

Calendar No. 285

119TH CONGRESS
1ST SESSION**S. 3386**

To provide a health savings account contribution to certain enrollees, to reduce health care costs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8 (legislative day, DECEMBER 4), 2025

Mr. CRAPO (for himself and Mr. CASSIDY) introduced the following bill; which was read the first time

DECEMBER 8, 2025

Read the second time and placed on the calendar

A BILL

To provide a health savings account contribution to certain enrollees, to reduce health care costs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Health Care Freedom for Patients Act of 2025”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INCREASING CHOICE AND REDUCING PREMIUMS

- Sec. 101. Exchange plan HSAs.
 Sec. 102. Exchange plan HSA contribution program.
 Sec. 103. Funding cost-sharing reduction payments.
 Sec. 104. Allowing all individuals purchasing health insurance in the individual market the option to purchase a lower premium plan.

TITLE II—PUTTING AMERICAN PATIENTS FIRST

- Sec. 201. Expansion FMAP for certain States providing payments for health care furnished to certain individuals.
 Sec. 202. Prohibiting Federal financial participation under Medicaid and CHIP for individuals without verified citizenship, nationality, or satisfactory immigration status.

TITLE III—PREVENTING WASTEFUL SPENDING

- Sec. 301. Prohibiting coverage of gender transition procedures as an essential health benefit under plans offered by Exchanges.
 Sec. 302. Prohibiting Federal Medicaid and CHIP funding for certain items and services.

1 **TITLE I—INCREASING CHOICE**
 2 **AND REDUCING PREMIUMS**

3 **SEC. 101. EXCHANGE PLAN HSAS.**

4 (a) IN GENERAL.—Section 223 of the Internal Rev-
 5 enue Code of 1986 is amended by adding at the end the
 6 following new subsection:

7 “(i) EXCHANGE PLAN HSAS.—For purposes of this
 8 section—

9 “(1) IN GENERAL.—In the case of an Exchange
 10 plan HSA, this section shall be applied as provided
 11 in paragraphs (3) through (4).

12 “(2) EXCHANGE PLAN HSA.—The term ‘Ex-
 13 change plan HSA’ means a health savings account
 14 which is designated as an Exchange plan HSA upon
 15 the establishment of such account.

1 “(3) NO ROLLOVERS PERMITTED.—Except in
 2 the case of a contribution from one Exchange plan
 3 HSA to another Exchange plan HSA, subsection
 4 (f)(5) shall not apply.

5 “(4) RESTRICTION ON USE OF AMOUNTS.—For
 6 purposes of subsection (d)(2)(A), amounts paid
 7 for—

8 “(A) abortion, other than—

9 “(i) if the pregnancy is the result of
 10 an act of rape or incest, or

11 “(ii) in the case where a woman suf-
 12 fers from a physical disorder, physical in-
 13 jury, or physical illness, including a life-en-
 14 dangering physical condition caused by or
 15 arising from the pregnancy itself, that
 16 would, as certified by a physician, place
 17 the woman in danger of death unless an
 18 abortion is performed, or

19 “(B) any sex trait modification procedure
 20 or service (as defined in section 156.400 of title
 21 45, Code of Federal Regulations, as in effect on
 22 the date of the enactment of this subsection),
 23 shall not be treated as paid for medical care.”.

24 (b) TREATMENT OF GOVERNMENTAL CONTRIBU-
 25 TIONS.—Paragraph (4) of section 223(b) of the Internal

1 Revenue Code of 1986 is amended by striking “and” at
 2 the end of subparagraph (B), by striking the period at
 3 the end of subparagraph (C) and inserting “, and”, and
 4 by inserting after subparagraph (C) the following new sub-
 5 paragraph:

6 “(D) the aggregate amount contributed to
 7 an Exchange plan HSA pursuant to section
 8 102(a) of the Health Care Freedom for Pa-
 9 tients Act of 2025 which is excludable from the
 10 taxpayer’s gross income for the taxable year
 11 under section 102(f) of such Act (and such
 12 amount shall not be allowed as a deduction
 13 under subsection (a)).”.

14 (c) EFFECTIVE DATE.—The amendments made by
 15 this section shall apply to taxable years beginning after
 16 December 31, 2025.

17 **SEC. 102. EXCHANGE PLAN HSA CONTRIBUTION PROGRAM.**

18 (a) IN GENERAL.—As soon as administratively fea-
 19 sible, the Secretary of Health and Human Services shall
 20 make payments to the Exchange plan HSA of each indi-
 21 vidual who is an eligible enrollee, for each month which
 22 is an eligible month with respect to such individual, in the
 23 amount described in subsection (c).

