

Calendar No. 238

107TH CONGRESS
1ST SESSION**S. 1732**

To provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 27, 2001

Mr. DASCHLE introduced the following bill; which was read the first time

NOVEMBER 28, 2001

Read the second time and placed on the calendar

A BILL

To provide incentives for an economic recovery and relief for victims of terrorism, 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 “Economic Recovery and Assistance for American Work-
6 ers Act of 2001”.

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

Sec. 1. Short title; table of contents.

TITLE I—TEMPORARY ENHANCED UNEMPLOYMENT BENEFITS

- Sec. 101. Short title.
 Sec. 102. Federal-State agreements.
 Sec. 103. Temporary supplemental unemployment compensation account.
 Sec. 104. Payments to States having agreements under this title.
 Sec. 105. Financing provisions.
 Sec. 106. Fraud and overpayments.
 Sec. 107. Definitions.
 Sec. 108. Applicability.
 Sec. 109. Rule of construction regarding changes to State law.

TITLE II—HEALTH INSURANCE COVERAGE OPTIONS FOR RECENTLY UNEMPLOYED INDIVIDUALS AND THEIR FAMILIES

- Sec. 201. Premium assistance for COBRA continuation coverage for individuals and their families.
 Sec. 202. State option to provide temporary medicaid coverage for certain uninsured individuals.
 Sec. 203. State option to provide temporary coverage under medicaid for the unsubsidized portion of COBRA continuation premiums.
 Sec. 204. Temporary increases of medicaid FMAP for fiscal year 2002.
 Sec. 205. Definitions.

1 **TITLE I—TEMPORARY EN-** 2 **HANCED UNEMPLOYMENT** 3 **BENEFITS**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Temporary Unemploy-
 6 ment Compensation Act of 2001”.

7 **SEC. 102. FEDERAL-STATE AGREEMENTS.**

8 (a) IN GENERAL.—Any State which desires to do so
 9 may enter into and participate in an agreement under this
 10 title with the Secretary of Labor (in this title referred to
 11 as the “Secretary”). Any State which is a party to an
 12 agreement under this title may, upon providing 30 days’
 13 written notice to the Secretary, terminate such agreement.

14 (b) PROVISIONS OF AGREEMENT.—

1 (1) IN GENERAL.—Any agreement under sub-
2 section (a) shall provide that the State agency of the
3 State will make—

4 (A) payments of temporary enhanced reg-
5 ular unemployment compensation to individuals;
6 and

7 (B) payments of temporary supplemental
8 unemployment compensation to individuals
9 who—

10 (i) have—

11 (I) exhausted all rights to regular
12 compensation under the State law (or,
13 as the case may be, all rights to tem-
14 porary enhanced regular unemploy-
15 ment compensation); or

16 (II) received 26 weeks of regular
17 compensation under the State law (or,
18 as the case may be, 26 weeks of tem-
19 porary enhanced regular unemploy-
20 ment compensation);

21 (ii) do not have any rights to regular
22 compensation under the State law of any
23 other State (or to temporary enhanced reg-
24 ular unemployment compensation); and

1 (iii) are not receiving compensation
 2 under the unemployment compensation law
 3 of any other country.

4 (2) TEMPORARY ENHANCED REGULAR UNEM-
 5 PLOYMENT COMPENSATION DEFINED.—For purposes
 6 of this title, the term “temporary enhanced regular
 7 unemployment compensation” means compensation
 8 in amounts and to the extent that regular compensa-
 9 tion would be determined if the State law was ap-
 10 plied with the following 3 conditions:

11 (A) ALTERNATIVE BASE PERIOD.—An in-
 12 dividual shall be eligible for regular compensa-
 13 tion if the individual would be so eligible, deter-
 14 mined by applying—

15 (i) the base period that would other-
 16 wise apply under the State law if this title
 17 had not been enacted; or

18 (ii) a base period ending at the close
 19 of the calendar quarter most recently com-
 20 pleted before the date of the individual’s
 21 application for benefits, provided that wage
 22 data for that quarter has been reported to
 23 the State or supplied to the State agency
 24 on behalf of the individual;

25 whichever results in the greater amount.

