

Union Calendar No. 330

115TH CONGRESS
1ST SESSION

H. R. 3245

[Report No. 115–448, Part I]

To amend title XI of the Social Security Act to increase civil money penalties and criminal fines for Federal health care program fraud and abuse, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2017

Mr. BILIRAKIS (for himself and Ms. CASTOR of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 6, 2017

Reported from the Committee on Energy and Commerce

DECEMBER 6, 2017

The Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend title XI of the Social Security Act to increase civil money penalties and criminal fines for Federal health care program fraud and abuse, 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 “Medicare Civil and
 5 Criminal Penalties Update Act”.

6 **SEC. 2. INCREASED CIVIL AND CRIMINAL PENALTIES AND**
 7 **INCREASED SENTENCES FOR FEDERAL**
 8 **HEALTH CARE PROGRAM FRAUD AND ABUSE.**

9 (a) INCREASED CIVIL MONEY PENALTIES AND
 10 CRIMINAL FINES.—

11 (1) INCREASED CIVIL MONEY PENALTIES.—Sec-
 12 tion 1128A of the Social Security Act (42 U.S.C.
 13 1320a–7a) is amended—

14 (A) in subsection (a), in the matter fol-
 15 lowing paragraph (10)—

16 (i) by striking “\$10,000” and insert-
 17 ing “\$20,000” each place it appears;

18 (ii) by striking “\$15,000” and insert-
 19 ing “\$30,000”; and

20 (iii) by striking “\$50,000” and insert-
 21 ing “\$100,000” each place it appears; and

22 (B) in subsection (b)—

23 (i) in paragraph (1), in the flush text
 24 following subparagraph (B), by striking
 25 “\$2,000” and inserting “\$5,000”;

1 (ii) in paragraph (2), by striking
2 “\$2,000” and inserting “\$5,000”; and

3 (iii) in paragraph (3)(A)(i), by strik-
4 ing “\$5,000” and inserting “\$10,000”.

5 (2) INCREASED CRIMINAL FINES.—Section
6 1128B of such Act (42 U.S.C. 1320a–7b) is amend-
7 ed—

8 (A) in subsection (a), in the matter fol-
9 lowing paragraph (6)—

10 (i) by striking “\$25,000” and insert-
11 ing “\$100,000”; and

12 (ii) by striking “\$10,000” and insert-
13 ing “\$20,000”;

14 (B) in subsection (b)—

15 (i) in paragraph (1), in the flush text
16 following subparagraph (B), by striking
17 “\$25,000” and inserting “\$100,000”; and

18 (ii) in paragraph (2), in the flush text
19 following subparagraph (B), by striking
20 “\$25,000” and inserting “\$100,000”;

21 (C) in subsection (c), by striking
22 “\$25,000” and inserting “\$100,000”;

23 (D) in subsection (d), in the flush text fol-
24 lowing paragraph (2), by striking “\$25,000”
25 and inserting “\$100,000”; and

1 (E) in subsection (e), by striking “\$2,000”
2 and inserting “\$4,000”.

3 (b) INCREASED SENTENCES FOR FELONIES INVOLV-
4 ING FEDERAL HEALTH CARE PROGRAM FRAUD AND
5 ABUSE.—

6 (1) FALSE STATEMENTS AND REPRESENTA-
7 TIONS.—Section 1128B(a) of the Social Security Act
8 (42 U.S.C. 1320a–7b(a)) is amended, in the matter
9 following paragraph (6), by striking “not more than
10 five years or both, or (ii)” and inserting “not more
11 than 10 years or both, or (ii)”.

12 (2) ANTIKICKBACK.—Section 1128B(b) of such
13 Act (42 U.S.C. 1320a–7b(b)) is amended—

14 (A) in paragraph (1), in the flush text fol-
15 lowing subparagraph (B), by striking “not more
16 than five years” and inserting “not more than
17 10 years”; and

18 (B) in paragraph (2), in the flush text fol-
19 lowing subparagraph (B), by striking “not more
20 than five years” and inserting “not more than
21 10 years”.

22 (3) FALSE STATEMENT OR REPRESENTATION
23 WITH RESPECT TO CONDITIONS OR OPERATIONS OF
24 FACILITIES.—Section 1128B(c) of such Act (42
25 U.S.C. 1320a–7b(c)) is amended by striking “not

1 more than five years” and inserting “not more than
2 10 years”.

3 (4) EXCESS CHARGES.—Section 1128B(d) of
4 such Act (42 U.S.C. 1320a–7b(d)) is amended, in
5 the flush text following paragraph (2), by striking
6 “not more than five years” and inserting “not more
7 than 10 years”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to acts committed after the date
10 of the enactment of this Act.

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