1 (b) ELIGIBLE MONTH.—For purposes of this section,
2 the term “eligible month” with respect to an individual
3 means a calendar month—

4 (1) occurring in calendar year 2026 or 2027,
5 and

6 (2) for which the individual is enrolled in a
7 bronze level qualified health plan or a catastrophic
8 plan through an Exchange established under subtitle
9 D of title I of the Patient Protection and Affordable
10 Care Act (42 U.S.C. 18021 et seq.).

11 (c) PAYMENT AMOUNT.—The amount of each pay-
12 ment under subsection (a) for any individual for an eligible
13 month is $\frac{1}{12}$ of—

14 (1) \$1,000, in the case of an eligible enrollee
15 who has attained age 18, and has not attained age
16 50, as of the first day of the calendar year which in-
17 cludes such month, and

18 (2) \$1,500, in the case of an eligible enrollee
19 who has attained age 50, and has not attained age
20 65, as of the first day of such calendar year.

21 (d) ELIGIBLE ENROLLEE.—For purposes of this sec-
22 tion, with respect to months occurring during a calendar
23 year, the term “eligible enrollee” means an eligible indi-
24 vidual (as defined in section 223(c)(1) of the Internal Rev-
25 enue Code of 1986)—

1 (1) who has attained age 18, and has not at-
 2 tained age 65, as of the first day of such calendar
 3 year,

4 (2) in the case of an alien, who is an eligible
 5 alien, as defined in section 36B(e)(2)(B) of such
 6 Code (as in effect for taxable years beginning after
 7 December 31, 2026, applied by substituting “for
 8 which the payment under section 102(a) of the
 9 Health Care Freedom for Patients Act of 2025 is
 10 made” for “for which the credit under this section
 11 is being claimed”), and

12 (3) whose household income, expressed as a
 13 percent of the poverty line for the family size in-
 14 volved, does not exceed 700 percent.

15 (e) DETERMINATION OF ELIGIBILITY.—

16 (1) IN GENERAL.—Upon election pursuant to
 17 paragraph (2) by an individual enrolling in a plan
 18 described in subsection (b)(2), the Secretary of
 19 Health and Human Services shall make a deter-
 20 mination of the individual’s status as an eligible en-
 21 rollee on the basis of the latest determination pursu-
 22 ant to section 1412 of the Patient Protection and
 23 Affordable Care Act (42 U.S.C. 18082) of the indi-
 24 vidual’s eligibility for the advance payment of the
 25 premium tax credits under section 36B of the Inter-

1 nal Revenue Code of 1986 and cost-sharing reduc-
2 tions under section 1402 of such Act (42 U.S.C.
3 18071).

4 (2) ELECTION.—At such time and in such man-
5 ner as the Secretary of Health and Human Services
6 shall provide, an eligible enrollee shall notify the
7 Secretary of such enrollee’s election to receive the
8 payments under subsection (a) and shall provide—

9 (A) the social security number of such eli-
10 gible enrollee,

11 (B) in the case of an alien, an attestation
12 that the individual is an eligible alien, and

13 (C) sufficient information to allow for the
14 identification of, and deposit of the payments
15 under subsection (a) into, the Exchange plan
16 HSA of the eligible enrollee.

17 (3) REPORTING BY EXCHANGE.—The Exchange
18 through which an individual is enrolling in a plan
19 described in subsection (b)(2) shall provide to the
20 Secretary of Health and Human Services the infor-
21 mation provided by the individual which is necessary
22 for the determination under paragraph (1).

23 (4) TIMING OF PAYMENTS.—The payments
24 under subsection (a) with respect to any eligible
25 months occurring before the determination under

1 paragraph (1) is completed shall be made as early
 2 as possible after the completion of such determina-
 3 tion.

4 (f) TAX TREATMENT OF CONTRIBUTIONS.—For pur-
 5 poses of the Internal Revenue Code of 1986, payments
 6 under subsection (a) shall not be included in gross income
 7 of an eligible enrollee.

8 (g) DEFINITIONS.—For purposes of this section—

9 (1) EXCHANGE PLAN HSA.—The term “Ex-
 10 change plan HSA” has the meaning given such term
 11 in section 223(i) of the Internal Revenue Code of
 12 1986.

