

107TH CONGRESS  
1ST SESSION

# H. R. 2063

To amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2001

Ms. PELOSI (for herself, Mr. GEPHARDT, Mr. WAXMAN, Mr. BROWN of Ohio, Mrs. MORELLA, Ms. LEE, Mr. BONIOR, Mrs. CHRISTENSEN, Mr. RODRIGUEZ, Mr. UNDERWOOD, Ms. MILLENDER-MCDONALD, Mr. CLYBURN, Mrs. LOWEY, Mr. CUMMINGS, Mr. HORN, Mr. CROWLEY, Ms. BALDWIN, Mrs. TAUSCHER, Mr. CAPUANO, Ms. SCHAKOWSKY, Mr. McDERMOTT, Mr. DICKS, Mr. TOWNS, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. HINCHEY, Mr. BLAGOJEVICH, Mr. GREEN of Texas, Mr. GONZALEZ, Ms. CARSON of Indiana, Mr. FILNER, Mr. JACKSON of Illinois, Mrs. THURMAN, Mr. FROST, Mr. GUTIERREZ, Mr. FRANK, Mr. LANTOS, Ms. RIVERS, Mrs. CAPPS, Mr. MALONEY of Connecticut, Mr. BRADY of Pennsylvania, Mr. DELAHUNT, Ms. WOOLSEY, Mr. OWENS, Ms. SOLIS, Mr. STARK, Ms. DELAUBO, Mr. CONYERS, Mr. WYNN, Ms. ESHOO, Mr. NEAL of Massachusetts, Ms. BROWN of Florida, Mr. SCHIFF, Mr. MARKEY, Mr. OLVER, Ms. WATERS, Mr. CLAY, Ms. SLAUGHTER, Mr. RUSH, Mr. INSLEE, Mr. FARR of California, Mr. RANGEL, Mr. MEEHAN, Mrs. CLAYTON, Mrs. JONES of Ohio, Mr. PALLONE, Ms. MCCOLLUM, Mr. ACKERMAN, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. GEORGE MILLER of California, Mr. ABERCROMBIE, Mrs. MEEK of Florida, Mr. PAYNE, Ms. VELÁZQUEZ, Mrs. MINK of Hawaii, Mrs. NAPOLITANO, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. HILLIARD, Mr. WEINER, Ms. KILPATRICK, Mr. DEFAZIO, Mr. DAVIS of Illinois, Ms. SANCHEZ, Mr. EVANS, Mr. UDALL of New Mexico, Mr. ENGEL, Mr. BENTSEN, Mr. BERMAN, Mr. TIERNEY, Mr. HOLT, Mrs. McCARTHY of New York, Mr. NADLER, Mr. GORDON, Mr. BAIRD, Mr. MATSUI, Mr. McGOVERN, Mr. SANDERS, Mr. KILDEE, Mr. HONDA, Mr. SHERMAN, Ms. LOFGREN, Mrs. MALONEY of New York, Mr. KLEczka, Ms. BERKLEY, Ms. DEGETTE, Mr. FORD, Mr. FALEOMAVAEGA, and Mr. LARSON of Connecticut) introduced the following bill; which was referred to the Committee on Energy and Commerce

# A BILL

To amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

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.**

4       This Act may be cited as the “Early Treatment for  
5 HIV Act of 2001”.

6   **SEC. 2. OPTIONAL MEDICAID COVERAGE OF LOW-INCOME  
7 HIV-INFECTED INDIVIDUALS.**

8       (a) IN GENERAL.—Section 1902 of the Social Secu-  
9 rity Act (42 U.S.C. 1396a), as amended by section 2(a)  
10 of the Breast and Cervical Cancer Prevention and Treat-  
11 ment Act of 2000 (Public Law 106–354; 114 Stat. 1381)  
12 and section 702(b) of the Medicare, Medicaid, and SCHIP  
13 Benefits Improvement and Protection Act of 2000 (as en-  
14 acted into law by section 1(a)(6) of Public Law 106–554),  
15 is amended—

16                   (1) in subsection (a)(10)(A)(ii)—

17                   (A) by striking “or” at the end of sub-  
18 clause (XVII);

19                   (B) by adding “or” at the end of subclause  
20 (XVIII); and

1 (C) by adding at the end the following new  
2 subclause:

6 (2) by adding at the end the following new sub-  
7 section:

8       “(cc) HIV-infected individuals described in this sub-  
9 section are individuals—

10 “(1) who have HIV infection;

11               “(2) whose income (as determined under the  
12               State plan under this title with respect to disabled  
13               individuals) does not exceed an amount (if any)  
14               specified by the State that is not less than the higher  
15               of (A) the maximum amount of income a disabled  
16               individual described in subsection (a)(10)(A)(i) may  
17               have and obtain medical assistance under the plan,  
18               or (B) in the case of a State that provides State  
19               supplementary payments, the maximum amount of  
20               income that an individual in the State may have and  
21               be eligible for such a State supplementary payment;  
22               and

23               “(3) whose resources (as determined under the  
24               State plan under this title with respect to disabled  
25               individuals) do not exceed the maximum amount of

1 resources a disabled individual described in sub-  
2 section (a)(10)(A)(i) may have and obtain medical  
3 assistance under the plan.”.

