

White House Establishes Task Force to Combat Fraud in Federal Benefits Programs

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Earlier this week, the President issued an Executive Order (EO) establishing a White House Task Force to Eliminate Fraud in Federal Benefits Programs. Chaired by the Vice President, the Task Force reflects a broader policy effort to strengthen oversight of federally funded benefits programs administered by states and localities, with a focus on eligibility verification, payment integrity, and coordinated enforcement across agencies.

Although the EO does not immediately alter statutory eligibility requirements or program structures, it directs agencies to develop and implement enhanced anti-fraud controls on an accelerated timeline. Among the most significant developments are the EO's mandates for the Task Force to identify high-risk transactions and develop minimum anti-fraud standards, and a directive for the U.S. Department of Justice (DOJ) to expand enforcement efforts, including through the False Claims Act.

Establishment of the Task Force and Interagency Coordination

The EO establishes a Task Force within the Executive Office of the President, chaired by the Vice President and vice-chaired by the Chairman of the Federal Trade Commission. The Task Force includes representatives from agencies involved in enforcing, administering, or overseeing federal benefits programs, including the DOJ, Health and Human Services, Agriculture, Housing and Urban Development, Labor, Treasury, and Homeland Security, among others.

The Task Force is charged with coordinating a government-wide strategy to identify and prevent fraud across federal benefits programs, including those administered jointly with state, local, tribal,

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Practice Areas

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and territorial governments. The EO also emphasizes enhanced coordination between benefits agencies and law enforcement components.

Implementation: The Signposts

The EO establishes key signposts at the 30-day, 60-day, and 90-day marks by which participating agencies must take certain actions.

For instance, within 30 days of the EO, each participating agency must identify transactions and processes within its programs that are most susceptible to fraud. The EO highlights areas such as new enrollments, eligibility redeterminations, provider enrollments, self-attestation procedures, changes to payment destinations, and transactions involving third-party intermediaries.

Within 60 days, the Task Force must coordinate agency efforts to develop minimum anti-fraud requirements for the high-risk transactions identified in the initial review. These requirements may include enhanced identity verification, pre-payment integrity controls, expanded data-sharing protocols, and increased oversight of providers, vendors, contractors, nonprofit organizations, and other intermediaries.

During this period, the EO also directs agencies to examine how jurisdictions administering federally funded programs can demonstrate implementation of anti-fraud controls, and to evaluate options for conditioning or restricting federal funds where such controls are not in place.

Finally, within 90 days, each participating agency must submit a measurable implementation plan describing how it will adopt the anti-fraud measures developed under the EO.

Enhanced Enforcement and False Claims Act Activity

The EO directs the DOJ to promote the meritorious pursuit of False Claims Act cases brought by private parties involving fraud in federal benefits programs. Notably, the DOJ is directed to “ensure prompt review of such actions, including within the 60-day period contemplated by 31 U.S.C. 3730(a)(4) to the maximum extent practicable.” This language, which has not appeared in the Administration’s prior Executive Orders referring to the False Claims Act (*see, e.g.*, EO 14173), may signal DOJ prioritization of these cases or, at a minimum, faster-moving investigations in this area. In sum, this directive is likely to increase coordination between agencies and enforcement authorities and may contribute to increased whistleblower activity. Last year already saw a record-breaking number of qui tam actions, and this trend is likely to continue in light of the Administration’s guidance in the EO.

Takeaways

The EO puts forth a structure for enhanced program integrity and interagency coordination within the federal government. It does not, however, impose any new, immediate compliance requirements. Therefore, the timelines set forth in the EO suggest that agencies will begin implementing changes in the near term, with practical impacts emerging over the next several months.

The EO highlights programs like Medicaid, the Supplemental Nutrition Assistance Program (SNAP), and childcare funding programs, and identifies California, Illinois, New York, Maine, Colorado, and Minnesota as states in which there is “strong reason to believe that [] problems exist.” Therefore, entities operating in or alongside these programs should pay particular attention to developments from the Task Force in the coming months.

Specifically, such entities may wish to review existing compliance controls related to eligibility verification, documentation, and billing practices, particularly in areas involving enrollment and payment processing. It is also worth monitoring agency-specific guidance that may emerge in implementing the EO, as those materials will define how these requirements are applied in practice.