13 (2) HOUSEHOLD INCOME; POVERTY LINE.—The
 14 terms “household income”, “poverty line”, and
 15 “family size” have the same respective meanings and
 16 shall be determined in the same manner as for pur-
 17 poses of section 36B of the Internal Revenue Code
 18 of 1986.

19 (3) BRONZE LEVEL QUALIFIED HEALTH
 20 PLAN.—The term “bronze level qualified health
 21 plan” means a qualified health plan, as defined in
 22 section 1301(a) of the Patient Protection and Af-
 23 fordable Care Act (42 U.S.C. 18021(a)), in the
 24 bronze level, as defined in section 1302(d)(1)(A) of
 25 such Act (42 U.S.C. 18022(d)(1)(A)).

1 (4) CATASTROPHIC PLAN.—The term “cata-
2 strophic plan” means a plan described in section
3 1302(e) of such Act (42 U.S.C. 18022(e)).

4 (h) REGULATORY AUTHORITY.—The Secretary of
5 Health and Human Services shall prescribe such regula-
6 tions or other guidance as are necessary to carry out the
7 purposes of this section.

8 (i) FUNDING.—In addition to amounts otherwise
9 available, there is appropriated to the Secretary of Health
10 and Human Services, out of any money in the Treasury
11 not otherwise appropriated, \$10,000,000,000 for each of
12 fiscal years 2026 and 2027, to remain available until Sep-
13 tember 30, 2028, to carry out the purposes of this section.

14 (j) INFORMATION SHARING.—Paragraph (21) of sec-
15 tion 6103(l) of the Internal Revenue Code of 1986 is
16 amended—

17 (1) by striking “or a basic health program
18 under section 1331 of Patient Protection and Af-
19 fordable Care Act” in subparagraph (A) and insert-
20 ing “a basic health program under section 1331 of
21 the Patient Protection and Affordable Care Act, or
22 a payment under section 102(a) of the Health Care
23 Freedom for Patients Act of 2025”,

1 (2) by inserting “, program, or payment” after
 2 “(and the amount thereof)” in subparagraph (A)(v),
 3 and
 4 (3) by striking “State programs” in subpara-
 5 graph (C)(ii) and inserting “State programs or pay-
 6 ment”.

7 **SEC. 103. FUNDING COST-SHARING REDUCTION PAYMENTS.**

8 Section 1402 of the Patient Protection and Afford-
 9 able Care Act (42 U.S.C. 18071) is amended by adding
 10 at the end the following:

11 “(h) FUNDING.—

12 “(1) IN GENERAL.—There are appropriated,
 13 out of any monies in the Treasury not otherwise ap-
 14 propriated, such sums as may be necessary for pur-
 15 poses of making payments under this section for
 16 plan years beginning on or after January 1, 2027.

17 “(2) USE OF FUNDS.—

18 “(A) IN GENERAL.—The amounts appro-
 19 priated under paragraph (1) may not be used
 20 for purposes of making payments under this
 21 section for a qualified health plan that provides
 22 health benefit coverage that includes coverage
 23 of abortion.

24 “(B) EXCEPTION.—Subparagraph (A)
 25 shall not apply to payments for a qualified

1 health plan that provides coverage of abortion
 2 only if necessary to save the life of the mother
 3 or if the pregnancy is a result of an act of rape
 4 or incest.”.

5 **SEC. 104. ALLOWING ALL INDIVIDUALS PURCHASING**
 6 **HEALTH INSURANCE IN THE INDIVIDUAL**
 7 **MARKET THE OPTION TO PURCHASE A**
 8 **LOWER PREMIUM PLAN.**

9 (a) IN GENERAL.—Section 1302(e) of the Patient
 10 Protection and Affordable Care Act (42 U.S.C. 18022(e))
 11 is amended—

12 (1) in paragraph (1)—

13 (A) by redesignating clauses (i) and (ii) of
 14 subparagraph (B) as subparagraphs (A) and
 15 (B), respectively, and adjusting the margins ac-
 16 cordingly;

17 (B) by striking “plan year if—” and all
 18 that follows through “the plan provides—” and
 19 inserting “plan year if the plan provides—”;
 20 and

21 (C) in subparagraph (A), as redesignated
 22 by paragraph (1), by striking “clause (ii)” and
 23 inserting “subparagraph (B)”;

24 (2) by striking paragraph (2); and

1 (3) by redesignating paragraph (3) as para-
2 graph (2).

