

119TH CONGRESS  
1ST SESSION

# S. 2420

To amend title XXVII of the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to increase penalties for group health plans, health insurance issuers, and nonparticipating providers or facilities for practices that violate balance billing requirements, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 23, 2025

Mr. MARSHALL (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend title XXVII of the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to increase penalties for group health plans, health insurance issuers, and nonparticipating providers or facilities for practices that violate balance billing requirements, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “No Surprises Act En-  
3 forcement Act”.

4 **SEC. 2. INCREASING PENALTIES FOR GROUP HEALTH**  
5 **PLANS AND HEALTH INSURANCE ISSUERS**  
6 **FOR PRACTICES THAT VIOLATE BALANCE**  
7 **BILLING REQUIREMENTS.**

8 (a) PHSA.—Section 2723(b)(2)(C) of the Public  
9 Health Service Act (42 U.S.C. 300gg–22(b)(2)(C)) is  
10 amended—

11 (1) in clause (i), by inserting “(or, in the case  
12 of such a failure with respect to a provision specified  
13 in clause (iv), \$10,000 per violation)” after “\$100”;  
14 and

15 (2) by adding at the end the following new  
16 clause:

17 “(iv) PROVISIONS SPECIFIED.—For  
18 purposes of clause (i), the provisions speci-  
19 fied in this clause are the following:

20 “(I) Subparagraphs (A) and (B)  
21 of section 2799A–1(a)(1).

22 “(II) Clauses (i), (ii), (iii), and  
23 (v) of section 2799A–1(a)(1)(C).

24 “(III) Subparagraphs (A), (B),  
25 and (E) of section 2799A–1(b)(1).

1                                   “(IV) Paragraphs (1) and (2) of  
2                                   section 2799A–2(a).”.

3           (b) ERISA.—Section 502 of the Employee Retire-  
4   ment Income Security Act of 1974 (29 U.S.C. 1131) is  
5   amended—

6                   (1) in subsection (a)(6), by striking “or (9)”  
7                   and inserting “(9), or (12)”;

8                   (2) in subsection (b)(3)—

9                           (A) by inserting “, (c)(12),” after “sub-  
10                           sections (c)(9)”;

11                           (B) by inserting “or (c)(12)” after “under  
12                           subsection (c)(9)”;

13                   (3) in subsection (c), by adding at the end the  
14                   following new paragraph:

15                   “(12) The Secretary may assess a civil penalty  
16                   against any group health plan or health insurance issuer  
17                   offering group health insurance coverage of not more than  
18                   \$10,000 per violation for each individual with respect to  
19                   which such plan or coverage fails to comply with one of  
20                   the following provisions:

21                           “(A) Subparagraphs (A) and (B) of section  
22                           716(a)(1).

23                           “(B) Clauses (i), (ii), (iii), and (v) of section  
24                           716(a)(1)(C).

1           “(C) Subparagraphs (A), (B), and (E) of sec-  
2           tion 716(b)(1).

3           “(D) Paragraphs (1) and (2) of section  
4           717(a).”.

5           (c) IRC.—Section 4980D(b) of the Internal Revenue  
6 Code of 1986 is amended—

7           (1) in paragraph (1), by inserting “(or, in the  
8           case of such a failure with respect to a provision  
9           specified in paragraph (4), \$10,000)” after “\$100”;  
10          and

11          (2) by adding at the end the following new  
12          paragraph:

13           “(4) PROVISIONS SPECIFIED.—For purposes of  
14           paragraph (1), the provisions specified in this para-  
15           graph are the following:

16           “(A) Subparagraphs (A) and (B) of section  
17           9816(a)(1).

18           “(B) Clauses (i), (ii), (iii), and (v) of sec-  
19           tion 9816(a)(1)(C).

20           “(C) Subparagraphs (A), (B), and (E) of  
21           section 9816(b)(1).

22           “(D) Paragraphs (1) and (2) of section  
23           9817(a).”.