(B) PART-TIME EMPLOYMENT.—An individual shall not be denied regular compensation under the State law’s provisions relating to availability for work, active search for work, or refusal to accept work, solely by virtue of the fact that such individual is seeking, or is available for, only part-time (and not full-time) work, if—

(i) the individual’s employment on which eligibility for the regular compensation is based was part-time employment; or

(ii) the individual can show good cause for seeking, or being available for, only part-time (and not full-time) work.

(C) INCREASED BENEFITS.—

(i) IN GENERAL.—The amount of regular compensation (including dependents’ allowances) payable for any week shall be equal to the amount determined under the State law (before the application of this subparagraph), plus an amount equal to the greater of—

(I) 15 percent of the amount so

determined; or

(II) \$25.

1 (ii) ROUNDING.—For purposes of de-
 2 termining the amount under clause (i)(I),
 3 such amount shall be rounded to the dollar
 4 amount specified under State law.

5 (c) NONREDUCTION RULE.—Under the agreement,
 6 subsection (b)(2)(C) shall not apply (or shall cease to
 7 apply) with respect to a State upon a determination by
 8 the Secretary that the method governing the computation
 9 of regular compensation under the State law of that State
 10 has been modified in a way such that the average weekly
 11 amount of regular compensation which will be payable
 12 during the period of the agreement (determined dis-
 13 regarding any temporary enhanced regular unemployment
 14 compensation) will be less than the average weekly amount
 15 of regular compensation which would otherwise have been
 16 payable during such period under the State law, as in ef-
 17 fect on September 11, 2001.

18 (d) COORDINATION RULES.—

19 (1) REGULAR COMPENSATION PAYABLE UNDER
 20 A FEDERAL LAW.—The conditions described in sub-
 21 paragraphs (A), (B), and (C) of subsection (b)(2)
 22 shall also apply in determining the amount of bene-
 23 fits payable under any Federal law to the extent
 24 that those benefits are determined by reference to

1 regular compensation payable under the State law of
2 the State involved.

3 (2) TEMPORARY SUPPLEMENTAL UNEMPLOY-
4 MENT COMPENSATION TO SERVE AS SECOND-TIER
5 BENEFITS.—Notwithstanding any other provision of
6 law, neither regular compensation, temporary en-
7 hanced regular unemployment compensation, ex-
8 tended compensation, nor additional unemployment
9 compensation under any Federal or State law shall
10 be payable to any individual for any week for which
11 temporary supplemental unemployment compensa-
12 tion is payable to such individual.

13 (3) TREATMENT OF OTHER UNEMPLOYMENT
14 COMPENSATION.—After the date on which a State
15 enters into an agreement under this title, any reg-
16 ular compensation (or, as the case may be, tem-
17 porary enhanced regular unemployment compensa-
18 tion) in excess of 26 weeks, any extended compensa-
19 tion, and any additional compensation under any
20 Federal or State law shall be payable to an indi-
21 vidual in accordance with the State law after such
22 individual has exhausted any rights to temporary
23 supplemental unemployment compensation under the
24 agreement.

1 (e) EXHAUSTION OF BENEFITS.—For purposes of
 2 subsection (b)(1)(B)(i)(I), an individual shall be consid-
 3 ered to have exhausted such individual's rights to regular
 4 compensation (or, as the case may be, rights to temporary
 5 enhanced regular unemployment compensation) under a
 6 State law when—

7 (1) no payments of regular compensation can
 8 be made under such law because the individual has
 9 received all such compensation available to the indi-
 10 vidual based on employment or wages during the in-
 11 dividual's base period; or

12 (2) the individual's rights to such compensation
 13 have been terminated by reason of the expiration of
 14 the benefit year with respect to which such rights
 15 existed.

16 (f) WEEKLY BENEFIT AMOUNT, TERMS AND CONDI-
 17 TIONS, ETC. RELATING TO TEMPORARY SUPPLEMENTAL
 18 UNEMPLOYMENT COMPENSATION.—For purposes of any
 19 agreement under this title—

20 (1) the amount of temporary supplemental un-
 21 employment compensation which shall be payable to
 22 an individual for any week of total unemployment
 23 shall be equal to—

24 (A) the amount of regular compensation
 25 (including dependents' allowances) payable to

1 such individual under the State law for a week
2 for total unemployment during such individual's
3 benefit year; plus

4 (B) the amount of any temporary en-
5 hanced regular unemployment compensation
6 payable to such individual for a week for total
7 unemployment during such individual's benefit
8 year;