3 (b) RISK POOLS.—Section 1312(c)(1) of the Patient
4 Protection and Affordable Care Act (42 U.S.C.
5 18032(c)(1)) is amended by inserting “and including en-
6 rollees in catastrophic plans described in section 1302(e)”
7 after “Exchange”.

8 (c) CONFORMING AMENDMENT.—Section
9 1312(d)(3)(C) of the Patient Protection and Affordable
10 Care Act (42 U.S.C. 18032(d)(3)(C)) is amended by strik-
11 ing “, except that in the case of a catastrophic plan de-
12 scribed in section 1302(e), a qualified individual may en-
13 roll in the plan only if the individual is eligible to enroll
14 in the plan under section 1302(e)(2)”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 subsections (a), (b), and (c) shall apply with respect to
17 plan years beginning on or after January 1, 2027.

18 **TITLE II—PUTTING AMERICAN** 19 **PATIENTS FIRST**

20 **SEC. 201. EXPANSION FMAP FOR CERTAIN STATES PRO-** 21 **VIDING PAYMENTS FOR HEALTH CARE FUR-** 22 **NISHED TO CERTAIN INDIVIDUALS.**

23 Section 1905 of the Social Security Act (42 U.S.C.
24 1396d) is amended—

25 (1) in subsection (y)—

1 (A) in paragraph (1)(E), by inserting “(or,
 2 for calendar quarters beginning on or after Oc-
 3 tober 1, 2027, in the case such State is a speci-
 4 fied State with respect to such calendar quar-
 5 ter, 80 percent)” after “thereafter”; and

6 (B) in paragraph (2), by adding at the end
 7 the following new subparagraph:

8 “(C) SPECIFIED STATE.—The term ‘speci-
 9 fied State’ means, with respect to a quarter, a
 10 State that—

11 “(i) provides any form of financial as-
 12 sistance from a State general fund during
 13 such quarter, in whole or in part, whether
 14 or not made under a State plan (or waiver
 15 of such plan) under this title or under an-
 16 other program established by the State, to
 17 or on behalf of an alien who is not a quali-
 18 fied alien and is not a child or pregnant
 19 woman who is lawfully residing in the
 20 United States and eligible for medical as-
 21 sistance pursuant to section 1903(v)(4) or
 22 for child health assistance or pregnancy-re-
 23 lated assistance pursuant to section
 24 2107(e)(1)(Q), for the purchasing of
 25 health insurance coverage (as defined in

1 section 2791(b)(1) of the Public Health
2 Service Act) for an alien who is not a
3 qualified alien and is not such a child or
4 pregnant woman; or

5 “(ii) provides any form of comprehen-
6 sive health benefits coverage, except such
7 coverage required by Federal law, during
8 such quarter, whether or not under a State
9 plan (or waiver of such plan) under this
10 title or under another program established
11 by the State, and regardless of the source
12 of funding for such coverage, to an alien
13 who is not a qualified alien and is not such
14 a child or pregnant woman.

15 “(D) IMMIGRATION TERMS.—

16 “(i) ALIEN.—The term ‘alien’ has the
17 meaning given such term in section 101(a)
18 of the Immigration and Nationality Act.

19 “(ii) QUALIFIED ALIEN.—The term
20 ‘qualified alien’ has the meaning given
21 such term in section 431 of the Personal
22 Responsibility and Work Opportunity Rec-
23 onciliation Act of 1996, except that the
24 references to ‘(in the opinion of the agency
25 providing such benefits)’ in subsection (c)

of such section 431 shall be treated as references to ‘(in the opinion of the State in which such comprehensive health benefits coverage or such financial assistance is provided, as applicable)’.’; and

(2) in subsection (z)(2)—

(A) in subparagraph (A), by striking “for such year” and inserting “for such quarter”; and

(B) in subparagraph (B)(i)—

(i) in the matter preceding subclause (I), by striking “for a year” and inserting “for a calendar quarter in a year”; and

(ii) in subclause (II), by striking “for the year” and inserting “for the quarter for the State”.

SEC. 202. PROHIBITING FEDERAL FINANCIAL PARTICIPATION UNDER MEDICAID AND CHIP FOR INDIVIDUALS WITHOUT VERIFIED CITIZENSHIP, NATIONALITY, OR SATISFACTORY IMMIGRATION STATUS.