1 **SEC. 3. ADDITIONAL PENALTIES FOR LATE PAYMENT OR**  
2 **NON-PAYMENT AFTER IDR ENTITY PAYMENT**  
3 **DETERMINATION.**

4 (a) PHSA.—

5 (1) EMERGENCY AND NONEMERGENCY SERV-  
6 ICES.—Section 2799A–1(c)(6) of the Public Health  
7 Service Act (42 U.S.C. 300gg–111(c)(6)) is amend-  
8 ed—

9 (A) in the paragraph heading, by inserting  
10 “; PENALTY FOR LATE PAYMENT OR NON-PAY-  
11 MENT” after “PAYMENT”;

12 (B) by striking “The total plan” and in-  
13 serting the following:

14 “(A) TIMING OF PAYMENT.—The total  
15 plan”;

16 (C) in subparagraph (A), as so inserted, by  
17 adding at the end the following new sentence:

18 “In the case such determination is an amount  
19 less than the sum of the initial payment for  
20 such item or service and any cost sharing re-  
21 quired to be paid by the individual receiving  
22 such item or service, the nonparticipating pro-  
23 vider or facility furnishing such item or service  
24 shall pay to such plan or coverage the dif-  
25 ference between such determination and such

1           sum not later than 30 days after the date on  
2           which such determination is made.”; and

3           (D) by adding at the end the following new  
4           subparagraphs:

5           “(B) NOTIFICATION.—In the case of a  
6           plan or coverage, or a nonparticipating provider  
7           or facility, required to make a payment pursu-  
8           ant to a determination described in subpara-  
9           graph (A), such plan or coverage or nonpartici-  
10          pating provider or facility shall submit to the  
11          Secretary a notification of such payment as of  
12          the date such payment is made in a manner  
13          specified by the Secretary.

14          “(C) PENALTY FOR LATE PAYMENT OR  
15          NON-PAYMENT.—

16          “(i) IN GENERAL.—In the case of a  
17          plan or coverage, or a nonparticipating  
18          provider or facility, that has not made the  
19          required payment described in subpara-  
20          graph (A) with respect to an item or serv-  
21          ice in the time period described in such  
22          subparagraph, in addition to making such  
23          payment, such plan or coverage or non-  
24          participating provider or facility shall also  
25          pay to the nonparticipating provider or fa-

1 cility or plan or coverage (as applicable) an  
 2 amount that is three times the difference  
 3 between—

4 “(I) the initial payment (or, in  
 5 the case of a notice of denial of pay-  
 6 ment, \$0) described in subsection  
 7 (a)(1)(C)(iv)(I) or (b)(1)(C), as appli-  
 8 cable; and

9 “(II) the out-of-network rate (as  
 10 defined in subsection (a)(3)(K)) for  
 11 such item or service (less any cost  
 12 sharing required to be paid by the in-  
 13 dividual receiving such item or serv-  
 14 ice).

15 “(ii) INTEREST.—A late payment pen-  
 16 alty under clause (i) shall also be subject  
 17 to interest in a manner specified by the  
 18 Secretary.”.

19 (2) AIR AMBULANCE SERVICES.—Section  
 20 2799A–2(b)(6) of the Public Health Service Act (42  
 21 U.S.C. 300gg–112(b)(6)) is amended—

22 (A) in the paragraph heading, by inserting  
 23 “; PENALTY FOR LATE PAYMENT OR NON-PAY-  
 24 MENT” after “PAYMENT”;

1 (B) by striking “The total plan” and in-  
2 serting the following:

3 “(A) TIMING OF PAYMENT.—The total  
4 plan”;

5 (C) in subparagraph (A), as so inserted, by  
6 adding at the end the following new sentence:  
7 “In the case such determination is an amount  
8 less than the sum of the initial payment for  
9 such item or service and any cost sharing re-  
10 quired to be paid by the individual receiving  
11 such item or service, the nonparticipating pro-  
12 vider or facility furnishing such item or service  
13 shall pay to such plan or coverage the dif-  
14 ference between such determination and such  
15 sum not later than 30 days after the date on  
16 which such determination is made.”; and

17 (D) by adding at the end the following new  
18 subparagraphs:

19 “(B) NOTIFICATION.—In the case of a  
20 plan or coverage, or a nonparticipating provider  
21 or facility, required to make a payment pursu-  
22 ant to a determination described in subpara-  
23 graph (A), such plan or coverage or nonparti-  
24 cating provider or facility shall submit to the  
25 Secretary a notification of such payment as of

1 the date such payment is made in a manner  
2 specified by the Secretary.

