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ability to recover or to bring suit is generally done through the U.S. Attorney's Office.

SENATOR BOURNE: Okay. And why is that current mechanism ineffective?

SENATOR ERDMAN: It appears that in our situation that may be our only opportunity for that. And as I spoke in my previous time, that generally those aren't done unless there is a big fraud unit...or fraud case that the recovery would be large or justifiable for the U.S. Attorney's Office to undertake that activity.

SENATOR BOURNE: Is the U.S. Attorney's Office now required to investigate if we ask? If HHS asks, are they required to investigate or is it optional on their part?

SENATOR WEHRBEIN: One minute.

SENATOR ERDMAN: I don't know the answer to that and I can get you an answer.

SENATOR BOURNE: Okay. When there is fraud, are the individuals or the entities from which the fraud is collected, are they largely...are they individuals or are they hospitals or are they providers of medical service, or all of the above?

SENATOR ERDMAN: Are you referring nationwide or within the...

SENATOR BOURNE: I thinking Nebraska.

SENATOR ERDMAN: I don't...and again I'll have to ask, and I think the answer to that question is going...probably be hard to determine because there's probably very few cases that have actually be brought. The most recent example that I'm aware of is the state of Nebraska received a million dollars from a settlement against a major pharmaceutical company as a result of the Medicaid Fraud Control Units nationwide bringing suit against them for fraud.

SENATOR BOURNE: Right. But that was done...we basically tagged