9 (2) the terms and conditions of the State law
10 which apply to claims for regular compensation and
11 to the payment thereof shall apply to claims for tem-
12 porary supplemental unemployment compensation
13 and the payment thereof, except where inconsistent
14 with the provisions of this title or with the regula-
15 tions or operating instructions of the Secretary pro-
16 mulgated to carry out this title; and

17 (3) the maximum amount of temporary supple-
18 mental unemployment compensation payable to any
19 individual for whom a temporary supplemental un-
20 employment compensation account is established
21 under section 103 shall not exceed the amount es-
22 tablished in such account for such individual.

1 **SEC. 103. TEMPORARY SUPPLEMENTAL UNEMPLOYMENT**
2 **COMPENSATION ACCOUNT.**

3 (a) IN GENERAL.—Any agreement under this title
4 shall provide that the State will establish, for each eligible
5 individual who files an application for temporary supple-
6 mental unemployment compensation, a temporary supple-
7 mental unemployment compensation account.

8 (b) AMOUNT IN ACCOUNT.—

9 (1) IN GENERAL.—The amount established in
10 an account under subsection (a) shall be equal to the
11 greater of—

12 (A) 50 percent of—

13 (i) the total amount of regular com-
14 pensation (including dependents' allow-
15 ances) payable to the individual during the
16 individual's benefit year under such law;
17 plus

18 (ii) the amount of any temporary en-
19 hanced regular unemployment compensa-
20 tion payable to the individual during the
21 individual's benefit year; or

22 (B) 13 times the individual's weekly ben-
23 efit amount.

24 (2) WEEKLY BENEFIT AMOUNT.—For purposes
25 of paragraph (1)(B), an individual's weekly benefit
26 amount for any week is an amount equal to—

1 (A) the amount of regular compensation
 2 (including dependents' allowances) under the
 3 State law payable to the individual for such
 4 week for total unemployment; plus

5 (B) the amount of any temporary en-
 6 hanced regular unemployment compensation
 7 payable to the individual for such week for total
 8 unemployment.

9 **SEC. 104. PAYMENTS TO STATES HAVING AGREEMENTS**
 10 **UNDER THIS TITLE.**

11 (a) GENERAL RULE.—There shall be paid to each
 12 State which has entered into an agreement under this title
 13 an amount equal to—

14 (1) 100 percent of any temporary enhanced reg-
 15 ular unemployment compensation made payable to
 16 individuals by such State by virtue of the conditions
 17 which are described in section 102(b)(2) and deemed
 18 to be in effect with respect to such State pursuant
 19 to such section;

20 (2) 100 percent of any regular compensation—

21 (A) which is paid to individuals by such
 22 State by reason of the fact that its State law
 23 contains provisions comparable to the condi-
 24 tions described in subparagraphs (A) and (B)
 25 of section 102(b)(2); but only

1 (B) to the extent that those amounts
2 would, if such amounts were instead payable by
3 virtue of the State law's being deemed to be in
4 compliance with such conditions pursuant to
5 such section, have been reimbursable under
6 paragraph (1); and

7 (3) 100 percent of the temporary supplemental
8 unemployment compensation paid to individuals by
9 the State pursuant to such agreement.

10 (b) DETERMINATION OF AMOUNT.—Sums under sub-
11 section (a) payable to any State by reason of such State
12 having an agreement under this title shall be payable, ei-
13 ther in advance or by way of reimbursement (as may be
14 determined by the Secretary), in such amounts as the Sec-
15 retary estimates the State will be entitled to receive under
16 this title for each calendar month, reduced or increased,
17 as the case may be, by any amount by which the Secretary
18 finds that the Secretary's estimates for any prior calendar
19 month were greater or less than the amounts which should
20 have been paid to the State. Such estimates may be made
21 on the basis of such statistical, sampling, or other method
22 as may be agreed upon by the Secretary and the State
23 agency of the State involved.