3 “(C) PENALTY FOR LATE PAYMENT OR  
4 NON-PAYMENT.—

5 “(i) IN GENERAL.—In the case of a  
6 plan or coverage, or a nonparticipating  
7 provider or facility, that has not made the  
8 required payment described in subpara-  
9 graph (A) with respect to an item or serv-  
10 ice in the time period described in such  
11 subparagraph, in addition to making such  
12 payment, such plan or coverage or non-  
13 participating provider or facility shall also  
14 pay to the nonparticipating provider or fa-  
15 cility or plan or coverage (as applicable) an  
16 amount that is three times the difference  
17 between—

18 “(I) the initial payment (or, in  
19 the case of a notice of denial of pay-  
20 ment, \$0) described in subsection  
21 (a)(3)(A); and

22 “(II) the out-of-network rate (as  
23 defined in section 2799–1(a)(3)(K))  
24 for such item or service (less any cost  
25 sharing required to be paid by the in-

1           dividual receiving such item or serv-  
2           ice).

3           “(ii) INTEREST.—A late payment pen-  
4           alty under clause (i) shall also be subject  
5           to interest in a manner specified by the  
6           Secretary.”.

7           (b) ERISA.—

8           (1) EMERGENCY AND NONEMERGENCY SERV-  
9           ICES.—Section 716(c)(6) of the Employee Retirement  
10          Income Security Act of 1974 (29 U.S.C.  
11          1185e(c)(6)) is amended—

12           (A) in the paragraph heading, by inserting  
13           “; PENALTY FOR LATE PAYMENT OR NON-PAY-  
14           MENT” after “PAYMENT”;

15           (B) by striking “The total plan” and in-  
16           serting the following:

17           “(A) TIMING OF PAYMENT.—The total  
18           plan”;

19           (C) in subparagraph (A), as so inserted, by  
20           adding at the end the following new sentence:

21           “In the case such determination is an amount  
22           less than the sum of the initial payment for  
23           such item or service and any cost sharing re-  
24           quired to be paid by the individual receiving  
25           such item or service, the nonparticipating pro-

1           vider or facility furnishing such item or service  
2           shall pay to such plan or coverage the dif-  
3           ference between such determination and such  
4           sum not later than 30 days after the date on  
5           which such determination is made.”; and

6           (D) by adding at the end the following new  
7           subparagraphs:

8           “(B) NOTIFICATION.—In the case of a  
9           plan or coverage, or a nonparticipating provider  
10          or facility, required to make a payment pursu-  
11          ant to a determination described in subpara-  
12          graph (A), such plan or coverage or nonpartici-  
13          pating provider or facility shall submit to the  
14          Secretary a notification of such payment as of  
15          the date such payment is made in a manner  
16          specified by the Secretary.

17          “(C) PENALTY FOR LATE PAYMENT OR  
18          NON-PAYMENT.—

19                 “(i) IN GENERAL.—In the case of a  
20                 plan or coverage, or a nonparticipating  
21                 provider or facility, that has not made the  
22                 required payment described in subpara-  
23                 graph (A) with respect to an item or serv-  
24                 ice in the time period described in such  
25                 subparagraph, in addition to making such

1 payment, such plan or coverage or non-  
2 participating provider or facility shall also  
3 pay to the nonparticipating provider or fa-  
4 cility or plan or coverage (as applicable) an  
5 amount that is three times the difference  
6 between—

7 “(I) the initial payment (or, in  
8 the case of a notice of denial of pay-  
9 ment, \$0) described in subsection  
10 (a)(1)(C)(iv)(I) or (b)(1)(C), as appli-  
11 cable; and

12 “(II) the out-of-network rate (as  
13 defined in subsection (a)(3)(K)) for  
14 such item or service (less any cost  
15 sharing required to be paid by the in-  
16 dividual receiving such item or serv-  
17 ice).

18 “(ii) INTEREST.—A late payment pen-  
19 alty under clause (i) shall also be subject  
20 to interest in a manner specified by the  
21 Secretary.”.

22 (2) AIR AMBULANCE SERVICES.—Section  
23 717(b)(6) of the Employee Retirement Income Secu-  
24 rity Act of 1974 (29 U.S.C. 1185f(b)(6)) is amend-  
25 ed—

1 (A) in the paragraph heading, by inserting  
2 “; PENALTY FOR LATE PAYMENT OR NON-PAY-  
3 MENT” after “PAYMENT”;

4 (B) by striking “The total plan” and in-  
5 serting the following:

6 “(A) TIMING OF PAYMENT.—The total  
7 plan”;

8 (C) in subparagraph (A), as so inserted, by  
9 adding at the end the following new sentence:  
10 “In the case such determination is an amount  
11 less than the sum of the initial payment for  
12 such item or service and any cost sharing re-  
13 quired to be paid by the individual receiving  
14 such item or service, the nonparticipating pro-  
15 vider or facility furnishing such item or service  
16 shall pay to such plan or coverage the dif-  
17 ference between such determination and such  
18 sum not later than 30 days after the date on  
19 which such determination is made.”; and

20 (D) by adding at the end the following new  
21 subparagraphs:

22 “(B) NOTIFICATION.—In the case of a  
23 plan or coverage, or a nonparticipating provider  
24 or facility, required to make a payment pursu-  
25 ant to a determination described in subpara-

1 graph (A), such plan or coverage or nonpartici-  
2 pating provider or facility shall submit to the  
3 Secretary a notification of such payment as of  
4 the date such payment is made in a manner  
5 specified by the Secretary.

