

118TH CONGRESS
1ST SESSION

S. 2466

To amend title 31, United States Code, to modify False Claims Act procedures, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2023

Mr. GRASSLEY (for himself, Mr. KENNEDY, Mr. DURBIN, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 31, United States Code, to modify False Claims Act procedures, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “False Claims Amend-
5 ments Act of 2023”.

6 **SEC. 2. FALSE CLAIMS PROCEDURE.**

7 Section 3729 of title 31, United States Code, is
8 amended by adding at the end the following:

9 “(e) **PROVING MATERIALITY.**—In determining mate-
10 riality, the decision of the Government to forego a refund

1 or to pay a claim despite actual knowledge of fraud or
2 falsity shall not be considered dispositive if other reasons
3 exist for the decision of the Government with respect to
4 such refund or payment.”.

5 **SEC. 3. POST-EMPLOYMENT WHISTLEBLOWER RETALIA-**
6 **TION.**

7 Section 3730(h)(1) of title 31, United States Code,
8 is amended by inserting “current or former” after “Any”.

9 **SEC. 4. GAO REPORT.**

10 Not later than 18 months after the date of enactment
11 of this Act, the Comptroller General of the United States
12 shall submit a report to Congress on the effectiveness of
13 sections 3729 through 3733 of title 31, United States
14 Code, (referred to in this Act as the “False Claims Act”)
15 during the time period beginning on the date of enactment
16 of the False Claims Amendments Act of 1986 (Public Law
17 99–562; 100 Stat. 3153) and ending on the date of enact-
18 ment of this Act, which shall include—

19 (1) a description of the benefits and challenges
20 of enforcement efforts under the False Claims Act;
21 and

22 (2) information on the amounts recovered by
23 the Government under the False Claims Act since
24 the date of enactment of the False Claims Amend-

1 ments Act of 1986 (Public Law 99–562; 100 Stat.
2 3153).

3 **SEC. 5. APPLICABILITY.**

4 The amendments made by sections 2 and 3 of this
5 Act shall apply to any case under the False Claims Act
6 that is filed on or after the date of enactment of this Act.

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