24 (c) ADMINISTRATIVE EXPENSES, ETC.—There is
25 hereby appropriated, without fiscal year limitation, out of

1 the employment security administration account of the
2 Unemployment Trust Fund (as established by section
3 901(a) of the Social Security Act (42 U.S.C. 1101(a)))
4 \$500,000,000 to reimburse States for the costs of the ad-
5 ministration of agreements under this title (including any
6 improvements in technology in connection therewith) and
7 to provide reemployment services to unemployment com-
8 pensation claimants in States having agreements under
9 this title. Each State's share of the amount appropriated
10 by the preceding sentence shall be determined by the Sec-
11 retary according to the factors described in section 302(a)
12 of the Social Security Act (42 U.S.C. 501(a)) and certified
13 by the Secretary to the Secretary of the Treasury.

14 **SEC. 105. FINANCING PROVISIONS.**

15 (a) IN GENERAL.—Funds in the extended unemploy-
16 ment compensation account (as established by section
17 905(a) of the Social Security Act (42 U.S.C. 1105(a))),
18 and the Federal unemployment account (as established by
19 section 904(g) of such Act (42 U.S.C. 1104(g))), of the
20 Unemployment Trust Fund (as established by section
21 904(a) of such Act (42 U.S.C. 1104(a))) shall be used,
22 in accordance with subsection (b), for the making of pay-
23 ments (described in section 104(a)) to States having
24 agreements entered into under this title.

1 (b) CERTIFICATION.—The Secretary shall from time
 2 to time certify to the Secretary of the Treasury for pay-
 3 ment to each State the sums described in section 104(a)
 4 which are payable to such State under this title. The Sec-
 5 retary of the Treasury, prior to audit or settlement by the
 6 General Accounting Office, shall make payments to the
 7 State in accordance with such certification by transfers
 8 from the extended unemployment compensation account,
 9 as so established (or, to the extent that there are insuffi-
 10 cient funds in that account, from the Federal unemploy-
 11 ment account, as so established) to the account of such
 12 State in the Unemployment Trust Fund (as so estab-
 13 lished).

14 **SEC. 106. FRAUD AND OVERPAYMENTS.**

15 (a) IN GENERAL.—If an individual knowingly has
 16 made, or caused to be made by another, a false statement
 17 or representation of a material fact, or knowingly has
 18 failed, or caused another to fail, to disclose a material fact,
 19 and as a result of such false statement or representation
 20 or of such nondisclosure such individual has received any
 21 temporary enhanced regular unemployment compensation
 22 or temporary supplemental unemployment compensation
 23 under this title to which such individual was not entitled,
 24 such individual—

1 (1) shall be ineligible for any further benefits
2 under this title in accordance with the provisions of
3 the applicable State unemployment compensation
4 law relating to fraud in connection with a claim for
5 unemployment compensation; and

6 (2) shall be subject to prosecution under section
7 1001 of title 18, United States Code.

8 (b) REPAYMENT.—In the case of individuals who
9 have received any temporary enhanced regular unemploy-
10 ment compensation or temporary supplemental unemploy-
11 ment compensation under this title to which such individ-
12 uals were not entitled, the State shall require such individ-
13 uals to repay those benefits to the State agency, except
14 that the State agency may waive such repayment if it de-
15 termines that—

16 (1) the payment of such benefits was without
17 fault on the part of any such individual; and

18 (2) such repayment would be contrary to equity
19 and good conscience.

20 (c) RECOVERY BY STATE AGENCY.—

21 (1) IN GENERAL.—The State agency may re-
22 cover the amount to be repaid, or any part thereof,
23 by deductions from any regular compensation, tem-
24 porary enhanced regular unemployment compensa-
25 tion, or temporary supplemental unemployment com-

1 pensation payable to such individual under this title
2 or from any unemployment compensation payable to
3 such individual under any Federal unemployment
4 compensation law administered by the State agency
5 or under any other Federal law administered by the
6 State agency which provides for the payment of any
7 assistance or allowance with respect to any week of
8 unemployment, during the 3-year period after the
9 date such individuals received the payment of the
10 temporary enhanced regular unemployment com-
11 pensation or temporary supplemental unemployment
12 compensation to which such individuals were not en-
13 titled, except that no single deduction may exceed
14 50 percent of the weekly benefit amount from which
15 such deduction is made.

16 (2) OPPORTUNITY FOR HEARING.—No repay-
17 ment shall be required, and no deduction shall be
18 made, until a determination has been made, notice
19 thereof and an opportunity for a fair hearing has
20 been given to the individual, and the determination
21 has become final.