(a) IN GENERAL.—

(1) MEDICAID.—Section 1903(i)(22) of the Social Security Act (42 U.S.C. 1396b(i)(22)) is amended—

1 (A) by adding “and” at the end;

2 (B) by striking “to amounts” and inserting

3 “to— “

4 “(A) amounts”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(B) in the case that the State elects
8 under section 1902(a)(46)(C) to provide for
9 making medical assistance available to an indi-
10 vidual during—

11 “(i) the period in which the individual
12 is provided the reasonable opportunity to
13 present satisfactory documentary evidence
14 of citizenship or nationality under section
15 1902(ee)(2)(C) or subsection (x)(4);

16 “(ii) the 90-day period described in
17 section 1902(ee)(1)(B)(ii)(II); or

18 “(iii) the period in which the indi-
19 vidual is provided the reasonable oppor-
20 tunity to submit evidence indicating a sat-
21 isfactory immigration status under section
22 1137(d)(4),

23 amounts expended for such medical assistance,
24 unless the citizenship or nationality of such in-
25 dividual or the satisfactory immigration status

1 of such individual (as applicable) is verified by
 2 the end of such period;”.

3 (2) CHIP.—Section 2107(e)(1)(O) of the Social
 4 Security Act (42 U.S.C. 1397gg(e)(1)(O)) is amend-
 5 ed by striking “and (17)” and inserting “(17), and
 6 (22)”.

7 (b) ELIMINATING STATE REQUIREMENT TO PROVIDE
 8 MEDICAL ASSISTANCE DURING REASONABLE OPPOR-
 9 TUNITY PERIOD.—

10 (1) DOCUMENTARY EVIDENCE OF CITIZENSHIP
 11 OR NATIONALITY.—Section 1903(x)(4) of the Social
 12 Security Act (42 U.S.C. 1396b(x)) is amended—

13 (A) by striking “under clauses (i) and (ii)
 14 of section 1137(d)(4)(A)” and inserting “under
 15 section 1137(d)(4)”;

16 (B) by inserting “, except that the State
 17 shall not be required to make medical assist-
 18 ance available to such individual during the pe-
 19 riod in which such individual is provided such
 20 reasonable opportunity if the State has not
 21 elected the option under section
 22 1902(a)(46)(C)” before the period at the end.

23 (2) SOCIAL SECURITY DATA MATCH.—Section
 24 1902(ee) of the Social Security Act (42 U.S.C.
 25 1396a(ee)) is amended—

1 (A) in paragraph (1)(B)(ii)—

2 (i) in subclause (II), by striking “(and
3 continues to provide the individual with
4 medical assistance during such 90-day pe-
5 riod)” and inserting “and, if the State has
6 elected the option under subsection
7 (a)(46)(C), continues to provide the indi-
8 vidual with medical assistance during such
9 90-day period”; and

10 (ii) in subclause (III), by inserting “,
11 or denies eligibility for medical assistance
12 under this title for such individual, as ap-
13 plicable” after “under this title”; and

14 (B) in paragraph (2)(C)—

15 (i) by striking “under clauses (i) and
16 (ii) of section 1137(d)(4)(A)” and insert-
17 ing “under section 1137(d)(4)”; and

18 (ii) by inserting “, except that the
19 State shall not be required to make med-
20 ical assistance available to such individual
21 during the period in which such individual
22 is provided such reasonable opportunity if
23 the State has not elected the option under
24 section 1902(a)(46)(C)” before the period
25 at the end.

1 (3) INDIVIDUALS WITH SATISFACTORY IMMI-
 2 GRATION STATUS.—Section 1137(d)(4) of the Social
 3 Security Act (42 U.S.C. 1320b–7(d)(4)) is amend-
 4 ed—

5 (A) in subparagraph (A)(ii), by inserting
 6 “(except that such prohibition on delay, denial,
 7 reduction, or termination of eligibility for bene-
 8 fits under the Medicaid program under title
 9 XIX shall apply only if the State has elected
 10 the option under section 1902(a)(46)(C))” after
 11 “has been provided”; and

12 (B) in subparagraph (B)(ii), by inserting
 13 “(except that such prohibition on delay, denial,
 14 reduction, or termination of eligibility for bene-
 15 fits under the Medicaid program under title
 16 XIX shall apply only if the State has elected
 17 the option under section 1902(a)(46)(C))” after
 18 “status”.

