

For years, federal courts have granted colleges' and universities' motions to dismiss False Claims Act suits against them, narrowly construing the requirement of a false "claim" against the federal government. In 2003, the Seventh Circuit reversed this trend, holding in *Main v. Oakland City University* that the University's signed Program Participation Agreement could be viewed in conjunction with students' requests for federal student financial aid to constitute a "claim" for federal funding. A number of subsequent cases have adopted this logic, leading higher education lawyers to worry about increased college and university liability under the False Claims Act (FCA). This fear is unfounded, however, as will be explored in this note. There is no reason to anticipate a flood of qui tam suits against colleges and universities for two reasons: (1) public colleges and universities cannot be sued under the FCA and (2) the FCA requires actual fraud perpetrated against the government—not mere rule violations.