22 (d) REVIEW.—Any determination by a State agency
23 under this section shall be subject to review in the same
24 manner and to the same extent as determinations under

1 the State unemployment compensation law, and only in
2 that manner and to that extent.

3 **SEC. 107. DEFINITIONS.**

4 In this title the terms “compensation”, “regular com-
5 pensation”, “extended compensation”, “additional com-
6 pensation”, “benefit year”, “base period”, “State”, “State
7 agency”, “State law”, and “week” have the respective
8 meanings given such terms under section 205 of the Fed-
9 eral-State Extended Unemployment Compensation Act of
10 1970.

11 **SEC. 108. APPLICABILITY.**

12 (a) IN GENERAL.—An agreement entered into under
13 this title shall apply to weeks of unemployment—

14 (1) beginning after the date on which such
15 agreement is entered into; and

16 (2) ending before January 1, 2003.

17 (b) SPECIFIC RULES.—

18 (1) IN GENERAL.—Under such an agreement,
19 the following rules shall apply:

20 (A) ALTERNATIVE BASE PERIODS.—

21 (i) APPLICABILITY.—The payment of
22 temporary enhanced regular unemployment
23 compensation by reason of the condition
24 described in section 102(b)(2)(A) (relating
25 to alternative base periods) shall not apply

except in the case of initial claims filed on
or after the first day of the week that in-
cludes September 11, 2001.

(ii) NONRETROACTIVITY.—The weekly
benefit amount payable with respect to
weeks of regular compensation and tem-
porary supplemental unemployment com-
pensation shall not be recalculated as a re-
sult of the application of the condition de-
scribed in clause (i) with respect to an in-
dividual who was receiving any unemploy-
ment compensation as of the date on which
the State enters into such an agreement.

(B) PART-TIME EMPLOYMENT AND IN-
CREASED BENEFITS.—The payment of tem-
porary enhanced regular unemployment com-
pensation by reason of the conditions described
in subparagraphs (B) and (C) of section
102(b)(2) (relating to part-time employment
and increased benefits, respectively) shall apply
to weeks of unemployment described in sub-
section (a), regardless of the date on which an
individual's initial claim for benefits is filed.

(C) ELIGIBILITY FOR TEMPORARY SUPPLE-
MENTAL UNEMPLOYMENT COMPENSATION.—

1 The payment of temporary supplemental unem-
 2 ployment compensation pursuant to section
 3 102(b)(1)(B) shall not apply except in the case
 4 of individuals who meet either the condition de-
 5 scribed in subclause (I) or subclause (II) of
 6 clause (i) of such section on or after the first
 7 day of the week that includes September 11,
 8 2001.

9 (2) REAPPLICATION PROCESS.—

10 (A) ALTERNATIVE BASE PERIODS.—In the
 11 case of an individual who filed an initial claim
 12 for regular compensation on or after the first
 13 day of the week that includes September 11,
 14 2001, and before the date that the State en-
 15 tered into an agreement under subsection (a)(1)
 16 that was denied as a result of the application
 17 of the base period that applied under the State
 18 law prior to the date on which the State entered
 19 into the such agreement, such individual—

20 (i) may refile a claim for temporary
 21 enhanced regular unemployment compensa-
 22 tion based on the condition described in
 23 section 102(b)(2)(A) (relating to alter-
 24 native base periods) on or after the date on
 25 which the State enters into such agreement

1 and before the date on which such agree-
2 ment terminates; and

3 (ii) if eligible, shall be entitled to such
4 compensation only for weeks of unemploy-
5 ment described in subsection (a) beginning
6 on or after the date on which the indi-
7 vidual files such claim.

8 (B) PART-TIME EMPLOYMENT.—In the
9 case of an individual who before the date that
10 the State entered into an agreement under sub-
11 section (a)(1) was denied regular compensation
12 under the State law's provisions relating to
13 availability for work, active search for work, or
14 refusal to accept work, solely by virtue of the
15 fact that such individual is seeking, or available
16 for, only part-time (and not full-time) work,
17 such individual—

18 (i) may refile a claim for temporary
19 enhanced regular unemployment compensa-
20 tion based on the condition described in
21 section 102(b)(2)(B) (relating to part-time
22 employment) on or after the date on which
23 the State enters into the agreement under
24 subsection (a)(1) and before the date on
25 which such agreement terminates; and

1 (ii) if eligible, shall be entitled to such
2 compensation only for weeks of unemploy-
3 ment described in subsection (a) beginning
4 on or after the date on which the indi-
5 vidual files such claim.