6 “(C) PENALTY FOR LATE PAYMENT OR  
7 NON-PAYMENT.—

8 “(i) IN GENERAL.—In the case of a  
9 plan or coverage, or a nonparticipating  
10 provider or facility, that has not made the  
11 required payment described in subpara-  
12 graph (A) with respect to an item or serv-  
13 ice in the time period described in such  
14 subparagraph, in addition to making such  
15 payment, such plan or coverage or non-  
16 participating provider or facility shall also  
17 pay to the nonparticipating provider or fa-  
18 cility or plan or coverage (as applicable) an  
19 amount that is three times the difference  
20 between—

21 “(I) the initial payment (or, in  
22 the case of a notice of denial of pay-  
23 ment, \$0) described in subsection  
24 (a)(3)(A); and

1                   “(II) the out-of-network rate (as  
2                   defined in section 716(a)(3)(K)) for  
3                   such item or service (less any cost  
4                   sharing required to be paid by the in-  
5                   dividual receiving such item or serv-  
6                   ice).

7                   “(ii) INTEREST.—A late payment pen-  
8                   alty under clause (i) shall also be subject  
9                   to interest in a manner specified by the  
10                  Secretary.”.

11               (c) IRC.—

12                   (1) EMERGENCY AND NONEMERGENCY SERV-  
13                  ICES.—Section 9816(c)(6) of the Internal Revenue  
14                  Code of 1986 is amended—

15                   (A) in the paragraph heading, by inserting  
16                  “; PENALTY FOR LATE PAYMENT OR NON-PAY-  
17                  MENT” after “PAYMENT”;

18                   (B) by striking “The total plan” and in-  
19                  serting the following:

20                   “(A) TIMING OF PAYMENT.—The total  
21                  plan”;

22                   (C) in subparagraph (A), as so inserted, by  
23                  adding at the end the following new sentence:

24                   “‘In the case such determination is an amount  
25                  less than the sum of the initial payment for

1 such item or service and any cost sharing re-  
2 quired to be paid by the individual receiving  
3 such item or service, the nonparticipating pro-  
4 vider or facility furnishing such item or service  
5 shall pay to such plan the difference between  
6 such determination and such sum not later than  
7 30 days after the date on which such deter-  
8 mination is made.”; and

9 (D) by adding at the end the following new  
10 subparagraphs:

11 “(B) NOTIFICATION.—In the case of a  
12 plan, or a nonparticipating provider or facility,  
13 required to make a payment pursuant to a de-  
14 termination described in subparagraph (A),  
15 such plan or nonparticipating provider or facil-  
16 ity shall submit to the Secretary a notification  
17 of such payment as of the date such payment  
18 is made in a manner specified by the Secretary.

19 “(C) PENALTY FOR LATE PAYMENT OR  
20 NON-PAYMENT.—

21 “(i) IN GENERAL.—In the case of a  
22 plan, or a nonparticipating provider or fa-  
23 cility, that has not made the required pay-  
24 ment described in subparagraph (A) with  
25 respect to an item or service in the time

1 period described in such subparagraph, in  
2 addition to making such payment, such  
3 plan or nonparticipating provider or facil-  
4 ity shall also pay to the nonparticipating  
5 provider or facility or plan (as applicable)  
6 an amount that is three times the dif-  
7 ference between—

8 “(I) the initial payment (or, in  
9 the case of a notice of denial of pay-  
10 ment, \$0) described in subsection  
11 (a)(1)(C)(iv)(I) or (b)(1)(C), as appli-  
12 cable; and

13 “(II) the out-of-network rate (as  
14 defined in subsection (a)(3)(K)) for  
15 such item or service (less any cost  
16 sharing required to be paid by the in-  
17 dividual receiving such item or serv-  
18 ice).

19 “(ii) INTEREST.—A late payment pen-  
20 alty under clause (i) shall also be subject  
21 to interest in a manner specified by the  
22 Secretary.”.

