

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for the application of the False Claims Act.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

S. _____

To make quality, affordable health care available to all Americans, reduce costs, improve health care quality, enhance disease prevention, and strengthen the health care workforce.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1

2 On page 65, between lines 23 and 24, insert the fol-
3 lowing:

4 “(6) APPLICATION OF THE FALSE CLAIMS
5 ACT.—

6 “(A) IN GENERAL.—Payments made by,
7 through, or in connection with a Gateway are
8 subject to the False Claims Act (31 U.S.C.
9 3729 et seq.) if those payments include any

1 Federal funds. Compliance with the require-
2 ments of this Act concerning eligibility for a
3 health insurance issuer to participate in the
4 Gateway shall be a material condition of an
5 issuer's entitlement to receive payments, includ-
6 ing subsidy payments, through the Gateway.

7 “(B) DAMAGES.—Notwithstanding para-
8 graph (1) of section 3729(a) of title 31, United
9 States Code, and subject to paragraph (2) of
10 such section, the civil penalty assessed under
11 the False Claims Act on any person found liable
12 under such Act as described in subparagraph
13 (A) shall be increased by not less than 3 times
14 and not more than 6 times the amount of dam-
15 ages which the Government sustains because of
16 the act of that person.”.