19 (c) OPTION TO CONTINUE PROVIDING MEDICAL AS-
 20 SISTANCE DURING REASONABLE OPPORTUNITY PE-
 21 RIOD.—

22 (1) MEDICAID.—Section 1902(a)(46) of the So-
 23 cial Security Act (42 U.S.C. 1396a(a)(46)) is
 24 amended—

1 (A) in subparagraph (A), by striking
2 “and” at the end;

3 (B) in subparagraph (B)(ii), by adding
4 “and” at the end; and

5 (C) by inserting after subparagraph (B)(ii)
6 the following new subparagraph:

7 “(C) provide, at the option of the State, for
8 making medical assistance available—

9 “(i) to an individual described in subpara-
10 graph (B) during the period in which such indi-
11 vidual is provided the reasonable opportunity to
12 present satisfactory documentary evidence of
13 citizenship or nationality under subsection
14 (ee)(2)(C) or section 1903(x)(4), or during the
15 90-day period described in subsection
16 (ee)(1)(B)(ii)(II); or

17 “(ii) to an individual who is not a citizen
18 or national of the United States during the pe-
19 riod in which such individual is provided the
20 reasonable opportunity to submit evidence indi-
21 cating a satisfactory immigration status under
22 section 1137(d)(4);”.

23 (2) CHIP.—Section 2105(c)(9) of the Social
24 Security Act (42 U.S.C. 1397ee(c)(9)) is amended

1 by adding at the end the following new subpara-
 2 graph:

3 “(C) OPTION TO CONTINUE PROVIDING
 4 CHILD HEALTH ASSISTANCE DURING REASON-
 5 ABLE OPPORTUNITY PERIOD.—Section
 6 1902(a)(46)(C) shall apply to States under this
 7 title in the same manner as it applies to a State
 8 under title XIX.”.

9 (d) EFFECTIVE DATE.—The amendments made by
 10 this section shall apply beginning on October 1, 2026.

11 **TITLE III—PREVENTING** 12 **WASTEFUL SPENDING**

13 **SEC. 301. PROHIBITING COVERAGE OF GENDER TRANSI-** 14 **TION PROCEDURES AS AN ESSENTIAL** 15 **HEALTH BENEFIT UNDER PLANS OFFERED** 16 **BY EXCHANGES.**

17 (a) IN GENERAL.—Section 1302(b)(2) of the Patient
 18 Protection and Affordable Care Act (42 U.S.C.
 19 18022(b)(2)) is amended by adding at the end the fol-
 20 lowing new subparagraph:

21 “(C) GENDER TRANSITION PROCE-
 22 DURES.—For plan years beginning on or after
 23 January 1, 2027, the essential health benefits
 24 defined pursuant to paragraph (1) may not in-

1 clude items and services furnished for a gender
2 transition procedure.”.

3 (b) GENDER TRANSITION PROCEDURE DEFINED.—

4 Section 1304 of the Patient Protection and Affordable
5 Care Act (42 U.S.C. 18024) is amended by adding at the
6 end the following new subsection:

7 “(f) GENDER TRANSITION PROCEDURE.—

8 “(1) IN GENERAL.—In this title, except as pro-
9 vided in paragraph (2), the term ‘gender transition
10 procedure’ means, with respect to an individual, any
11 of the following when performed for the purpose of
12 intentionally changing the body of such individual
13 (including by disrupting the body’s development, in-
14 hibiting its natural functions, or modifying its ap-
15 pearance) to no longer correspond to the individual’s
16 sex:

17 “(A) Performing any surgery, including—

18 “(i) castration;

19 “(ii) sterilization;

20 “(iii) orchiectomy;

21 “(iv) scrotoplasty;

22 “(v) vasectomy;

23 “(vi) tubal ligation;

24 “(vii) hysterectomy;

25 “(viii) oophorectomy;

- 1 “(ix) ovariectomy;
- 2 “(x) metoidioplasty;
- 3 “(xi) clitoroplasty;
- 4 “(xii) reconstruction of the fixed part
- 5 of the urethra with or without a
- 6 metoidioplasty or a phalloplasty;
- 7 “(xiii) penectomy;
- 8 “(xiv) phalloplasty;
- 9 “(xv) vaginoplasty;
- 10 “(xvi) vaginectomy;
- 11 “(xvii) vulvoplasty;
- 12 “(xviii) reduction thyrochondroplasty;
- 13 “(xix) chondrolaryngoplasty;
- 14 “(xx) mastectomy; and
- 15 “(xxi) any plastic, cosmetic, or aes-
- 16 thetic surgery that feminizes or
- 17 masculinizes the facial or other body fea-
- 18 tures of an individual.
- 19 “(B) Any placement of chest implants to
- 20 create feminine breasts or any placement of
- 21 erection or testicular prosthesis.
- 22 “(C) Any placement of fat or artificial im-
- 23 plants in the gluteal region.

