

HR 1788

False Claims Act Correction Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Law

Introduced: Mar 30, 2009

Current Status: Placed on the Union Calendar, Calendar No. 44.

Latest Action: Placed on the Union Calendar, Calendar No. 44. (May 5, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/1788>

Sponsor

Name: Rep. Berman, Howard L. [D-CA-28]

Party: Democratic • **State:** CA • **Chamber:** House

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Cohen, Steve [D-TN-9]	D · TN		Mar 30, 2009
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Mar 30, 2009
Rep. Lungren, Daniel E. [R-CA-3]	R · CA		Mar 30, 2009
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Mar 30, 2009
Rep. Sánchez, Linda T. [D-CA-39]	D · CA		Mar 31, 2009
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Apr 21, 2009
Rep. Thompson, Bennie G. [D-MS-2]	D · MS		Apr 21, 2009
Rep. Braley, Bruce L. [D-IA-1]	D · IA		May 5, 2009
Rep. Sherman, Brad [D-CA-27]	D · CA		May 5, 2009

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	May 5, 2009

Subjects & Policy Tags

Policy Area:

Law

Related Bills

No related bills are listed.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

False Claims Act Correction Act of 2009 - (Sec. 2) Amends the False Claims Act to revise requirements and procedures governing civil actions for false claims brought by private persons (qui tam actions).

Repeals the requirement that a false or fraudulent claim for payment must be presented directly to a federal employee or member of the Armed Forces (thus tying liability for such claims directly to federal money and property, regardless to whom the claim is presented).

(Sec. 3) Revises requirements for alternate remedies affecting qui tam actions and related qui tam plaintiff awards.

Allows dismissal of a private action based upon prior public disclosures only upon timely motion to dismiss by the Attorney General.

Revises the prohibition of retaliatory action against whistleblowers to include materially hindering the person in obtaining new employment or other business opportunities.

Requires the government to pay from the proceeds of an action for financial losses suffered by administrative beneficiaries (thus permitting actions for fraud instituted against nontaxpayer funds under federal trust and administration).

(Sec. 4) Extends from six years to eight years the statute of limitations for bringing a civil action.

Requires the government, if it elects to intervene and proceed with an action, to file its own complaint, or amend the complaint of a person who brought a civil action, but in any event to relate the pleading back to the filing date of the original qui tam complaint to the extent that such claim arises out of the same set of facts.

Declares that a person bringing a private qui tam action shall not be required to identify specific claims that result from an alleged course of misconduct if: (1) the facts alleged in the complaint, if ultimately proven true, would provide a reasonable indication that one or more false claims are likely to have occurred; and (2) the allegations in the pleading provide adequate notice of the specific nature of the alleged misconduct to permit the government effectively to investigate and defendants fairly to defend such allegations.

Declares void any contracts, agreements, or private terms or conditions of employment that limit or circumvent the rights of a person to bring a qui tam action.

(Sec. 5) Declares further that no court-ordered seal on a qui tam action shall prevent the government or the person bringing the action from serving the complaint or related documents upon state or local law enforcement authorities.

(Sec. 6) Modifies procedures for civil investigative demands.

Cites circumstances in which the government may move to dismiss a qui tam action by a federal employee (who has, in effect, not exhausted administrative procedures for addressing the allegations in the false claim complaint).

Actions Timeline

- **May 5, 2009:** Reported by the Committee on Judiciary. H. Rept. 111-97.
- **May 5, 2009:** Placed on the Union Calendar, Calendar No. 44.
- **Apr 28, 2009:** Committee Consideration and Mark-up Session Held.
- **Apr 28, 2009:** Ordered to be Reported by the Yeas and Nays: 20 - 6.
- **Apr 1, 2009:** Committee Hearings Held.
- **Mar 30, 2009:** Introduced in House
- **Mar 30, 2009:** Referred to the House Committee on the Judiciary.