

ical assistance percentage otherwise determined under section 1396d(b) of this title for a non-compliant State shall be reduced—

(A) for calendar quarters in 2021 and 2022, by 0.12 percentage points;

(B) for calendar quarters in 2023, by 0.25 percentage points;

(C) for calendar quarters in 2024, by 0.35 percentage points; and

(D) for calendar quarters in 2025 and each year thereafter, by 0.5 percentage points.

**(2) Non-compliant State defined**

For purposes of this subsection, the term “non-compliant State” means a State—

(A) that is one of the 50 States or the District of Columbia;

(B) with respect to which the Secretary has not approved a State plan amendment submitted under subsection (a)(2); and

(C) that is not operating, on an ongoing basis, an asset verification program in accordance with this section.

(Aug. 14, 1935, ch. 531, title XIX, §1940, as added Pub. L. 110-252, title VII, §7001(d)(1), June 30, 2008, 122 Stat. 2391; amended Pub. L. 116-3, §4, Jan. 24, 2019, 133 Stat. 7.)

REFERENCES IN TEXT

The Right to Financial Privacy Act, referred to in subsec. (d)(1), probably means the Right to Financial Privacy Act of 1978, title XI of Pub. L. 95-630, Nov. 10, 1978, 92 Stat. 3697, which is classified generally to chapter 35 (§3401 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 3401 of Title 12 and Tables.

AMENDMENTS

2019—Subsec. (k). Pub. L. 116-3 added subsec. (k).

**§ 1396w-1. Medicaid Improvement Fund**

**(a) Establishment**

The Secretary shall establish under this subchapter a Medicaid Improvement Fund (in this section referred to as the “Fund”) which shall be available to the Secretary to improve the management of the Medicaid program by the Centers for Medicare & Medicaid Services, including oversight of contracts and contractors and evaluation of demonstration projects, and, in accordance with subsection (b)(3), for the purposes of subparagraph (B) of such subsection. Payments made for activities under this subsection shall be in addition to payments that would otherwise be made for such activities.

**(b) Funding**

**(1) In general**

There shall be available to the Fund, for expenditures from the Fund for fiscal year 2023 and thereafter, \$0.

**(2) Funding limitation**

Amounts in the Fund pursuant to paragraph (1) shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). Amounts in the Fund pursuant to paragraph (3) shall be available in advance of appropriations but only if the total amount obligated

from the Fund does not exceed the amount available to the Fund under such paragraph (3). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentences.

**(3) Additional funding for State activities relating to mechanized claims systems**

**(A) In general**

In addition to the amount made available under paragraph (1), there shall be available to the Fund, for expenditures from the Fund in accordance with subparagraph (B), for fiscal year 2025 and thereafter, \$0, to remain available until expended.

**(B) Purposes**

The Secretary shall use amounts made available to the Fund under subparagraph (A) to pay to each State which has a plan approved under this subchapter, for each quarter beginning during or after fiscal year 2025 an amount equal to—

(i) 100 percent minus the percent specified in clause (i) of section 1396b(a)(3)(A) of this title of so much of the sums expended by the State during such quarter as are attributable to the activities described in such clause;

(ii) 100 percent minus the Federal medical assistance percentage applied under clause (iii) of such section of so much of the sums expended during such quarter (as found necessary by the Secretary under such clause) by the State as are attributable to the activities described in such clause; and

(iii) 100 percent minus the percent specified in section 1396b(a)(3)(B) of this title of so much of the sums expended by the State during such quarter as are attributable to the activities described in such section.

(Aug. 14, 1935, ch. 531, title XIX, §1941, as added Pub. L. 110-252, title VII, §7002(b), June 30, 2008, 122 Stat. 2395; amended Pub. L. 111-8, div. F, title II, §226, Mar. 11, 2009, 123 Stat. 784; Pub. L. 111-127, §4, Jan. 27, 2010, 124 Stat. 5; Pub. L. 111-148, title II, §2007(b), Mar. 23, 2010, 124 Stat. 285; Pub. L. 114-198, title VII, §707, July 22, 2016, 130 Stat. 754; Pub. L. 115-120, div. C, §3006, Jan. 22, 2018, 132 Stat. 37; Pub. L. 115-123, div. E, title XII, §53105, Feb. 9, 2018, 132 Stat. 302; Pub. L. 115-271, title V, §5061, Oct. 24, 2018, 132 Stat. 3976; Pub. L. 116-3, §5, Jan. 24, 2019, 133 Stat. 8; Pub. L. 116-29, §2, July 5, 2019, 133 Stat. 1031; Pub. L. 116-59, div. B, title VI, §1604, Sept. 27, 2019, 133 Stat. 1108; Pub. L. 116-69, div. B, title VI, §1602, Nov. 21, 2019, 133 Stat. 1139; Pub. L. 116-159, div. C, title VI, §2602, Oct. 1, 2020, 134 Stat. 738; Pub. L. 116-215, div. B, title III, §1303, Dec. 11, 2020, 134 Stat. 1046; Pub. L. 116-260, div. CC, title IV, §406, Dec. 27, 2020, 134 Stat. 3003.)