“(D) Administering, prescribing, or dispensing to an individual medications, including—

“(i) gonadotropin-releasing hormone (GnRH) analogues or other puberty-blocking drugs to stop or delay normal puberty; and

“(ii) testosterone, estrogen, or other androgens to an individual at doses that are supraphysiologic than would normally be produced endogenously in a healthy individual of the same age and sex.

“(2) EXCEPTION.—Paragraph (1) shall not apply to the following:

“(A) Puberty suppression or blocking prescription drugs for the purpose of normalizing puberty for an individual experiencing precocious puberty.

“(B) Medically necessary procedures or treatments to correct for—

“(i) a medically verifiable disorder of sex development, including—

“(I) 46,XX chromosomes with virilization;

1 “(II) 46,XY chromosomes with
2 undervirilization; and

3 “(III) both ovarian and testicular
4 tissue;

5 “(ii) sex chromosome structure, sex
6 steroid hormone production, or sex hor-
7 mone action, if determined to be abnormal
8 by a physician through genetic or bio-
9 chemical testing;

10 “(iii) infection, disease, injury, or dis-
11 order caused or exacerbated by a previous
12 procedure described in paragraph (1), or a
13 physical disorder, physical injury, or phys-
14 ical illness that would, as certified by a
15 physician, place the individual in imminent
16 danger of death or impairment of a major
17 bodily function unless the procedure is per-
18 formed, not including procedures per-
19 formed for the alleviation of mental dis-
20 tress; or

21 “(iv) procedures to restore or recon-
22 struct the body of the individual in order
23 to correspond to the individual’s sex after
24 one or more previous procedures described
25 in paragraph (1), which may include the

1 removal of a pseudo phallus or breast aug-
 2 mentation.

3 “(3) SEX.—For purposes of this subsection, the
 4 term ‘sex’ means either male or female, as bio-
 5 logically determined and defined by subparagraph
 6 (A) and subparagraph (B).

7 “(A) FEMALE.—The term ‘female’ means
 8 an individual who naturally has, had, will have,
 9 or would have, but for a developmental or ge-
 10 netic anomaly or historical accident, the repro-
 11 ductive system that at some point produces,
 12 transports, and utilizes eggs for fertilization.

13 “(B) MALE.—The term ‘male’ means an
 14 individual who naturally has, had, will have, or
 15 would have, but for a developmental or genetic
 16 anomaly or historical accident, the reproductive
 17 system that at some point produces, transports,
 18 and utilizes sperm for fertilization.”.

19 **SEC. 302. PROHIBITING FEDERAL MEDICAID AND CHIP**
 20 **FUNDING FOR CERTAIN ITEMS AND SERV-**
 21 **ICES.**

22 (a) MEDICAID.—Section 1903(i) of the Social Secu-
 23 rity Act (42 U.S.C. 1396b(i)) is amended—

24 (1) in paragraph (26), by striking “; or” and
 25 inserting a semicolon;

1 (2) in paragraph (27), by striking the period at
2 the end and inserting “; or”;

3 (3) by inserting after paragraph (27) the fol-
4 lowing new paragraph:

5 “(28) with respect to any amount expended for
6 specified gender transition procedures (as defined in
7 section 1905(ll)) furnished to an individual enrolled
8 in a State plan (or waiver of such plan).”; and

9 (4) in the flush left matter at the end, by strik-
10 ing “and (18),” and inserting “(18), and (28)”.

11 (b) CHIP.—Section 2107(e)(1)(O) of the Social Se-
12 curity Act (42 U.S.C. 1397gg(e)(1)(O)), as amended by
13 this Act, is further amended by striking “and (22)” and
14 inserting “(22), and (28)”.

