potential wrongdoing; creating a task force of dedicated personnel to review allegations of fraud based off of an initial disclosure statement (even before a complaint is filed); and, prioritizing those cases that involve Coronavirus testing and/or treatment. Finally, we encourage the Department to allow cases involving Coronavirus fraud to be dismissed while the underlying action is still under seal, thereby protecting the identity of the whistleblower and further encouraging those with relevant information to come forward anonymously to report fraud.

In addition to protecting the federal fisc, the announcement of such an initiative will warn all those involved in fighting the Coronavirus how seriously the Department takes the ethical administration of these essential programs. The message to all those considering to unlawfully profit from the government's effort to combat this crisis should be unequivocal: you will be caught and you will be punished. And the message to whistleblowers who try to out these fraudsters should be equally clear: your country needs you, now more than ever.

We appreciate your attention on this matter as well as your public-service on behalf of the American people. We are happy to answer any questions you might have and look forward to our continued work with the Department.

Respectfully,



Joseph Gentile