

## S 458

False Claims Act Clarification Act of 2009

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Law

**Introduced:** Feb 24, 2009

**Current Status:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S2426-

**Latest Action:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S2426-2428) (Feb 24, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/458>

### Sponsor

**Name:** Sen. Grassley, Chuck [R-IA]

**Party:** Republican • **State:** IA • **Chamber:** Senate

### Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Durbin, Richard J. [D-IL]	D · IL		Feb 24, 2009
Sen. Leahy, Patrick J. [D-VT]	D · VT		Feb 24, 2009
Sen. Specter, Arlen [R-PA]	R · PA		Feb 24, 2009
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Feb 24, 2009

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Feb 24, 2009

### Subjects & Policy Tags

**Policy Area:**

Law

### Related Bills

*No related bills are listed.*

False Claims Act Clarification Act of 2009 - Amends False Claims Act liability provisions to eliminate the requirement that a false or fraudulent claim for government money or property must be presented to an officer or employee of the U.S. Government (thus creating liability where a false or fraudulent claim is presented to a contractor or grantee of a federal program).

Allows the government, under specified circumstances, to move to dismiss from a civil action for false claims a qui tam relator (i.e., whistleblower) that is an employee of the federal government or an immediate family member of a federal employee.

Declares that: (1) no claim for a violation of the False Claims Act may be waived or released by any action of any person, except as part of a court approved settlement of a false claim civil action; and (2) nothing in this Act shall be construed to limit the ability of the United States to decline to pursue any claim or to require court approval of a settlement.

Requires the dismissal of a civil action for false claims if substantially the same matters in the action were contained in a criminal proceeding or were disclosed in a news media report or public congressional hearing, report, or investigation.

Expands the authority of a court to reduce an award under the False Claims Act if the court finds that knowledge of the claims in the civil action came primarily from specific information relating to allegations or transactions (other than information provided by the person bringing the action) that the government publicly disclosed or that the government disclosed privately to the person bringing the action in the course of its investigation into potential violations.

Includes government contractors or agents under provisions granting relief from retaliatory actions taken against government employees for lawful acts taken to stop false claim violations.

Establishes a 10-year limitation period for bringing a civil action under the False Claims Act. Allows the government to intervene in a civil action by filing its own complaint or amending the complaint of an individual who has brought a claim under the Act. Provides that the filing date of any such complaint or amended complaint shall relate back to the filing date of the complaint brought by the person filing the original complaint, for statute of limitation purposes.

Allows: (1) a designee of the Attorney General to issue a civil investigative demand in an action under the False Claims Act; and (2) the sharing of information obtained by a civil investigative demand with any qui tam relator if the Attorney General or designee determines such sharing to be a necessary part of a False Claims Act investigation. Expands the definition of "official use" to facilitate Department of Justice (DOJ) use and sharing of false claim information.

Directs the Attorney General to report to the Senate and House Judiciary Committees regarding false claims settlements for claims for damages exceeding \$100,000.

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## **Actions Timeline**

- **Feb 24, 2009:** Introduced in Senate
- **Feb 24, 2009:** Sponsor introductory remarks on measure. (CR S2424-2426)
- **Feb 24, 2009:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S2426-2428)