15 (c) SPECIFIED GENDER TRANSITION PROCEDURES
16 DEFINED.—Section 1905 of the Social Security Act (42
17 U.S.C. 1396d) is amended by adding at the end the fol-
18 lowing new subsection:

19 “(ll) SPECIFIED GENDER TRANSITION PROCE-
20 DURES.—

21 “(1) IN GENERAL.—For purposes of section
22 1903(i)(28), except as provided in paragraph (2) ,
23 the term ‘specified gender transition procedure’
24 means, with respect to an individual, any of the fol-
25 lowing when performed for the purpose of inten-

tionally changing the body of such individual (including by disrupting the body's development, inhibiting its natural functions, or modifying its appearance) to no longer correspond to the individual's sex:

“(A) Performing any surgery, including—

“(i) castration;

“(ii) sterilization;

“(iii) orchiectomy;

“(iv) scrotoplasty;

“(v) vasectomy;

“(vi) tubal ligation;

“(vii) hysterectomy;

“(viii) oophorectomy;

“(ix) ovariectomy;

“(x) metoidioplasty;

“(xi) clitoroplasty;

“(xii) reconstruction of the fixed part of the urethra with or without a metoidioplasty or a phalloplasty;

“(xiii) penectomy;

“(xiv) phalloplasty;

“(xv) vaginoplasty;

“(xvi) vaginectomy;

“(xvii) vulvoplasty;

“(xviii) reduction thyrochondroplasty;

1 “(xix) chondrolaryngoplasty;

2 “(xx) mastectomy; and

3 “(xxi) any plastic, cosmetic, or aes-
 4 thetic surgery that feminizes or
 5 masculinizes the facial or other body fea-
 6 tures of an individual.

7 “(B) Any placement of chest implants to
 8 create feminine breasts or any placement of
 9 erection or testicular prosthesis.

10 “(C) Any placement of fat or artificial im-
 11 plants in the gluteal region.

12 “(D) Administering, prescribing, or dis-
 13 pensing to an individual medications, includ-
 14 ing—

15 “(i) gonadotropin-releasing hormone
 16 (GnRH) analogues or other puberty-block-
 17 ing drugs to stop or delay normal puberty;
 18 and

19 “(ii) testosterone, estrogen, or other
 20 androgens to an individual at doses that
 21 are supraphysiologic than would normally
 22 be produced endogenously in a healthy in-
 23 dividual of the same age and sex.

24 “(2) EXCEPTION.—Paragraph (1) shall not
 25 apply to the following when furnished to an indi-

vidual by a health care provider if the individual is
 a minor with the consent of such individual's parent
 or legal guardian:

“(A) Puberty suppression or blocking prescription drugs for the purpose of normalizing puberty for an individual experiencing precocious puberty.

“(B) Medically necessary procedures or treatments to correct for—

“(i) a medically verifiable disorder of sex development, including—

“(I) 46,XX chromosomes with virilization;

“(II) 46,XY chromosomes with undervirilization; and

“(III) both ovarian and testicular tissue;

“(ii) sex chromosome structure, sex steroid hormone production, or sex hormone action, if determined to be abnormal by a physician through genetic or biochemical testing;

“(iii) infection, disease, injury, or disorder caused or exacerbated by a previous procedure described in paragraph (1), or a

1 physical disorder, physical injury, or phys-
 2 ical illness that would, as certified by a
 3 physician, place the individual in danger of
 4 death or impairment of a major bodily
 5 function unless the procedure is performed,
 6 not including procedures performed for the
 7 alleviation of mental distress; or

8 “(iv) procedures to restore or recon-
 9 struct the body of the individual in order
 10 to correspond to the individual’s sex after
 11 one or more previous procedures described
 12 in paragraph (1), which may include the
 13 removal of a pseudo phallus or breast aug-
 14 mentation.

15 “(3) SEX.—For purposes of paragraph (1), the
 16 term ‘sex’ means either male or female, as bio-
 17 logically determined and defined in paragraphs (4)
 18 and (5), respectively.

19 “(4) FEMALE.—For purposes of paragraph (3),
 20 the term ‘female’ means an individual who naturally
 21 has, had, will have, or would have, but for a develop-
 22 mental or genetic anomaly or historical accident, the
 23 reproductive system that at some point produces,
 24 transports, and utilizes eggs for fertilization.

1 “(5) MALE.—For purposes of paragraph (3),
2 the term ‘male’ means an individual who naturally
3 has, had, will have, or would have, but for a develop-
4 mental or genetic anomaly or historical accident, the
5 reproductive system that at some point produces,
6 transports, and utilizes sperm for fertilization.”.

Calendar No. 285

119TH CONGRESS
1ST Session

S. 3386

A BILL

To provide a health savings account contribution to certain enrollees, to reduce health care costs, and for other purposes.

DECEMBER 8, 2025

Read the second time and placed on the calendar