

**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):

- 1 **TITLE III—MEDICAID PROGRAM**
- 2 **SEC. 301. MODIFICATION OF REDUCTIONS IN MEDICAID**
- 3 **DSH ALLOTMENTS.**
- 4 Section 1923(f)(7)(A) of the Social Security Act (42
- 5 U.S.C. 1396r-4(f)(7)(A)) is amended—
- 6 (1) in clause (i), in the matter preceding sub-
- 7 clause (I), by striking “2020” and inserting “2022”;
- 8 and
- 9 (2) in clause (ii)—
- 10 (A) in subclause (I), by striking “2020”
- 11 and inserting “2022”; and
- 12 (B) in subclause (II), by striking “for each
- 13 of fiscal years 2021 through 2025” and insert-
- 14 ing “for each of fiscal years 2023 through
- 15 2025”.

1 **SEC. 302. PUBLIC AVAILABILITY OF HOSPITAL UPPER PAY-**
2 **MENT LIMIT DEMONSTRATIONS.**

3 Section 1903 of the Social Security Act (42 U.S.C.
4 1396b) is amended by adding at the end the following new
5 subsection:

6 “(bb) PUBLIC AVAILABILITY OF HOSPITAL UPPER
7 PAYMENT LIMIT DEMONSTRATIONS.—The Secretary shall
8 make publicly available upper payment limit demonstra-
9 tions for hospital services that a State submits with re-
10 spect to a fiscal year of the State (beginning with State
11 fiscal year 2022) to the Administrator of the Centers for
12 Medicare & Medicaid Services.”.

13 **SEC. 303. REPORT BY COMPTROLLER GENERAL.**

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

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

24 (2) Expenditures of a State with respect to hos-
25 pitals, including payment adjustments made under
26 such section 1923 to disproportionate share hos-

1 pitals (as defined under the State plan under title
2 XIX of such Act (42 U.S.C. 1396 et seq.) pursuant
3 to subsection (a)(1)(A) of such section 1923), upper
4 payment limit supplemental payments, and other re-
5 lated payments that hospitals may receive from the
6 State.

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

