

119TH CONGRESS
2D SESSION

S. _____

To amend title XVIII of the Social Security Act to strengthen program integrity oversight for the Health Care Fraud and Abuse Control Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. CORTEZ MASTO (for herself, Mr. GRASSLEY, Mr. WYDEN, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title XVIII of the Social Security Act to strengthen program integrity oversight for the Health Care Fraud and Abuse Control Program, 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 “Health Care Fraud
5 Prevention and Enforcement Act”.

1 **SEC. 2. STRENGTHENING PROGRAM INTEGRITY OVER-**
2 **SIGHT FOR THE HEALTH CARE FRAUD AND**
3 **ABUSE CONTROL PROGRAM.**

4 (a) ADDITIONAL FUNDING.—

5 (1) DEPARTMENTS OF HEALTH AND HUMAN
6 SERVICES AND JUSTICE.—Section 1817(k)(3)(A)(i)
7 of the Social Security Act (42 U.S.C.
8 1395i(k)(3)(A)(i)) is amended—

9 (A) in subclause (III), by striking “and” at
10 the end;

11 (B) in subclause (IV)—

12 (i) by inserting “and before fiscal year
13 2027” after “after fiscal year 2006”; and

14 (ii) by striking the period at the end
15 and inserting a semicolon; and

16 (C) by adding at the end the following new
17 subclauses:

18 “(V) for fiscal year 2027,
19 \$490,000,000;

20 “(VI) for fiscal year 2028,
21 \$520,000,000;

22 “(VII) for fiscal year 2029,
23 \$570,000,000; and

24 “(VIII) for each fiscal year after
25 fiscal year 2029, the limit under this
26 clause for the preceding fiscal year,

1 increased by the percentage increase
2 in the consumer price index for all
3 urban consumers (all items; United
4 States city average) over the previous
5 year.”.

6 (2) OFFICE OF THE INSPECTOR GENERAL OF
7 THE DEPARTMENT OF HEALTH AND HUMAN SERV-
8 ICES.—Section 1817(k)(3)(A)(ii) of the Social Secu-
9 rity Act (42 U.S.C. 1395i(k)(3)(A)(ii)) is amend-
10 ed—

11 (A) in subclause (VIII), by striking “and”
12 at the end;

13 (B) in subclause (IX)—

14 (i) by inserting “and before fiscal year
15 2027” after “after fiscal year 2007”; and

16 (ii) by striking the period at the end
17 and inserting a semicolon; and

18 (C) by adding at the end the following new
19 subclauses:

20 “(X) for fiscal year 2027,
21 \$320,000,000;

22 “(XI) for fiscal year 2028,
23 \$340,000,000;

24 “(XII) for fiscal year 2029,
25 \$370,000,000; and

1 “(XIII) for each fiscal year after
2 fiscal year 2029, not less than the
3 amount required under this clause for
4 the preceding fiscal year, increased by
5 the percentage increase in the con-
6 sumer price index for all urban con-
7 sumers (all items; United States city
8 average) over the previous year.”.

9 (3) FEDERAL BUREAU OF INVESTIGATION.—
10 Section 1817(k)(3)(B) of the Social Security Act (42
11 U.S.C. 1395i(k)(3)(B)) is amended—

12 (A) in clause (vii), by striking “and” at the
13 end;

14 (B) in clause (viii)—

15 (i) by inserting “and before fiscal year
16 2027” after “after fiscal year 2006”; and

17 (ii) by striking the period at the end
18 and inserting a semicolon; and

19 (C) by adding at the end the following new
20 clauses:

21 “(ix) for fiscal year 2027,
22 \$230,000,000;

23 “(x) for fiscal year 2028,
24 \$250,000,000;

1 “(xi) for fiscal year 2029,
2 \$270,000,000; and

3 “(xii) for each fiscal year after fiscal
4 year 2029, the amount to be appropriated
5 under this subparagraph for the preceding
6 fiscal year, increased by the percentage in-
7 crease in the consumer price index for all
8 urban consumers (all items; United States
9 city average) over the previous year.”.

10 (4) MEDICARE INTEGRITY PROGRAM.—Section
11 1817(k)(4) of the Social Security Act (42 U.S.C.
12 1395i(k)(4)) is amended—

13 (A) in subparagraph (B)—

14 (i) in clause (vii), by inserting “and
15 before fiscal year 2027” after “after fiscal
16 year 2002”; and

17 (ii) by adding at the end the following
18 new clauses:

19 “(viii) For fiscal year 2027,
20 \$1,280,000,000.

