

OIG's Authorities To Investigate Fraud, Waste, and Abuse Within HHS and by Contractors, Grantees, and Providers

OIG enforces a variety of Federal laws to prevent or prosecute fraud committed against HHS programs or other misconduct, whether committed by providers, contractors, grantees, or HHS employees. For your reference, we have listed the most important of these laws below. In addition, individuals and entities suspected of engaging in fraud may be criminally charged under a wide variety of other Federal criminal statutes including wire fraud, theft of public money, and theft or bribery concerning programs receiving Federal funds.

OIG authority to provide oversight over HHS programs:

- [Inspector General Act of 1978, as amended, 5 U.S.C. App 3](#)

Whistleblower protection provisions enforced by OIG:

- [Whistleblower Protections Act of 1989, 5 U.S.C. § 2302](#)
- [National Defense Authorization Act, 41 U.S.C. § 4712](#)
- [Military Whistleblower Protection Act, 10 U.S.C. § 1034](#)
- [Presidential Policy Directive 19](#)
- [Commissioned Corps Directive 121.06](#)

Criminal, civil, and administrative fraud laws enforced by OIG:

- [False Claims Act, 31 U.S.C. § § 3729-3733](#)
- [Civil Monetary Penalty Law, 42 U.S.C. § 1320a-7a](#)
- [OIG's Exclusion Authority, 42 U.S.C § 1320a-7](#)
- [Anti-Kickback Statute, 42 U.S.C §1320a-7b\(b\)](#)
- [Prohibition on Certain Physician Referrals \(Stark Law\), 42 USC § 1395nn](#)

Obligation to cooperate with OIG:

- Responsibilities for HHS and IHS employees to report waste, fraud, and abuse criminal misconduct in HHS programs: [45 CFR §§ 73.735-1301 and 73.735-1302.](#)
- Mandatory disclosures by grantees of potential Federal criminal law violations: [2 CFR § 200.113](#) and [45 CFR § 75.113.](#)
- OIG access to grantee records and personnel: [45 CFR § 75.364.](#)

Additional Links:

- [Department of Justice's Criminal Division](#), including the [Health Care Fraud Unit](#)
- [OIG's Whistleblower Protection Information](#)
- [OIG's Fraud webpage](#)

