

105TH CONGRESS
1ST SESSION

H. R. 2466

To amend the Social Security Act with respect to limiting the use of automatic stays and discharge in bankruptcy proceedings for provider liability for health care fraud.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 1997

Mr. STARK introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, and Commerce, 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

A BILL

To amend the Social Security Act with respect to limiting the use of automatic stays and discharge in bankruptcy proceedings for provider liability for health care fraud.

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. LIMITING THE USE OF AUTOMATIC STAYS AND**
4 **DISCHARGE IN BANKRUPTCY PROCEEDINGS**
5 **FOR PROVIDER LIABILITY FOR HEALTH CARE**
6 **FRAUD.**

7 (a) NONAPPLICABILITY OF AUTOMATIC STAY PROVI-
8 SIONS.—

1 (1) IN EXCLUSION PROCEEDINGS.—Section
2 1128 of the Social Security Act (42 U.S.C. 1320a–
3 7), as amended by section 4303(a) of the Balanced
4 Budget Act of 1997 (Public Law 105–33), is amend-
5 ed by adding at the end the following new sub-
6 section:

7 “(k) NONAPPLICABILITY OF BANKRUPTCY STAY.—
8 An exclusion imposed under this section or a proceeding
9 seeking an exclusion under this section is not subject to
10 the automatic stay under section 362(a) of title 11, United
11 States Code.”.

12 (2) IN CIVIL MONEY PENALTY PROCEEDINGS.—
13 Section 1128A(a) of such Act (42 U.S.C. 1320a–
14 7a(a)) is amended by adding at the end the follow-
15 ing: “An exclusion, penalty, or assessment imposed
16 under this section or a proceeding that seeks an ex-
17 clusion, penalty, or assessment under this section, is
18 not subject to the automatic stay under section
19 362(a) of title 11, United States Code. Notwith-
20 standing any other provision of law, amounts made
21 payable under this section are not dischargeable
22 under any provision of such title.”.

23 (3) IN RECOUPMENT UNDER PART A OF MEDI-
24 CARE.—Section 1815(d) of such Act (42 U.S.C.
25 1395g(d)) is amended—

1 (A) by inserting “(1)” after “(d)”, and

2 (B) by adding at the end the following:

3 “(2) The recoupment of an overpayment under this
4 section is not subject to the automatic stay under section
5 362(a) of title 11, United States Code. Notwithstanding
6 any other provision of law, amounts due to the Secretary
7 under this section are not dischargeable under any provi-
8 sion of such title.”.

9 (4) IN RECOUPMENT UNDER PART B OF MEDI-
10 CARE.—Section 1833(j) of such Act (42 U.S.C.
11 1395l(j)) is amended—

12 (A) by inserting “(1)” after “(j)”, and

13 (B) by adding at the end the following:

14 “(2) The recoupment of an overpayment under this
15 section is not subject to the automatic stay under section
16 362(a) of title 11, United States Code. Notwithstanding
17 any other provision of law, amounts due to the Secretary
18 under this section are not dischargeable under any provi-
19 sion of such title.”.

20 (5) IN COLLECTION OF OVERDUE PAYMENTS ON
21 SCHOLARSHIPS AND LOANS.—Section 1892(a)(4) of
22 such Act (42 U.S.C. 1395ccc(a)(4)) is amended by
23 adding at the end the following:

24 “(5) An exclusion imposed under paragraph
25 (2)(C)(ii) or (3)(B) is not subject to the automatic

1 stay under section 362(a) of title 11, United States
2 Code.”.

3 (b) NONDISCHARGABILITY.—

4 (1) IN CIVIL MONEY PENALTY PROCEEDINGS.—
5 Section 1128A(a) of the Social Security Act (42
6 U.S.C. 1320a–7a(a)), as amended by subsection
7 (a)(2), is further amended by adding at the end the
8 following: “Notwithstanding any other provision of
9 law, amounts made payable under this section are
10 not dischargeable under any provision of such title.”.

11 (2) IN RECOUPMENT UNDER PART A OF MEDI-
12 CARE.—Section 1815(d) of such Act (42 U.S.C.
13 1395g(d)(2)), as amended by subsection (a)(3), is
14 further amended by adding at the end the following:
15 “(3) Notwithstanding any other provision of law,
16 amounts due to the Secretary under this section are not
17 dischargeable under any provision of such title.”.

18 (3) IN RECOUPMENT UNDER PART B OF MEDI-
19 CARE.—Section 1833(j) of such Act (42 U.S.C.
20 1395l(j)), as amended by subsection (a)(4), is fur-
21 ther amended by adding at the end the following:
22 “Notwithstanding any other provision of law,
23 amounts due to the Secretary under this section are
24 not dischargeable under any provision of such title.”.

25 (c) EFFECTIVE DATES.—

1 (1) The amendments made by subsection (a)
2 shall apply to bankruptcy petitions filed after the
3 date of the enactment of this Act.

4 (2) The amendments made by subsection (b)
5 shall apply on and after the date of the enactment
6 of this Act to any proceeding which has not been
7 completed as of such date.

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