

**AMENDMENT TO THE AMERICAN RESCUE PLAN**  
**ACT OF 2021**  
**OFFERED BY MR. BURGESS OF TEXAS**

Strike page 187, line 1, through page 195, line 24,  
and insert the following:

1 **SEC. \_\_\_\_ . TEMPORARY INCREASE IN FEDERAL MEDICAL**  
2 **ASSISTANCE PERCENTAGE FOR HOME AND**  
3 **COMMUNITY-BASED SERVICES, MENTAL**  
4 **HEALTH SERVICES, AND SUBSTANCE USE**  
5 **DISORDER SERVICES.**

6 (a) IN GENERAL.—Subject to subsection (c), with re-  
7 spect to amounts expended by a State for medical assist-  
8 ance for services described in subsection (b) that are fur-  
9 nished during the period beginning on April 1, 2021 and  
10 ending on March 31, 2022, the Federal medical assistance  
11 percentage that would otherwise apply with respect to  
12 such State and such services under title XIX of the Social  
13 Security Act (42 U.S.C. 1396 et seq.) shall be increased  
14 (in addition to any other increase to such percentage) by  
15 7.35 percentage points with respect to expenditures of the  
16 State under the State Medicaid program for such services  
17 furnished during such period. In no case may the applica-  
18 tion of the previous sentence result in the Federal medical

1 assistance percentage determined for a State being more  
2 than 95 percent with respect to such expenditures. Any  
3 payment made to Puerto Rico, the Virgin Islands, Guam,  
4 the Northern Mariana Islands, or American Samoa for ex-  
5 penditures on medical assistance that are subject to the  
6 Federal medical assistance percentage increase specified  
7 under the first sentence of this subsection shall not be  
8 taken into account for purposes of applying payment lim-  
9 its under subsections (f) and (g) of section 1108 of the  
10 Social Security Act (42 U.S.C. 1308).

11 (b) SERVICES DESCRIBED.—The services described  
12 in this subsection are the following:

13 (1) Home and community-based services au-  
14 thorized under subsection (e), (d), (i), or (k) of sec-  
15 tion 1915 of the Social Security Act (42 U.S.C.  
16 1396n) or under section 1115 of such Act (42  
17 U.S.C. 1315).

18 (2) Home health care services authorized under  
19 section 1905(a)(7) of the Social Security Act (42  
20 U.S.C. 1396d(a)(7)).

21 (3) Personal care services authorized under sec-  
22 tion 1905(a)(4) of the Social Security Act (42  
23 U.S.C. 1396d(a)(24)).

1 (4) PACE program services authorized under  
2 section 1934 of the Social Security Act (42 U.S.C.  
3 1396u-4).

4 (5) Mental health services as defined by the  
5 Secretary of Health and Human Services.

6 (6) Substance use disorder treatment or recov-  
7 ery services as defined by the Secretary of Health  
8 and Human Services.

9 (c) LIMITATION; REQUIREMENT.—

10 (1) LIMITATION.—In no case shall any increase  
11 to the Federal medical assistance percentage for a  
12 State pursuant to subsection (a) result in the appli-  
13 cation of a Federal medical assistance percentage  
14 that exceeds 95 percent.

15 (2) REQUIREMENT TO USE ADDITIONAL FUNDS  
16 TO INCREASE PROVIDER PAYMENT RATES.—A State  
17 may not receive the increase to the Federal medical  
18 assistance percentage for the State described in sub-  
19 section (a) unless the State certifies that it will use  
20 the additional funds received by the State as a result  
21 of such increase to increase payment rates for pro-  
22 viders of services described in subsection (b) during  
23 the period described in the first sentence of sub-  
24 section (a) and to reduce waiting lists to receive  
25 home and community-based services. Nothing in the

1 previous sentence shall be construed as preventing a  
2 State, after the State has used such additional funds  
3 to increase provider payment rates and to reduce  
4 waiting lists to receive home and community-based  
5 services, from determining how to utilize any re-  
6 maining funds to provide home and community-  
7 based services, substance use disorder services, and  
8 mental health services under the State plan.

9 (d) STATE DEFINED.—In this section, the term  
10 “State” means each of the 50 States, the District of Co-  
11 lumbia, American Samoa, Guam, the Commonwealth of  
12 the Northern Mariana Islands, Puerto Rico, and the  
13 United States Virgin Islands.

