

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5243
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.**

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

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

“(A) IN GENERAL.—Beginning with plan years beginning on or after January 1, 2029, a contract under this section with an MA organization shall require the organization to submit to the Secretary, for each MA plan offered by the organization, enrollee-level data on supplemental benefits (by item or service, or category of item or service, as determined appropriate by the Secretary, and National Provider Identifier (if applicable)), including eligibility for such

1 benefits, the benefit category applicable with re-
2 spect to each such benefit, and data on utiliza-
3 tion of and payments for such benefits (includ-
4 ing the total amount spent by the plan for each
5 enrollee who utilized such benefits and the total
6 out-of-pocket cost per utilization for each en-
7 rollee).

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 (b) RULE OF CONSTRUCTION.—Nothing in the
10 amendments made by this section shall affect the collec-
11 tion of information as proposed, or so finalized, pursuant
12 to—

13 (1) the notice entitled “Agency Information
14 Collection Activities: Proposed Collection; Comment
15 Request”, published in the Federal Register on
16 March 14, 2023 (88 Fed. Reg. 15726); or

17 (2) the notice entitled “Agency Information
18 Collection Activities: Submission for OMB Review;
19 Comment Request”, published in the Federal Reg-
20 ister on September 25, 2023 (88 Fed. Reg. 65689).

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

- 1 Human Services, \$12,000,000 for fiscal year 2026, to re-
- 2 main available until expended.

