

118TH CONGRESS
2D SESSION

S. 3800

To increase the penalties for health care fraud, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2024

Mr. RUBIO introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To increase the penalties for health care fraud, 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 “Punishing Medicare
5 Fraudsters Act”.

6 **SEC. 2. INCREASED PENALTIES FOR HEALTH CARE FRAUD**
7 **UNDER TITLE 18.**

8 (a) IN GENERAL.—Section 1347 of title 18, United
9 States Code, is amended, in the flush matter preceding
10 subsection (b)—

1 (1) by striking “10 years” and inserting “25
2 years”; and

3 (2) by striking “20 years” and inserting “30
4 years”.

5 (b) EFFECTIVE DATE.—The amendments made by
6 subsection (a) shall apply with respect to acts occurring
7 on or after the date of enactment of this Act.

8 **SEC. 3. INCREASED CRIMINAL PENALTIES FOR ACTS IN-**
9 **VOLVING FEDERAL HEALTH CARE PRO-**
10 **GRAMS.**

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

13 (1) by striking “\$100,000” each place it ap-
14 pears and inserting “\$250,000”;

15 (2) by striking “10 years” each place it appears
16 and inserting “25 years”;

17 (3) in subsection (a), in the flush matter fol-
18 lowing paragraph (6), by striking “\$20,000” and in-
19 serting “\$100,000”; and

20 (4) in subsection (e)—

21 (A) by striking “\$4,000” and inserting
22 “\$100,000”; and

23 (B) by striking “six months” and inserting
24 “1 year”.

1 (b) **EFFECTIVE DATE.**—The amendments made by
2 subsection (a) shall apply with respect to acts occurring
3 and statements or representations made on or after the
4 date of enactment of this Act.

5 **SEC. 4. UNITED STATES SENTENCING GUIDELINES.**

6 (a) **COVERED OFFENSE DEFINED.**—In this section,
7 the term “covered offense” means—

8 (1) an offense under section 1347 of title 18,
9 United States Code; and

10 (2) an offense under section 1128B of the So-
11 cial Security Act (42 U.S.C. 1320a–7b).

12 (b) **REVIEW.**—Pursuant to its authority under sec-
13 tion 994(p) of title 28, United States Code, the United
14 States Sentencing Commission shall review and, if appro-
15 priate, amend its guidelines and its policy statements ap-
16 plicable to persons convicted of a covered offense.

17 (c) **REQUIREMENTS.**—In carrying out this section,
18 the United States Sentencing Commission shall—

19 (1) ensure that the sentencing guidelines and
20 policy statements reflect the seriousness of covered
21 offenses, the growing incidence of covered offenses,
22 and the need for an effective deterrent and appro-
23 priate punishment to prevent covered offenses;

1 (2) consider relevant factors and the extent to
2 which the guidelines may or may not account for
3 those factors, including—

4 (A) the potential and actual loss resulting
5 from the covered offense, including the quali-
6 tative impact of the loss on each victim of the
7 covered offense;

8 (B) the level of sophistication and planning
9 involved in the covered offense;

10 (C) whether the covered offense was com-
11 mitted for purposes of commercial advantage or
12 private financial benefit;

13 (D) whether, in committing the covered of-
14 fense, the defendant acted with intent to cause
15 harm, including physical, psychological, and
16 emotional harm;

17 (E) the extent to which the covered offense
18 resulted in the unauthorized disclosure of per-
19 sonal health information or violated the privacy
20 rights of individuals harmed;

21 (F) whether the violation was intended to
22 or had the effect of creating a threat to public
23 health or safety or injury to any person; and

1 (G) the role of the defendant in the cov-
2 ered offense and the duration of the covered of-
3 fense;

4 (3) assure reasonable consistency with other
5 relevant directives and with other sentencing guide-
6 lines;

7 (4) account for any additional aggravating or
8 mitigating circumstances that might justify excep-
9 tions to the generally applicable sentencing ranges;

10 (5) make any necessary conforming changes to
11 the sentencing guidelines; and

12 (6) assure that the guidelines adequately meet
13 the purposes of sentencing as set forth in section
14 3553(a)(2) of title 18, United States Code.

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