AMENDMENTS

2020—Subsec. (b)(1). Pub. L. 116-159, §2602(1), substituted “2023” for “2021”.

Subsec. (b)(3)(A). Pub. L. 116-260 substituted “\$0” for “\$3,464,000,000”.

Pub. L. 116-215 substituted “\$3,464,000,000” for “\$3,446,000,000”.

Pub. L. 116-159, §2602(2), substituted “\$3,446,000,000” for “\$1,960,000,000”.

2019—Subsec. (b)(1). Pub. L. 116-59, §1604(1), substituted “\$0” for “\$1,000,000”.

Pub. L. 116-29 substituted “\$1,000,000” for “\$6,000,000”. Pub. L. 116-3 substituted “\$6,000,000” for “\$31,000,000”.

Subsec. (b)(3). Pub. L. 116-59, §1604(2)(A), substituted “2025” for “2023” in subpars. (A) and (B).

Subsec. (b)(3)(A). Pub. L. 116-69 substituted “\$1,960,000,000” for “\$2,387,000,000”.

Pub. L. 116-59, §1604(2)(B), substituted “\$2,387,000,000” for “\$0”.

2018—Subsec. (a). Pub. L. 115-120, §3006(1), inserted before period at end of first sentence “, and, in accordance with subsection (b)(3), for the purposes of subparagraph (B) of such subsection”.

Subsec. (b)(1). Pub. L. 115-271 substituted “\$31,000,000” for “\$0”.

Pub. L. 115-123, §53105(1), substituted “\$0” for “\$5,000,000”.

Subsec. (b)(2). Pub. L. 115-120, §3006(2)(A), inserted “pursuant to paragraph (1)” after “in the Fund” in first sentence and “Amounts in the Fund pursuant to paragraph (3) shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under such paragraph (3).” after first sentence and substituted “the previous sentences” for “the previous sentence” in last sentence.

Subsec. (b)(3). Pub. L. 115-120, §3006(2)(B), added par. (3).

Subsec. (b)(3)(A). Pub. L. 115-123, §53105(2), substituted “\$0” for “\$980,000,000”.

2016—Subsec. (b)(1). Pub. L. 114-198 amended par. (1) generally. Prior to amendment, text read as follows: “There shall be available to the Fund, for expenditures from the Fund—

“(A) for fiscal year 2014, \$0; and

“(B) for each of fiscal years 2015 through 2018, \$0.”

2010—Subsec. (b)(1)(A). Pub. L. 111-148, §2007(b)(1), which directed substitution of “\$0” for “\$100,000,000”, was executed by making the substitution for “\$10,000,000”, to reflect the probable intent of Congress and intervening amendment by Pub. L. 111-127. See below.

Pub. L. 111-127 substituted “\$10,000,000” for “\$100,000,000”.

Subsec. (b)(1)(B). Pub. L. 111-148, §2007(b)(2), substituted “\$0” for “\$150,000,000”.

2009—Subsec. (b)(1)(B). Pub. L. 111-8 inserted “each of” after “for”.

## § 1396w-2. Authorization to receive relevant information

### (a) In general

Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data directly relevant to eligibility determinations under this subchapter (including eligibility files maintained by Express Lane agencies described in section 1396a(e)(13)(F) of this title, information described in paragraph (2) or (3) of section 1320b-7(a) of this title, vital records information about births in any State, and information described in sections 653(i) and 1396a(a)(25)(I) of this title) is authorized to convey such data or information to the State agency administering the State plan under this subchapter, to the extent such conveyance meets the requirements of subsection (b).

### (b) Requirements for conveyance

Data or information may be conveyed pursuant to subsection (a) only if the following requirements are met:

(1) The individual whose circumstances are described in the data or information (or such individual’s parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

(2) Such data or information are used solely for the purposes of—

(A) identifying individuals who are eligible or potentially eligible for medical assistance under this subchapter and enrolling or attempting to enroll such individuals in the State plan; and

(B) verifying the eligibility of individuals for medical assistance under the State plan.

(3) An interagency or other agreement, consistent with standards developed by the Secretary—

(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security; and

(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll individuals in the plan.

### (c) Penalties for improper disclosure

#### (1) Civil money penalty

A private entity described in the<sup>1</sup> subsection (a) that publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section is subject to a civil money penalty in an amount equal to \$10,000 for each such unauthorized publication or disclosure. The provisions of section 1320a-7a of this title (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1320a-7a(a) of this title.

#### (2) Criminal penalty

A private entity described in the<sup>1</sup> subsection (a) that willfully publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section shall be fined not more than \$10,000 or imprisoned not more than 1 year, or both, for each such unauthorized publication or disclosure.

### (d) Rule of construction

The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).

<sup>1</sup> So in original.