

**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 REQUIRE-
2 MENTS.

3 (a) AUDIT RELATING TO FRAUD, WASTE, AND
4 ABUSE.—Not sooner than the date that is one year after

1 the date of the enactment of this Act, the Inspector Gen-
2 eral of the Department of Health and Human Services
3 (referred to in this section as the “Inspector General”)
4 shall conduct an audit of Puerto Rico with respect to any
5 part of the administration of Puerto Rico’s State plan
6 under title XIX of the Social Security Act (42 U.S.C.
7 1396 et seq.) (or a waiver of such plan), such as con-
8 tracting protocols, denials of care, and financial manage-
9 ment, that the Inspector General determines to be at high
10 risk for waste, fraud, or abuse.

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

19 (c) REPORT ON CONTRACTING OVERSIGHT AND AP-
20 PROVAL.—Not later than the date that is two years after
21 the date of the enactment of this Act, the Comptroller
22 General of the United States shall issue, and submit to
23 the Chair and Ranking Member of the Committee on En-
24 ergy and Commerce of the House of Representatives and
25 the Chair and Ranking Member of the Committee on Fi-

1 nance of the Senate, a report on contracting oversight and
2 approval with respect to Puerto Rico's State plan under
3 title XIX of the Social Security Act (42 U.S.C. 1396 et
4 seq.) (or a waiver of such plan). Such report shall—

5 (1) examine—

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

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

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

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

20 (d) REEVALUATION OF WAIVERS OF MEDICAID
21 FRAUD CONTROL UNIT REQUIREMENT.—Not later than
22 the date that is one year after the date of the enactment
23 of this Act, the Secretary of Health and Human Services
24 shall—

1 (1) reevaluate any waiver approved (and in ef-
2 fect as of the date of the enactment of this Act) for
3 Guam, the Northern Mariana Islands, or American
4 Samoa under subsection (a)(61) or subsection (j) of
5 section 1902 of the Social Security Act (42 U.S.C.
6 1396a) with respect to the requirement to establish
7 a State medicaid fraud control unit (as described in
8 section 1903(q) of such Act (42 U.S.C. 1396b(q));
9 and

10 (2) determine whether any such waiver should
11 continue to be approved with respect to Guam, the
12 Northern Mariana Islands, or American Samoa, re-
13 spectively, after October 1, 2023.

14 (e) SYSTEM FOR TRACKING FEDERAL FUNDING
15 PROVIDED TO PUERTO RICO.—Section 1902 of the Social
16 Security Act (42 U.S.C. 1396a), as amended by section
17 503(e), is further amended by adding at the end the fol-
18 lowing new subsection:

19 “(rr) PROGRAM INTEGRITY REQUIREMENTS FOR
20 PUERTO RICO.—

21 “(1) SYSTEM FOR TRACKING FEDERAL FUND-
22 ING PROVIDED TO PUERTO RICO.—

23 “(A) IN GENERAL.—Puerto Rico shall es-
24 tablish and maintain a system for tracking any
25 amounts paid by the Federal Government to

1 Puerto Rico with respect to the State plan of
2 Puerto Rico (or a waiver of such plan). Under
3 such system, Puerto Rico shall ensure that in-
4 formation is available, with respect to each
5 quarter in a fiscal year (beginning with the first
6 quarter beginning on or after the date that is
7 one year after the date of the enactment of this
8 subsection), on the following:

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

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

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

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

24 “(B) REPORT TO CMS.—For each quarter
25 with respect to which Puerto Rico is required

1 under subparagraph (A) to ensure that infor-
2 mation described in such subparagraph is avail-
3 able, Puerto Rico shall submit to the Adminis-
4 trator of the Centers for Medicare & Medicaid
5 Services a report on such information for such
6 quarter.

7 “(2) SUBMISSION OF DOCUMENTATION ON CON-
8 TRACTS UPON REQUEST.—Puerto Rico shall, upon
9 request, submit to the Administrator of the Centers
10 for Medicare & Medicaid Services all documentation
11 requested with respect to contracts awarded under
12 the State plan of Puerto Rico (or a waiver of such
13 plan).”.

