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AMENDMENT **H.R. 3962**  
**OFFERED BY MR. BURGESS OF TEXAS**  
(to text of H.R. 3962)

Add at the end of subtitle D of title VII of division  
B the following new section:

1 **SEC. 1739A. EXPANSION OF MEDICAID COVERAGE TO MEM-**  
2 **BERS OF CONGRESS.**

3 (a) IN GENERAL.—Section 1902(a)(10)(A)(i) of the  
4 Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) is  
5 amended—

6 (1) in subclause (VI), by striking “or”;

7 (2) in subclause (VII), by striking the semicolon  
8 and inserting “, or”; and

9 (3) by adding at the end the following new sub-  
10 clause:

11 “(VIII) who are Members of  
12 Congress;”.

13 (b) FEDERAL MEDICAL ASSISTANCE PERCENT-  
14 AGE.—Section 1905(b) of the Social Security Act (42  
15 U.S.C. 1396d(b)) is amended by adding at the end the  
16 following new sentence: “Notwithstanding the first sen-  
17 tence of this subsection, the Federal medical assistance  
18 percentage shall be 100 percent with respect to amounts

1 expended as medical assistance for individuals described  
2 in section 1902(a)(10)(A)(i)(VIII).”

3 (c) CONFORMING AMENDMENTS.—

4 (1) Section 1902(a)(17) of the Social Security  
5 Act (42 U.S.C. 1396a(a)(17)) is amended by insert-  
6 ing “and except with respect to individuals described  
7 in paragraph (10)(A)(i)(VIII),” after “and (m)(4),”.

8 (2) Section 1903(f)(4) of the Social Security  
9 Act (42 U.S.C. 1396b(f)(4)) is amended by inserting  
10 “1902(a)(10)(A)(i)(VIII),” after  
11 “1902(a)(10)(A)(i)(VII),”.

12 (3) Section 1905(a) of the Social Security Act  
13 (42 U.S.C. 1396d(a)) is amended—

14 (A) in clause (xii), by striking “or”;

15 (B) in clause (xiii), by inserting “or” after  
16 the comma;

17 (C) by inserting after clause (xiii) the fol-  
18 lowing new clause:

19 “(xiv) Members of Congress,”; and

20 (D) in the matter after clause (xiv) (as  
21 amended by this paragraph) and before para-  
22 graph (1), by inserting “(other than in the case  
23 of individuals described in clause (xiv))” after  
24 “such cost”.

1 (d) CLARIFICATION OF EQUITY IN COVERAGE.—In  
2 accordance with section 1902(a)(10)(B) of the Social Se-  
3 curity Act (42 U.S.C. 1396a(a)(10)(B)), the medical as-  
4 sistance made available under a State plan under title XIX  
5 of such Act to any Member of Congress pursuant to the  
6 amendments made by this section shall not be more in  
7 amount, duration, or scope than the medical assistance  
8 made available under such plan to any other individual  
9 eligible for such assistance.

10 (e) RELATIONSHIP TO COVERAGE UNDER  
11 FEHBP.—

12 (1) CONTINUED ENROLLMENT PERMITTED FOR  
13 MEMBER AND FAMILY MEMBERS UNDER FEHBP.—  
14 Nothing in this section shall be construed as pre-  
15 venting a Member of Congress from obtaining health  
16 insurance coverage under the Federal Employees  
17 Health Benefits Program (under chapter 89 of title  
18 5, United States Code) for the Member and for  
19 members of the family of such Member.

20 (2) MEDICAID AS PRIMARY PAYOR.—In apply-  
21 ing title XIX of the Social Security Act (including  
22 section 1902(a)(25) of such Act) and notwith-  
23 standing any provision of law to the contrary, in the  
24 case of a Member of Congress who is enrolled under  
25 a State plan under such title and is also enrolled in

1 a health benefits plan under the Federal Employees  
2 Health Benefits Program, coverage under such  
3 health benefits plan shall be the secondary payor of  
4 coverage under such State plan.