21 “(ix) For fiscal year 2028,
22 \$1,380,000,000.

23 “(x) For fiscal year 2029,
24 \$1,480,000,000.

1 “(xi) For each fiscal year after fiscal
2 year 2029, the amount appropriated under
3 this subparagraph for the preceding fiscal
4 year, as increased pursuant to subpara-
5 graph (C)(ii).”; and

6 (B) in subparagraph (C)(ii), by striking
7 “For each fiscal year after 2010” and inserting
8 “For each of fiscal years 2011 through 2026,
9 and for each fiscal year after fiscal year 2029”.

10 (5) MEDICARE-MEDICAID DATA MATCH PRO-
11 GRAM.—Section 1817(k)(4)(D) of the Social Secu-
12 rity Act (42 U.S.C. 1395i(k)(4)(D)) is amended—

13 (A) in clause (v), by inserting “through fis-
14 cal year 2026” after “and each fiscal year
15 thereafter”; and

16 (B) by adding at the end the following new
17 clauses:

18 “(vi) \$110,000,000 for fiscal year
19 2027.

20 “(vii) \$120,000,000 for fiscal year
21 2028.

22 “(viii) \$130,000,000 for fiscal year
23 2029.

24 “(ix) For each fiscal year after fiscal
25 year 2028, the amount appropriated under

1 this subparagraph for the preceding fiscal
2 year, as increased pursuant to subpara-
3 graph (C)(ii).”.

4 (b) EXPANSION OF INVESTIGATIVE AUTHORITY OF
5 THE OFFICE OF THE INSPECTOR GENERAL OF THE DE-
6 PARTMENT OF HEALTH AND HUMAN SERVICES.—Section
7 1817(k)(3)(A)(ii) of the Social Security Act (42 U.S.C.
8 1395i(k)(3)(A)(ii)) is amended—

9 (1) in the heading, by striking “MEDICARE AND
10 MEDICAID ACTIVITIES” and inserting “OFFICE OF
11 THE INSPECTOR GENERAL OF THE DEPARTMENT OF
12 HEALTH AND HUMAN SERVICES”; and

13 (2) in the matter preceding subclause (I), by
14 striking “title XIX” and inserting “title XIX and
15 any program established under title I (or under the
16 amendments made by such title) of the Patient Pro-
17 tection and Affordable Care Act (Public Law 111–
18 148) that is administered by the Secretary”.

19 (c) CLARIFICATION CONCERNING THE DEFINITION
20 OF HEALTH PLAN.—Section 1128C of the Social Security
21 Act (42 U.S.C. 1320a–7c) is amended—

22 (1) in subsection (a)(1)(B), by inserting “public
23 and private” before “delivery”; and

1 (2) in subsection (c), in the matter preceding
2 paragraph (1), by inserting “public or private” be-
3 fore “plan or program”.

4 (d) CLARIFICATION OF AUTHORITY FOR THE ACTIVI-
5 TIES OF THE DEPARTMENTS OF JUSTICE AND HEALTH
6 AND HUMAN SERVICES.—Section 1817(k)(3) of the Social
7 Security Act (42 U.S.C. 1395i(k)(3)) is amended by add-
8 ing at the end the following new subparagraph:

9 “(D) Rule of construction.—Nothing in
10 this paragraph shall be construed to limit the
11 authority of the Secretary, the Attorney Gen-
12 eral, or the Inspector General of the Depart-
13 ment of Health and Human Services to use
14 funds made available under this paragraph to—

15 “(i) detect or prosecute health care
16 fraud and abuse; and

17 “(ii) communicate with the public
18 about health care fraud.”.

19 (e) ANNUAL REPORT TO CONGRESS.—Section
20 1817(k)(5) of the Social Security Act (42 U.S.C.
21 1395i(k)(5)) is amended—

22 (1) by redesignating subparagraphs (A) and
23 (B) as clauses (i) and (ii), respectively, and indent-
24 ing appropriately;

1 (2) by striking “REPORT.—Not later than Jan-
2 uary 1” and inserting “REPORT.—

3 “(A) IN GENERAL.—Not later than April
4 1”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(B) REQUIRED NOTICE OF DELAY.—

8 “(i) IN GENERAL.—If the annual re-
9 port required under subparagraph (A) is
10 not submitted to Congress by April 1 of
11 the year, the Secretary and Attorney Gen-
12 eral shall jointly provide notice to the ap-
13 propriate committees of Congress begin-
14 ning not later than such April 1, and an-
15 nually thereafter until such report is sub-
16 mitted to Congress, stating the reason for
17 the delay.