23 (2) AIR AMBULANCE SERVICES.—Section  
24 9817(b)(6) of the Internal Revenue Code of 1986 is  
25 amended—

1 (A) in the paragraph heading, by inserting  
2 “; PENALTY FOR LATE PAYMENT OR NON-PAY-  
3 MENT” after “PAYMENT”;

4 (B) by striking “The total plan” and in-  
5 serting the following:

6 “(A) TIMING OF PAYMENT.—The total  
7 plan”;

8 (C) in subparagraph (A), as so inserted, by  
9 adding at the end the following new sentence:  
10 “In the case such determination is an amount  
11 less than the sum of the initial payment for  
12 such item or service and any cost sharing re-  
13 quired to be paid by the individual receiving  
14 such item or service, the nonparticipating pro-  
15 vider or facility furnishing such item or service  
16 shall pay to such plan the difference between  
17 such determination and such sum not later than  
18 30 days after the date on which such deter-  
19 mination is made.”; and

20 (D) by adding at the end the following new  
21 subparagraphs:

22 “(B) NOTIFICATION.—In the case of a  
23 plan, or a nonparticipating provider or facility,  
24 required to make a payment pursuant to a de-  
25 termination described in subparagraph (A),

1 such plan or nonparticipating provider or facil-  
2 ity shall submit to the Secretary a notification  
3 of such payment as of the date such payment  
4 is made in a manner specified by the Secretary.

5 “(C) PENALTY FOR LATE PAYMENT OR  
6 NON-PAYMENT.—

7 “(i) IN GENERAL.—In the case of a  
8 plan, or a nonparticipating provider or fa-  
9 cility, that has not made the required pay-  
10 ment described in subparagraph (A) with  
11 respect to an item or service in the time  
12 period described in such subparagraph, in  
13 addition to making such payment, such  
14 plan or nonparticipating provider or facil-  
15 ity shall also pay to the nonparticipating  
16 provider or facility or plan (as applicable)  
17 an amount that is three times the dif-  
18 ference between—

19 “(I) the initial payment (or, in  
20 the case of a notice of denial of pay-  
21 ment, \$0) described in subsection  
22 (a)(3)(A); and

23 “(II) the out-of-network rate (as  
24 defined in section 9816(a)(3)(K)) for  
25 such item or service (less any cost

1 sharing required to be paid by the in-  
 2 dividual receiving such item or serv-  
 3 ice).

4 “(ii) INTEREST.—A late payment pen-  
 5 alty under clause (i) shall also be subject  
 6 to interest in a manner specified by the  
 7 Secretary.”.

8 **SEC. 4. TRANSPARENCY REPORTING REQUIREMENTS.**

9 (a) PHSA.—Section 2799A–1(a)(2)(A)(iii) of the  
 10 Public Health Service Act (42 U.S.C. 300gg–  
 11 111(a)(2)(A)(iii)) is amended to read as follows:

12 “(iii) REPORTING.—

13 “(I) INITIAL REPORTING.—Be-  
 14 ginning for 2022 and ending on De-  
 15 cember 31 of the calendar year in  
 16 which the No Surprises Act Enforce-  
 17 ment Act is enacted, the Secretary  
 18 shall annually submit to Congress a  
 19 report on the number of plans and  
 20 issuers with respect to which audits  
 21 were conducted during such year pur-  
 22 suant to this subparagraph.

23 “(II) SUBSEQUENT REPORT-  
 24 ING.—

1                   “(aa) IN GENERAL.—With  
2                   respect to the first calendar year  
3                   following the date of the enact-  
4                   ment of the No Surprises Act  
5                   Enforcement Act, not later than  
6                   February 1 of such year, and  
7                   every 6 months thereafter, the  
8                   Secretary, in coordination with  
9                   the Secretary of Labor and the  
10                  Secretary of the Treasury, shall  
11                  submit to the Committee on  
12                  Ways and Means, the Committee  
13                  on Energy and Commerce, and  
14                  the Committee on Education and  
15                  the Workforce of the House of  
16                  Representatives, and the Com-  
17                  mittee on Finance and the Com-  
18                  mittee on Health, Education,  
19                  Labor and Pensions of the Sen-  
20                  ate, a report on any audits con-  
21                  ducted pursuant to this subpara-  
22                  graph during the applicable re-  
23                  porting period, and any enforce-  
24                  ment actions taken during such  
25                  period in accordance with the

