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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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ROCKWELL INTERNATIONAL CORP. ET AL. *v.* UNITED STATES ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

No. 05–1272. Argued December 5, 2006—Decided March 27, 2007

While employed as an engineer at a nuclear weapons plant run by petitioner Rockwell under a Government contract, respondent Stone predicted that Rockwell's system for creating solid "pondcrete" blocks from toxic pond sludge and cement would not work because of problems in piping the sludge. However, Rockwell successfully made such blocks and discovered "insolid" ones only after Stone was laid off in 1986. In 1989, Stone filed a *qui tam* suit under the False Claims Act, which prohibits submitting false or fraudulent payment claims to the United States, 31 U. S. C. §3729(a); permits remedial civil actions to be brought by the Attorney General, §3730(a), or by private individuals in the Government's name, §3730(b)(1); but eliminates federal-court jurisdiction over actions "based upon the public disclosure of allegations or transactions . . . , unless the action is brought by the Attorney General or the person bringing the action is an original source of the information," §3730(e)(4)(A). An "original source" "has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the Government before filing an action . . . based on the information." §3730(e)(4)(B). In 1996, the Government intervened, and, with Stone, filed an amended complaint, which did not allege that Stone's predicted piping-system defect caused the insolid blocks. Nor was such defect mentioned in a statement of claims included in the final pretrial order, which instead alleged that the pondcrete failed because a new foreman used an insufficient cement-to-sludge ratio. The jury found for respondents with respect to claims covering the pondcrete allegations, but found for Rockwell with respect to all other

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claims. The District Court denied Rockwell's postverdict motion to dismiss Stone's claims, finding that Stone was an original source. The Tenth Circuit affirmed in part, but remanded for the District Court to determine whether Stone had disclosed his information to the Government before filing the action. The District Court found Stone's disclosure inadequate, but the Tenth Circuit disagreed and held that Stone was an original source.

Held:

1. Section 3730(e)(4)'s original-source requirement is jurisdictional. Thus, regardless of whether Rockwell conceded Stone's original-source status, this Court must decide whether Stone meets this jurisdictional requirement. Pp. 8–11.

2. Because Stone does not meet §3730(e)(4)(B)'s requirement that a relator have "direct and independent knowledge of the information on which the allegations are based," he is not an original source. Pp. 12–18.

(a) The "information" to which subparagraph (B) speaks is the information on which the relator's allegations are based rather than the information on which the publicly disclosed allegations that triggered the public-disclosure bar are based. The subparagraph standing on its own suggests that disposition. And those "allegations" are not the same as the allegations referred to in subparagraph (A), which bars actions based on the "public disclosure of allegations or transactions" with an exception for cases brought by "an original source of the information." Had Congress wanted to link original-source status to information underlying public disclosure it would have used the identical phrase, "allegations or transactions." Furthermore, it is difficult to understand why Congress would care whether a relator knows about the information underlying a publicly disclosed allegation when the relator has direct and independent knowledge of different information supporting the same allegation. Pp. 12–14.

(b) In determining which "allegations" are relevant, that term is not limited to "allegations" in the original complaint, but includes the allegations as amended. The statute speaks of the relator's "allegations," *simpliciter*. Absent some limitation of §3730(e)(4)'s requirement to the initial complaint, this Court will not infer one. Here, where the final pretrial order superseded prior pleadings, this Court looks to the final pretrial order to determine original-source status. Pp. 14–17.

(c) Judged according to these principles, Stone's knowledge falls short. The only false claims found by the jury involved insolid pondcrete discovered after Stone left his employment. Thus, he did not know that the pondcrete had failed; he predicted it. And his predic-

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tion was a failed one, for Stone believed the piping system was defective when, in fact, the pondcrete problem would be caused by a foreman's actions after Stone had left the plant. Stone's original-source status with respect to a separate, spray-irrigation claim did not provide jurisdiction over all of his claims. Section 3730(e)(4) does not permit jurisdiction in gross just because a relator is an original source with respect to some claim. Pp. 17–18.

3. The Government's intervention in this case did not provide an independent basis of jurisdiction with respect to Stone. The statute draws a sharp distinction between actions brought by a private person under §3730(b) and actions brought by the Attorney General under §3730(b). An action originally brought by a private person, which the Attorney General has joined, becomes an action brought by the Attorney General only after the private person has been ousted. Pp. 18–20.

92 Fed. Appx. 708, reversed.

SCALIA, J., delivered the opinion of the Court, in which ROBERTS, C. J., and KENNEDY, SOUTER, THOMAS, and ALITO, JJ., joined. STEVENS, J., filed a dissenting opinion, in which GINSBURG, J., joined. BREYER, J., took no part in the consideration or decision of the case.