AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2328
OFFERED BY MR. WALDEN OF OREGON

Page 82, line 2, insert before the comma the following: “and subject to subsection (z)(2)”.

Page 82, line 9, insert before the comma the following: “and subject to subsection (z)(2)”.

Page 82, line 16, insert before the comma the following: “and subject to subsection (z)(2)”.

Page 83, line 5, strike “30 days” and insert “180 days”.

Page 87, beginning on line 12, strike “the requirements under subsection (qq) (relating to data reporting and program integrity)” and insert “the requirement under subsection (qq)(1) (relating to data reporting)”.

Page 87, after line 14, insert the following (and update the table of contents accordingly):

1 SEC. 504. ADDITIONAL PROGRAM INTEGRITY REQUIREMENTS.

2 (a) AUDIT RELATING TO FRAUD, WASTE, AND ABUSE.—Not sooner than the date that is one year after
the date of the enactment of this Act, the Inspector General of the Department of Health and Human Services (referred to in this section as the “Inspector General”) shall conduct an audit of Puerto Rico with respect to any part of the administration of Puerto Rico’s State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver of such plan), such as contracting protocols, denials of care, and financial management, that the Inspector General determines to be at high risk for waste, fraud, or abuse.

(b) PLAN FOR AUDITS AND INVESTIGATIONS OF CONTRACTING PRACTICES.—Not later than the date that is one year after the date of the enactment of this Act, the Inspector General shall develop and submit to Congress a plan for auditing and investigating contracting practices relating to Puerto Rico’s State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver of such plan).

(c) REPORT ON CONTRACTING OVERSIGHT AND APPROVAL.—Not later than the date that is two years after the date of the enactment of this Act, the Comptroller General of the United States shall issue, and submit to the Chair and Ranking Member of the Committee on Energy and Commerce of the House of Representatives and the Chair and Ranking Member of the Committee on Fi-
nance of the Senate, a report on contracting oversight and
approval with respect to Puerto Rico’s State plan under
title XIX of the Social Security Act (42 U.S.C. 1396 et
seq.) (or a waiver of such plan). Such report shall—

(1) examine—

(A) the process used by Puerto Rico to
evaluate bids and award contracts under such
plan (or waiver);

(B) which contracts are not subject to
competitive bidding or requests for proposals
under such plan (or waiver); and

(C) oversight by the Centers for Medicare
& Medicaid Services of contracts awarded under
such plan (or waiver); and

(2) include any recommendations for Congress,
the Secretary of Health and Human Services, or
Puerto Rico relating to changes that the Inspector
General determines necessary to improve the pro-
gram integrity of such plan (or waiver).

(d) REEVALUATION OF WAIVERS OF MEDICAID
FRAUD CONTROL UNIT REQUIREMENT.—Not later than
the date that is one year after the date of the enactment
of this Act, the Secretary of Health and Human Services
shall—
(1) reevaluate any waiver approved (and in effect as of the date of the enactment of this Act) for Guam, the Northern Mariana Islands, or American Samoa under subsection (a)(61) or subsection (j) of section 1902 of the Social Security Act (42 U.S.C. 1396a) with respect to the requirement to establish a State medicaid fraud control unit (as described in section 1903(q) of such Act (42 U.S.C. 1396b(q)); and

(2) determine whether any such waiver should continue to be approved with respect to Guam, the Northern Mariana Islands, or American Samoa, respectively, after October 1, 2023.

(e) System for Tracking Federal Funding Provided to Puerto Rico.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 503(c), is further amended by adding at the end the following new subsection:

“(rr) Program Integrity Requirements for Puerto Rico.—

“(1) System for tracking federal funding provided to Puerto Rico.—

“(A) In general.—Puerto Rico shall establish and maintain a system for tracking any amounts paid by the Federal Government to
Puerto Rico with respect to the State plan of Puerto Rico (or a waiver of such plan). Under such system, Puerto Rico shall ensure that information is available, with respect to each quarter in a fiscal year (beginning with the first quarter beginning on or after the date that is one year after the date of the enactment of this subsection), on the following:

“(i) In the case of a quarter other than the first quarter of such fiscal year—

“(I) the total amount expended by Puerto Rico during any previous quarter of such fiscal year under the State plan of Puerto Rico (or a waiver of such plan); and

“(II) a description of how such amount was so expended.

“(ii) The total amount that Puerto Rico expects to expend during the quarter under the State plan of Puerto Rico (or a waiver of such plan), and a description of how Puerto Rico expects to expend such amount.

“(B) REPORT TO CMS.—For each quarter with respect to which Puerto Rico is required
under subparagraph (A) to ensure that information described in such subparagraph is available, Puerto Rico shall submit to the Administrator of the Centers for Medicare & Medicaid Services a report on such information for such quarter.

“(2) Submission of documentation on contracts upon request.—Puerto Rico shall, upon request, submit to the Administrator of the Centers for Medicare & Medicaid Services all documentation requested with respect to contracts awarded under the State plan of Puerto Rico (or a waiver of such plan).”.