IN THE SENATE OF THE UNITED STATES

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on

A BILL

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

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

SECTION 1. SHORT TITLE.

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

SEC. 2. FALSE CLAIMS PROCEDURE.

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

“(e) PROVING MATERIALITY.—In determining mate-
riality, the decision of the Government to forego a refund
or to pay a claim despite actual knowledge of fraud or falsity shall not be considered dispositive if other reasons exist for the decision of the Government with respect to such refund or payment.”.

SEC. 3. POST-EMPLOYMENT WHISTLEBLOWER RETALIATION.

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

SEC. 4. GAO REPORT.

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

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

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

SEC. 5. APPLICABILITY.

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