6 (3) NO RETROACTIVE PAYMENTS FOR WEEKS
7 PRIOR TO AGREEMENT.—No amounts shall be pay-
8 able to an individual under an agreement entered
9 into under this title for any week of unemployment
10 prior to the week beginning after the date on which
11 such agreement is entered into.

12 **SEC. 109. RULE OF CONSTRUCTION REGARDING CHANGES**
13 **TO STATE LAW.**

14 Nothing in this title shall be construed as requiring
15 a State to modify the laws of such State in order to enter
16 into an agreement under this title or to comply with the
17 provisions of the agreement described in section 102(b).

1 **TITLE II—HEALTH INSURANCE**
 2 **COVERAGE OPTIONS FOR RE-**
 3 **CENTLY UNEMPLOYED INDIVIDUALS**
 4 **AND THEIR FAMILIES**
 5 **LIES**

6 **SEC. 201. PREMIUM ASSISTANCE FOR COBRA CONTINU-**
 7 **ATION COVERAGE FOR INDIVIDUALS AND**
 8 **THEIR FAMILIES.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—Not later than 30 days after
 11 the date of enactment of this Act, the Secretary of
 12 the Treasury, in consultation with the Secretary of
 13 Labor, shall establish a program under which 75
 14 percent of the premium for COBRA continuation
 15 coverage shall be provided for an individual who—

16 (A) at any time during the period that be-
 17 gins on September 11, 2001, and ends on De-
 18 cember 31, 2002, is separated from employ-
 19 ment; and

20 (B) is eligible for, and has elected coverage
 21 under, COBRA continuation coverage.

22 (2) INCLUSION OF CERTAIN OTHER INDIVID-
 23 UALS.—

24 (A) IN GENERAL.—For purposes of para-
 25 graph (1), the spouse, child, or other individual

1 who was an insured under health insurance cov-
2 erage of an individual who was killed as a result
3 of the terrorist-related aircraft crashes on Sep-
4 tember 11, 2001, or as a result of any other
5 terrorist-related event occurring during the pe-
6 riod described in that paragraph, and who is el-
7 igible for, and has elected coverage under,
8 COBRA continuation coverage shall be eligible
9 for premium assistance under the program es-
10 tablished under this section.

11 (B) OTHER INDIVIDUALS.—For purposes
12 of paragraph (1), an individual who, at any
13 time during the period described in paragraph
14 (1)(A)—

15 (i) elects to take a voluntary leave
16 program offered by their employer after
17 the employer has announced that employee
18 separations will occur as a result of the
19 terrorist-related aircraft crashes on Sep-
20 tember 11, 2001, or as a result of any
21 other terrorist-related event occurring dur-
22 ing the period described in that paragraph;

23 (ii) is eligible under such voluntary
24 leave program, and has elected, to continue
25 their health insurance coverage under a

group health plan through payment of 100 percent of the premium for such coverage; and

(iii) is not eligible for COBRA continuation coverage,

shall be eligible for premium assistance for 75 percent of the premium for such health insurance coverage under the program established under this section in the same manner as an individual who is eligible for premium assistance under this section for COBRA continuation coverage.

(3) TEMPORARY EXTENSION OF ELECTION PERIOD FOR CERTAIN SEPARATED INDIVIDUALS.—Notwithstanding any other provision of law, the election period for COBRA continuation coverage with respect to any individual who meets the requirements of paragraph (1)(A), but for whom such period has expired as of the date of the enactment of this Act, shall not end before the date that is 60 days after the date the individual receives the supplemental notice required under subsection (g)(3).

(4) IMMEDIATE IMPLEMENTATION.—The program established under this section shall be implemented without regard to whether or not final regu-

1 lations to carry out such program have been promul-
 2 gated by the date described in paragraph (1).

3 (b) LIMITATION OF PERIOD OF PREMIUM ASSIST-
 4 ANCE.—

5 (1) IN GENERAL.—Premium assistance pro-
 6 vided in accordance with this section shall end with
 7 respect to an individual on the earlier of—

8 (A) the date the individual is no longer
 9 covered under COBRA continuation coverage;
 10 or

11 (B) 12 months after the date the indi-
 12 vidual is first enrolled in the premium assist-
 13 ance program established under this section.

