

CLIENT ALERT



DOJ Civil Division Announces New Enforcement Priorities Under Trump Administration and FCA's Key Role

JULY 3, 2025

On June 11, 2025, Assistant Attorney General Brett Shumate issued a memorandum to all U.S. Department of Justice (DOJ) Civil Division employees outlining enforcement priorities under directives from President Trump and Attorney General Bondi (the Memorandum).^[1] The Memorandum signals a shift in federal enforcement focus to issues such as discrimination, gender transition care, and immigration, and identifies the False Claims Act (FCA) as a tool to achieve certain of the Administration's goals. This announcement was followed a few weeks later by the July 2, 2025 announcement of a "working group" led by attorneys at DOJ and the U.S. Department of Health and Human Services (HHS) that will focus on enforcement of the FCA to address "fraud, waste, and abuse" in the health care industry, further highlighting the Trump administration's intention to utilize the FCA to pursue its enforcement priorities.^[2] This briefing summarizes the Civil Division's June 11 announcement of new priorities to be enforced via the FCA and discusses potential implications.

A. New Enforcement Priorities and FCA's Key Role

1. "Combating Discriminatory Practices and Policies"

Consistent with Executive Order 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*,^[3] and the Attorney General's memorandum on *Eliminating Internal Discriminatory Practices*,^[4] the Civil Division will "use all available resources to pursue affirmative litigation combatting unlawful discriminatory practices in the private sector."^[5] Although the exact contours of "unlawful discriminatory practices" are undefined, the Memorandum highlights "illegal DEI preferences, mandates, policies, programs, and activities" as a focus.^[6] The Memorandum specifically authorizes the Civil Division to use the FCA to investigate and initiate enforcement actions against entities that submit false claims to the federal government while knowingly violating civil rights laws. The DOJ recently launched the Civil Rights Fraud Initiative to support these efforts.

2. "Ending Antisemitism"

Consistent with Executive Order 14188, *Additional Measures to Combat Anti-Semitism*,^[7] and the Attorney General's memorandum on the *Establishment of Joint Task Force October 7*,^[8] the Civil Division will also target entities that perpetuate antisemitism.^[9] Specifically, the Civil Division is authorized to use the FCA to investigate and bring enforcement actions against entities that submit claims to the federal government while "knowingly violat[ing] federal civil rights laws by participating in or allowing antisemitism."^[10]

3. “Protecting Women and Children”

Consistent with Executive Order 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*,^[11] Executive Order 14187, *Protecting Children from Chemical and Surgical Mutilation*,^[12] and the Attorney General’s memorandum on *Preventing Mutilation of American Children*,^[13] the Civil Division will take measures to prevent and deter health care providers from providing gender transitioning care.^[14] The Memorandum highlights that the Civil Division will “aggressively pursue claims” under the FCA “against health care providers that bill the government for impermissible services” and violations of the Food, Drug, and Cosmetic Act (FDCA) against pharmaceutical manufacturers and distributors that illegally sell misbranded gender transition medications.

B. Key Takeaways

- **Federal Fund Recipients:** Organizations that receive federal funds should review their policies and procedures for compliance with civil rights laws to ensure that all claims and certifications submitted to the federal government are accurate. Given that the definition of “unlawful discriminatory practices” is evolving, entities should stay abreast of court rulings in their jurisdictions and may consider taking a more conservative approach.
- **Providers Offering Gender Transition Care:** Health care providers should be cautious in submitting claims to Medicare and Medicaid for gender transition care. Pharmaceutical manufacturers and retailers should ensure branding for gender transition drugs is consistent with the FDCA.

If you have any questions regarding this or related subjects, or if you need assistance, please contact the authors of this article (Suzanne Jaffe Bloom, Larry Block, Amandeep Sidhu, Kaitlin Marino, Elayna Napoli), any member of the DEI Compliance Task Force, or your Winston & Strawn relationship attorney. You can also visit our [Government Program Fraud, False Claims Act & Qui Tam Litigation Playbook](#); our [Government Program Fraud, False Claims Act & Qui Tam Litigation](#) practice webpage; or our [DEI Compliance Task Force webpage](#) for more information on this and related subjects.

[1] B. Shumate, U.S. Department of Justice, *Civil Division Enforcement Priorities* (June 11, 2025).

[2] DOJ, *DOJ-HHS False Claims Act Working Group* (July 2, 2025).

[3] 90 Fed. Reg. 8633 (Jan. 21, 2025).

[4] Office of the Attorney General, *Eliminating Internal Discriminatory Practices* (Feb. 5, 2025), available at <https://www.justice.gov/ag/media/1388556/dl?inline>.

[5] Memorandum, at 1.

[6] *Id.*

[7] 90 Fed. Reg. 8847 (Feb. 3, 2025).

[8] Office of the Attorney General, *Establishment of Joint Task Force October 7* (Feb. 5, 2025), available at <https://www.justice.gov/ag/media/1388516/dl?inline>.

[9] Memorandum, at 2.

[10] *Id.*

[11] 90 Fed. Reg. 8615 (Jan. 30, 2025).

[12] 90 Fed. Reg. 8771 (Feb. 3, 2025).

[13] Office of the Attorney General, *Preventing the Mutilation of American Children* (Apr. 22, 2025), available at <https://www.justice.gov/ag/media/1402396/dl>.

[14] Memorandum, at 2-3.

4 Min Read

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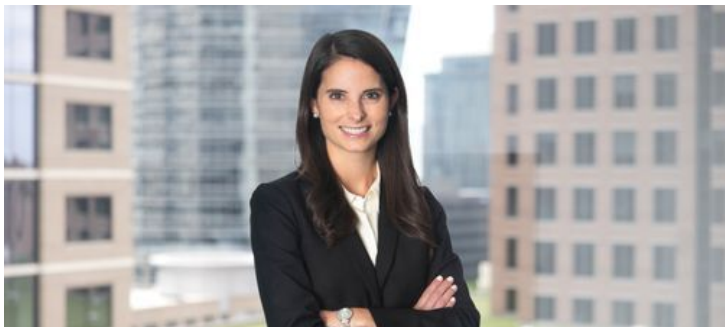
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