

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3653

To amend title XI of the Social Security Act and title 18, United States Code, to extend criminal RICO provisions to health care fraud and to extend certain other criminal provisions to health care fraud under the CHAMPUS program, the Indian health care program, health care programs for veterans and the Department of Defense, and the Federal employees health care program.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1993

Mr. KOLBE (for himself, Mr. PORTER, Mr. SCHIFF, Mr. DORNAN, and Mr. HERGER) introduced the following bill; which was referred jointly to the Committees on Ways and Means and the Judiciary

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## A BILL

To amend title XI of the Social Security Act and title 18, United States Code, to extend criminal RICO provisions to health care fraud and to extend certain other criminal provisions to health care fraud under the CHAMPUS program, the Indian health care program, health care programs for veterans and the Department of Defense, and the Federal employees health care program.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health Care Anti-  
3 Fraud Act of 1993”.

4 **SEC. 2. EXTENDING CRIMINAL RICO PROVISIONS TO CER-**  
5 **TAIN HEALTH CARE PROGRAMS.**

6 (a) IN GENERAL.—Section 1961(1) of title 18, Unit-  
7 ed States Code, is amended—

8 (1) by striking “or” before “(E)”, and

9 (2) by inserting before the period at the end the  
10 following: “, or (F) any act which is indictable under  
11 section 1128B of the Social Security Act”.

12 (b) NO APPLICATION OF CIVIL PROVISIONS.—Sec-  
13 tion 1964 of such title is amended by adding at the end  
14 the following new subsection:

15 “(d) This section shall not apply with respect to any  
16 racketeering activity that consists solely of acts described  
17 in clause (F) of section 1961(1) of this title.”.

18 (c) EFFECTIVE DATE.—The amendments made by  
19 this section shall apply to acts occurring on or after the  
20 date of the enactment of this Act.

21 **SEC. 3. EXTENDING MEDICARE CRIMINAL PENALTIES FOR**  
22 **HEALTH CARE FRAUD TO OTHER FEDERAL**  
23 **HEALTH CARE PROGRAMS.**

24 (a) IN GENERAL.—Section 1128B of the Social Secu-  
25 rity Act (42 U.S.C. 1320a-7b) is amended—

1 (1) in subsection (a)(1), by inserting before the  
2 comma at the end the following: “or another Federal  
3 health care program (as defined in subsection (f))”;

4 (2) in subsections (a)(5), (b), and (c), by insert-  
5 ing “or another Federal health care program” after  
6 “State health care program” each place it appears;  
7 and

8 (3) by adding at the end the following new sub-  
9 section:

10 “(f) In this section, the term ‘another Federal health  
11 care program’ means the following:

12 “(1) The program for the provision of medical  
13 and dental benefits under chapter 55 of title 10,  
14 United States Code.

15 “(2) The program for the provision of hospital  
16 care and medical services by the Department of Vet-  
17 erans’ Affairs under chapter 17 of title 38, United  
18 States Code.

19 “(3) The program for the provision of health  
20 care services to Native Americans under the Indian  
21 Health Care Improvement Act and to Native Hawai-  
22 ians under the Native Hawaiian Health Care Im-  
23 provement Act.

1           “(4) The Federal employees health insurance  
2           program under chapter 89 of title 5, United States  
3           Code.”.

4           (b) EFFECTIVE DATE.—The amendments made by  
5           subsection (a) shall take effect on the date of the enact-  
6           ment of this Act and shall apply to acts occurring on or  
7           after such date.

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