14 (2) NO ASSISTANCE AFTER DECEMBER 31,
 15 2002.—No premium assistance may be provided
 16 under this section for any month beginning after
 17 December 31, 2002.

18 (c) PAYMENT ARRANGEMENTS; CREDITING OF AS-
 19 SISTANCE.—

20 (1) PROVISION OF ASSISTANCE.—

21 (A) DIRECT PAYMENT ARRANGEMENTS.—

22 (i) IN GENERAL.—Premium assistance
 23 shall be provided under the program estab-
 24 lished under this section through direct
 25 payment arrangements with a group health

1 plan (including a multiemployer plan), an
2 issuer of health insurance coverage, an ad-
3 ministrator, an employer, or other entity,
4 that collects the monthly premium for the
5 COBRA continuation coverage for such in-
6 dividual, as appropriate with respect to the
7 individual provided such assistance.

8 (ii) IMMEDIATE, PROVISIONAL PAY-
9 MENT OF ASSISTANCE.—Payment of such
10 assistance shall commence beginning with
11 the month in which the Secretary of the
12 Treasury receives a copy of the eligibility
13 and enrollment forms completed by the in-
14 dividual in accordance with subsection (g).
15 The payment of such assistance shall be
16 subject to verification by the Secretary of
17 the Treasury or the Secretary of Labor of
18 the individual's eligibility for such assist-
19 ance.

20 (B) ADVANCE PAYMENT; RETROSPECTIVE
21 ADJUSTMENT.—The Secretary of the Treasury
22 may make payments under this section for each
23 month on the basis of advance estimates of the
24 assistance to be provided under this section and
25 such other investigation as the Secretary of the

1 Treasury may find necessary, and may reduce
2 or increase the payments as necessary to adjust
3 for any overpayment or underpayment for prior
4 months.

5 (2) PREMIUMS PAYABLE BY INDIVIDUAL RE-
6 DUCED BY AMOUNT OF ASSISTANCE.—Premium as-
7 sistance provided under this section shall be credited
8 by the group health plan, issuer of health insurance
9 coverage, or an administrator against the premium
10 otherwise owed by the individual involved for
11 COBRA continuation coverage. Such coverage shall
12 not be terminated based on a failure to pay the full
13 amount of the monthly premium owed for the cov-
14 erage if an individual is current with the non-sub-
15 sidized portion of the monthly premium for the cov-
16 erage.

17 (d) APPLICATION OF FRAUD PREVENTION PROVI-
18 SIONS.—Sections 1128A and 1128B of the Social Security
19 Act (42 U.S.C. 1320a–7a, 1320a–7b) shall apply to the
20 provision of premium assistance under this section.

21 (e) LIMITATION ON ENTITLEMENT.—Nothing in this
22 section shall be construed as establishing any entitlement
23 of individuals described in paragraph (1) or (2) of sub-
24 section (a) to premium assistance under this section.

1 (f) DISREGARD OF SUBSIDIES FOR PURPOSES OF
 2 FEDERAL AND STATE PROGRAMS.—Notwithstanding any
 3 other provision of law, any premium assistance provided
 4 to, or on behalf of, an individual under this section, shall
 5 not be considered income or resources in determining eligi-
 6 bility for, or the amount of assistance or benefits provided
 7 under, any other Federal public benefit or State or local
 8 public benefit.

9 (g) IMPLEMENTATION REQUIREMENTS.—

10 (1) CHANGE IN COBRA NOTICE.—

11 (A) IN GENERAL.—In the case of notices
 12 provided under section 4980B(f)(6) of the In-
 13 ternal Revenue Code of 1986, section 2206 of
 14 the Public Health Service Act (42 U.S.C.
 15 300bb–6), section 606 of the Employee Retire-
 16 ment Income Security Act of 1974 (29 U.S.C.
 17 1166), or section 8905a(f)(2)(A) of title 5,
 18 United States Code, with respect to individuals
 19 who, during the period described in subsection
 20 (a)(1)(A), become entitled to elect COBRA con-
 21 tinuation coverage, such notices shall include an
 22 additional notification to the recipient of the
 23 availability of premium assistance for such cov-
 24 erage under this section and for temporary
 25 medicaid assistance under section 203 for the

1 remaining portion of COBRA continuation pre-
2 miums, in accordance with the requirements of
3 this subsection.

