

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5380
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. INCREASING DATA TRANSPARENCY FOR SUP-**
2 **PLEMENTAL BENEFITS UNDER MEDICARE**
3 **ADVANTAGE.**

4 (a) IN GENERAL.—Section 1857(e) of the Social Se-
5 curity Act (42 U.S.C. 1395w–27(e)) is amended by adding
6 at the end the following new paragraph:

7 “(6) REPORTING OF ENROLLEE-LEVEL DATA
8 ON SUPPLEMENTAL BENEFITS.—

9 “(A) IN GENERAL.—Beginning with plan
10 years beginning on or after January 1, 2027, a
11 contract under this section with an MA organi-
12 zation shall require the organization to submit
13 to the Secretary, for each MA plan offered by
14 the organization, enrollee-level data on supple-
15 mental benefits (by item or service, or category
16 of item or service, as determined appropriate by
17 the Secretary, and national provider identifier,
18 if available), including eligibility requirements

1 for such benefits, the benefit category applica-
2 ble with respect to each such benefit, and data
3 on utilization of and payments for such benefits
4 (including the total amount spent by the plan
5 for each enrollee who utilized such benefits and
6 the total out-of-pocket cost per utilization for
7 each enrollee).

8 “(B) DATA ACCESS.—

9 “(i) IN GENERAL.—Not later than
10 January 1 of the year that is two years
11 after the beginning of a plan year for
12 which data is submitted under subpara-
13 graph (A), the Secretary shall—

14 “(I) upon request, make such
15 data available to individuals and enti-
16 ties for the purpose of conducting—

17 “(aa) evaluations and other
18 analyses to support the program
19 under this title; and

20 “(bb) other health care re-
21 lated research; and

22 “(II) make available on the inter-
23 net website of the Centers for Medi-
24 care & Medicaid Services a public use

1 data file containing such data in de-
2 identified form.

3 “(ii) CONFIDENTIALITY.—In making
4 data available under clause (i)(I), the Sec-
5 retary shall have in place procedures to
6 safeguard the privacy and security of any
7 individually identifiable enrollee informa-
8 tion.

9 “(C) NONAPPLICATION OF PAPERWORK
10 REDUCTION ACT.—Chapter 35 of title 44,
11 United States Code, shall not apply to data col-
12 lected under subparagraph (A).”.

13 (b) RULE OF CONSTRUCTION.—Nothing in the
14 amendment made by this section shall affect the collection
15 of information as proposed, or so finalized, pursuant to
16 the notice entitled “Agency Information Collection Activi-
17 ties: Proposed Collection; Comment Request”, published
18 in the Federal Register on March 14, 2023 (88 Fed. Reg.
19 15726).

20 (c) IMPLEMENTATION FUNDING.—For the purposes
21 of carrying out the amendment made by this section, there
22 are appropriated, out of amounts in the Treasury not oth-
23 erwise appropriated, to the Secretary of Health and

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- 1 Human Services, \$15,000,000 for fiscal year 2024, to re-
- 2 main available until expended.