4 (b) APPLICATION OF PRESUMPTIVE ELIGIBILITY.—  
5 Title XIX of the Social Security Act is amended by insert-  
6 ing after section 1920B the following:

7 “PRESUMPTIVE ELIGIBILITY FOR LOW-INCOME  
8 INDIVIDUALS INFECTED WITH HIV

9 “SEC. 1920C. (a) STATE OPTION.—A State plan ap-  
10 proved under section 1902 may provide for making med-  
11 ical assistance available to an individual described in sec-  
12 tion 1902(cc) (relating to low-income individuals infected  
13 with HIV) during a presumptive eligibility period.

14 “(b) APPLICATION OF SAME RULES.—The provisions  
15 of subsections (b) through (d) of section 1920B shall  
16 apply to individuals described in subsection (a) and section  
17 1902(cc) in the same manner as they apply to individuals  
18 described in section 1920B(a) and section 1902(aa), re-  
19 spectively.”.

20 (c) EXEMPTION FROM FUNDING LIMITATION FOR  
21 TERRITORIES.—Section 1108(g) of such Act (42 U.S.C.  
22 1308(g)) is amended by adding at the end the following  
23 new paragraph:

24 “(3) DISREGARDING MEDICAL ASSISTANCE FOR  
25 OPTIONAL LOW-INCOME HIV-INFECTED INDIVID-  
26 UALS.—The limitations under subsection (f) and the

1 previous provisions of this subsection shall not apply  
2 to amounts expended for medical assistance for indi-  
3 viduals described in section 1902(cc) who are only  
4 eligible for such assistance on the basis of section  
5 1902(a)(10)(A)(ii)(XIX).”.

6 (d) CONFORMING AND TECHNICAL AMENDMENTS.—

7 (1) Section 1905(a) of such Act (42 U.S.C.  
8 1396d(a)), as amended by section 2(a)(4) of the  
9 Breast and Cervical Cancer Prevention and Treat-  
10 ment Act of 2000 (Public Law 106-354; 114 Stat.  
11 1381), is amended, in the matter before paragraph  
12 (1)—

13 (A) by striking “or” at the end of clause  
14 (xi),

15 (B) by adding “or” at the end of clause  
16 (xii), and

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

19 “(xiv) individuals described in section  
20 1902(cc);”.

21 (2) Section 1903(f)(4) of the Social Security  
22 Act (42 U.S.C. 1396b(f)(4)), as amended by section  
23 710(a) of the Medicare, Medicaid, and SCHIP Bene-  
24 fits Improvement and Protection Act of 2000 (113  
25 Stat. 2763A-578), as enacted into law by section

1 (a)(6) of Public Law 106–554, is amended by in-  
2 serting “1902(a)(10)(A)(ii)(XIX),” after  
3 “1902(a)(10)(A)(ii)(XVIII),”.

4 (3)(A) Section 1902 of the Social Security Act  
5 (42 U.S.C. 1396a), as amended by section 702(b) of  
6 the Medicare, Medicaid, and SCHIP Benefits Im-  
7 provement and Protection Act of 2000 (113 Stat.  
8 2763A–572), as so enacted into law, is amended by  
9 redesignating the subsection (aa) added by such sec-  
10 tion as subsection (bb).

11 (B) Section 1902(a)(15) of the Social Security  
12 Act (42 U.S.C. 1396a(a)(15)), as added by section  
13 702(a)(2) of the Medicare, Medicaid, and SCHIP  
14 Benefits Improvement and Protection Act of 2000  
15 (113 Stat. 2763A–572), as so enacted into law, is  
16 amended by striking “subsection (aa)” and inserting  
17 “subsection (bb)”.

18 (C) Section 1915(b) of the Social Security Act  
19 (42 U.S.C. 1396n(b)), as amended by section  
20 702(c)(2) of the Medicare, Medicaid, and SCHIP  
21 Benefits Improvement and Protection Act of 2000  
22 (113 Stat. 2763A–572), as so enacted into law, is  
23 amended by striking “1902(aa)” and inserting  
24 “1902(bb)”.

1       (e) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to calendar quarters beginning on  
3 or after the date of the enactment of this Act, without  
4 regard to whether or not final regulations to carry out  
5 such amendments have been promulgated by such date.

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