1 provisions of this part, includ-  
2 ing—

3 “(AA) the total number  
4 of audits conducted under  
5 this subparagraph;

6 “(BB) the number of  
7 audits conducted pursuant  
8 to clause (ii)(I);

9 “(CC) the number of  
10 complaints submitted by  
11 providers and by partici-  
12 pants, beneficiaries, and en-  
13 rollees with respect to a vio-  
14 lation of this part;

15 “(DD) any enforcement  
16 actions taken as a result of  
17 a complaint submitted by a  
18 provider or by a participant,  
19 a beneficiary, or an enrollee,  
20 with respect to the provi-  
21 sions of this part;

22 “(EE) the total number  
23 of, and the aggregate dollar  
24 amount of, any civil mone-

1                    tary penalties issued in ac-  
 2                    cordance with this part;

3                    “(FF) a summary of  
 4                    any non-monetary corrective  
 5                    action taken against a group  
 6                    health plan or health insur-  
 7                    ance issuer offering group or  
 8                    individual health insurance  
 9                    coverage for a violation of  
 10                    this part; and

11                    “(GG) a description of  
 12                    the 3 most commonly re-  
 13                    ported violations of this  
 14                    part.

15                    “(bb) APPLICABLE REPORT-  
 16                    ING PERIOD.—For purposes of  
 17                    this subclause, the term ‘applica-  
 18                    ble reporting period’ means the 6  
 19                    month period prior to each report  
 20                    submitted under item (aa).”.

21                    (b) IRC.—Section 9816(a)(2)(A)(iii) of the Internal  
 22                    Revenue Code of 1986 is amended to read as follows:

23                    “(iii) REPORTING.—

24                    “(I) INITIAL REPORTING.—Be-  
 25                    ginning for 2022 and ending on De-

1           cember 31 of the calendar year in  
2           which the No Surprises Act Enforce-  
3           ment Act is enacted, the Secretary  
4           shall annually submit to Congress a  
5           report on the number of plans with  
6           respect to which audits were con-  
7           ducted during such year pursuant to  
8           this subparagraph.

9                   “(II)   SUBSEQUENT   REPORT-  
10                  ING.—

11                           “(aa)   IN   GENERAL.—With  
12                           respect to the first calendar year  
13                           following the date of the enact-  
14                           ment of the No Surprises Act  
15                           Enforcement Act, not later than  
16                           February 1 of such year, and  
17                           every 6 months thereafter, the  
18                           Secretary, in coordination with  
19                           the Secretary of Labor and the  
20                           Secretary of Health and Human  
21                           Services, shall submit to the  
22                           Committee on Ways and Means,  
23                           the Committee on Energy and  
24                           Commerce, and the Committee  
25                           on Education and Workforce of

1 the House of Representatives,  
2 and the Committee on Finance  
3 and the Committee on Health,  
4 Education, Labor and Pensions  
5 of the Senate, a report on audits  
6 performed pursuant to this sub-  
7 paragraph during the applicable  
8 reporting period, and any en-  
9 forcement actions taken during  
10 such period in accordance with  
11 the provisions of an applicable  
12 section, including—

13 “(AA) the total number  
14 of audits conducted under  
15 this subparagraph;

16 “(BB) the number of  
17 audits conducted pursuant  
18 to clause (ii)(I);

19 “(CC) the number of  
20 complaints submitted by  
21 providers and by partici-  
22 pants and beneficiaries with  
23 respect to a violation of an  
24 applicable section;

1                   “(DD) any enforcement  
2                   actions taken pursuant to a  
3                   violation of an applicable  
4                   section;

5                   “(EE) the total number  
6                   of, and the aggregate dollar  
7                   amount of, any civil mone-  
8                   etary penalties issued in ac-  
9                   cordance with an applicable  
10                  section;

11                  “(FF) a summary of  
12                  any non-monetary corrective  
13                  action taken against a group  
14                  health plan for a violation of  
15                  an applicable section; and

16                  “(GG) a description of  
17                  the 3 most commonly re-  
18                  ported violations of an appli-  
19                  cable section.

20                  “(bb)       DEFINITIONS.—In  
21                  this subclause:

22                  “(AA) APPLICABLE RE-  
23                  PORTING       PERIOD.—The  
24                  term ‘applicable reporting  
25                  period’ means the 6 month

1 period prior to each report  
2 submitted under item (aa).

3 “(BB) APPLICABLE  
4 SECTION.—The term ‘appli-  
5 cable section’ means this  
6 section and each of sections  
7 9817 through 9825.”.

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