18 “(ii) APPLICABLE COMMITTEES OF
19 CONGRESS DEFINED.—For purposes of
20 this subparagraph, the term ‘appropriate
21 committees of Congress ’means the Com-
22 mittees on Finance and Budget of the Sen-
23 ate and the Committees on Ways and
24 Means, Budget, and Energy and Com-
25 merce of the House of Representatives.”.

1 (f) PROCESS FOR DETERMINING FUNDING ALLOCA-
2 TION FOR DEPARTMENTS OF JUSTICE AND HEALTH AND
3 HUMAN SERVICES.—Section 1817(k)(3)(A)(i) of the So-
4 cial Security Act (42 U.S.C. 1395i(k)(3)(A)(i)) is amend-
5 ed, in the matter preceding subclause (I), by striking “cer-
6 tify” and inserting “agree”.

7 (g) INCLUSION OF CHILDREN’S HEALTH INSURANCE
8 PROGRAM IN MEDICARE-MEDICAID DATA MATCH PRO-
9 GRAM.—Section 1893(g) of the Social Security Act (42
10 U.S.C. 1395ddd(g)) is amended—

11 (1) in paragraph (1)(A)—

12 (A) in the matter preceding clause (i), by
13 striking “under title XIX for the purpose of”
14 and inserting “under title XIX, and beginning
15 with 2027, with respect to the State Children’s
16 Health Insurance Program under title XXI, for
17 the purpose of”;

18 (B) in clause (i), by striking “under this
19 title and the Medicaid program established
20 under title XIX” and inserting “under this
21 title, the Medicaid program established under
22 title XIX, and the State Children’s Health In-
23 surance Program established under title XXI”;

1 (C) in clause (ii), by inserting “and the
2 State Children’s Health Insurance Program
3 under title XXI” after “under title XIX”; and
4 (D) in clause (iii), by striking “both”; and
5 (2) in paragraph (2), by striking “titles XI and
6 XIX” and inserting “titles XI, XIX, and XXI”.

7 **SEC. 3. GAO STUDY AND REPORT ON PERFORMANCE AND**
8 **EFFECTIVENESS OF HEALTH CARE FRAUD**
9 **AND ABUSE CONTROL PROGRAM.**

10 (a) STUDY.—The Comptroller General of the United
11 States (in this section referred to as the “Comptroller
12 General”) shall conduct a study regarding the perform-
13 ance and effectiveness of the Health Care Fraud and
14 Abuse Control Program. To the extent feasible and data
15 are available, the study shall include the following:

16 (1) An analysis of how the Department of
17 Health and Human Services and the Department of
18 Justice have used their appropriations to achieve the
19 goals of the Health Care Fraud and Abuse Control
20 Program under section 1128C of the Social Security
21 Act (42 U.S.C. 1320a–7c).

22 (2) An analysis of performance assessments and
23 other metrics the Department of Health and Human
24 Services and the Department of Justice use to deter-

1 mine the performance and effectiveness of the
2 Health Care Fraud and Abuse Control Program.

3 (3) A description of how the Department of
4 Health and Human Services and the Department of
5 Justice obligated funds for the Health Care Fraud
6 and Abuse Control Program.

7 (4) An analysis of how the Department of
8 Health and Human Services and the Department of
9 Justice assess Health Care Fraud and Abuse Con-
10 trol activities and whether key program outputs have
11 changed over time since the most recent Government
12 Accountability Office report under section
13 1817(k)(6) of the Social Security Act (42 U.S.C.
14 1395i(k)(6)).

15 (5) An analysis of evidence available regarding
16 the effectiveness of the Health Care Fraud and
17 Abuse Control Program in reducing health care
18 fraud and abuse.

19 (6) An analysis of the timeliness of the annual
20 Health Care Fraud and Abuse Control report under
21 section 1817(k)(5) of the Social Security Act (42
22 U.S.C. 1395i(k)(5)) and how the Department of
23 Health and Human Services and the Department of
24 Justice could improve the timeliness of such report.

1 (b) REPORT.—Not later than 16 months after the
2 date of enactment of this Act, the Comptroller General
3 shall report to Congress the results of the study conducted
4 under subsection (a), together with recommendations for
5 such legislation and administrative action as the Com-
6 troller General determines appropriate.