AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2328
OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Page 25, after line 7, insert the following (and update the table of contents accordingly):

TITLE III—MEDICAID PROGRAM

SEC. 301. MODIFICATION OF REDUCTIONS IN MEDICAID

DSH ALLOTMENTS.

Section 1923(f)(7)(A) of the Social Security Act (42 U.S.C. 1396r–4(f)(7)(A)) is amended—

(1) in clause (i), in the matter preceding subclause (I), by striking “2020” and inserting “2022”;

and

(2) in clause (ii)—

(A) in subclause (I), by striking “2020” and inserting “2022”; and

(B) in subclause (II), by striking “for each of fiscal years 2021 through 2025” and inserting “for each of fiscal years 2023 through 2025”.
SEC. 302. PUBLIC AVAILABILITY OF HOSPITAL UPPER PAYMENT LIMIT DEMONSTRATIONS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

“(bb) PUBLIC AVAILABILITY OF HOSPITAL UPPER PAYMENT LIMIT DEMONSTRATIONS.—The Secretary shall make publicly available upper payment limit demonstrations for hospital services that a State submits with respect to a fiscal year of the State (beginning with State fiscal year 2022) to the Administrator of the Centers for Medicare & Medicaid Services.”.

SEC. 303. REPORT BY COMPTROLLER GENERAL.

Not later than the date that is 21 months after the date of the enactment of this Act, the Comptroller General of the United States shall identify and report to Congress policy considerations for legislative action with respect to establishing an equitable formula for determining disproportionate share hospital allotments for States under section 1923 of the Social Security Act (42 U.S.C. 1396r–4) that takes into account the following factors:

(1) The level of uncompensated care costs of hospitals in a State.

(2) Expenditures of a State with respect to hospitals, including payment adjustments made under such section 1923 to disproportionate share hos-
pitals (as defined under the State plan under title XIX of such Act (42 U.S.C. 1396 et seq.) pursuant to subsection (a)(1)(A) of such section 1923), upper payment limit supplemental payments, and other related payments that hospitals may receive from the State.

(3) State policy decisions that may affect the level of uncompensated care costs of hospitals in a State.