FCA Enforcement Expected to Increase in 2026 Amid Legal Uncertainty

The False Claims Act (FCA) enforcement is set to intensify in 2026 as the Department of Justice (DOJ) expands its scope and courts navigate key legal challenges, according to the 2026 FCA Guide by Hogan Lovells, a global law firm.

The guide, marking its 10th anniversary, highlights significant developments from 2025 and outlines potential shifts in enforcement strategy. Jonathan Diesenhaus, a partner at Hogan Lovells and co-editor of the FCA Guide, anticipates continued high activity in the FCA space. “Initiatives and investigations launched in 2025 show that the Trump Administration plans to use the FCA aggressively to meet its policy goals,” said Diesenhaus.

In 2025, the DOJ launched several significant initiatives, including the Civil Rights Fraud Initiative, which designated the FCA as a primary tool to combat fraud, waste, and abuse. This marks a notable shift, with the current administration using the FCA to target a range of policy areas, including Diversity, Equity, and Inclusion (DEI), gender-affirming care, and cyberfraud.

Mitch Lazris, also a Hogan Lovells partner and co-editor, echoed these expectations, predicting that FCA enforcement will continue to rise throughout 2026. “The use of the FCA in high-profile cases and emerging areas is likely to set the tone for the coming years.”

Legal experts are also closely monitoring how courts will assess the DOJ’s novel applications of the FCA. Michele Sartori, another partner at Hogan Lovells, emphasized the importance of upcoming court decisions. “With questions about

the constitutionality of the qui tam provision and the 'materiality' standard, 2026 will be a pivotal year for how FCA cases are initiated and resolved."

The FCA Guide details several areas of focus, including:

- **New Priorities Under the Trump Administration**: The report highlights how policy objectives are shaping case selection and investigative priorities.
- **Rise in Qui Tam Cases**: The surge in whistleblower-driven cases is being fueled by increasing tariffs and trade issues, as well as heightened interest in cyberfraud-related claims.
- **State-Level Enforcement**: With more states ramping up their own FCA enforcement, coordination with federal authorities is expected to strengthen.
- **Healthcare Litigation**: A trend of circuit splits in health care-related FCA cases could lead to more significant judicial review.

In 2025, the FCA achieved a record $6.8 billion in recoveries, with health care-related cases accounting for the bulk of the settlements. The surge reflects an increase in qui tam filings, which reached 1,297, compared to 980 in 2024. As a result, whistleblowers and relators are expected to continue playing a pivotal role in FCA litigation.

For companies and legal practitioners, Hogan Lovells will host a webinar on March 12 to discuss the key developments and anticipated trends in FCA enforcement for 2026.

Read the guide here.