4 (B) ALTERNATIVE NOTICE.—In the case of
5 COBRA continuation coverage to which the no-
6 tice provision under such sections does not
7 apply, the Secretary of the Treasury, in con-
8 sultation with the Secretary of Labor, shall, in
9 coordination with administrators of the group
10 health plans (or other entities) that provide or
11 administer the COBRA continuation coverage
12 involved, assure the provision of such notice.

13 (C) FORM.—The requirement of the addi-
14 tional notification under this paragraph may be
15 met by amendment of existing notice forms or
16 by inclusion of a separate document with the
17 notice otherwise required.

18 (2) SPECIFIC REQUIREMENTS.—Each additional
19 notification under paragraph (1) shall include the
20 following:

21 (A) The forms necessary for establishing
22 eligibility and enrollment in the premium assist-
23 ance program established under this section in
24 connection with the COBRA continuation cov-

1 erage with respect to individuals described in
2 paragraph (1) or (2) of subsection (a).

3 (B) The following displayed in a prominent
4 manner:

5 (i) The name, address, and telephone
6 number necessary to contact the employer,
7 administrator, and any other person main-
8 taining relevant information in connection
9 with how to enroll for the premium assist-
10 ance.

11 (ii) The toll-free telephone number
12 and Internet website address established
13 under paragraph (4)(A)(i).

14 (iii) The name, address, and telephone
15 number for the group health plan (includ-
16 ing a multiemployer plan), issuer of health
17 insurance coverage, administrator, an em-
18 ployer, or other entity (as appropriate with
19 respect to the individual) that will collect
20 the monthly premium for such coverage,
21 specifying that the eligibility and enroll-
22 ment forms are to be completed by the in-
23 dividual and sent to such entity.

24 (iv) The following statement:

1 “You may be eligible to receive assistance with pay-
 2 ment of 75 percent of your COBRA continuation coverage
 3 premiums and with temporary medicaid coverage for the
 4 remaining premium portion for a duration of not to exceed
 5 12 months. This assistance will not be available after De-
 6 cember 31, 2002. Return the enclosed eligibility and en-
 7 rollment forms as soon as possible to the address speci-
 8 fied.”.

9 (C) The dollar amount equal to 25 percent
 10 of the monthly 2002 premium that would be
 11 owed during 2002 by each the individual for the
 12 coverage if the individual is eligible for, and en-
 13 rolls in, the program established under this sec-
 14 tion.

15 (3) SUPPLEMENTAL NOTICE FOR INDIVIDUALS
 16 PREVIOUSLY PROVIDED NOTICE OR WHOSE ELEC-
 17 TION PERIOD IS TEMPORARILY EXTENDED.—In the
 18 case of such notices previously transmitted before
 19 the date of enactment of this Act in the case of an
 20 individual described in paragraph (1) or subsection
 21 (a)(2) who has elected (or is still eligible to elect, in-
 22 cluding as a result of subsection (a)(3)) COBRA
 23 continuation coverage as of the date of enactment of
 24 this Act, the employer, administrator, or other entity
 25 involved, or the Secretary of the Treasury, in con-

sultation with the Secretary of Labor, (in the case described in the paragraph (1)(B)) shall provide (within the period required under paragraph (4)(C)(i)) for the additional notification required to be provided under this subsection.

(4) REQUIRED TIMELINE.—

(A) SECRETARY OF LABOR.—Not later than 15 days after the date of enactment of this Act, the Secretary of Labor shall—

(i) establish a toll-free telephone number and an Internet website to provide information and answer inquiries about the program established under this section;

(ii) prescribe models for the additional notification required under this subsection and the forms necessary for establishing eligibility and enrollment in the program, in accordance with the requirements of this subsection; and

(iii) consult with the Secretary of the Treasury regarding the additional notification required for individuals described in paragraph (1)(B).

(B) SECRETARY OF THE TREASURY.—Not later than 15 days after the date of enactment

1 of this Act, the Secretary of the Treasury
2 shall—

3 (i) notify each covered employer of the
4 program established under this section and
5 the additional notification required under
6 this subsection;

7 (ii) make the model notification, and
8 eligibility and enrollment forms prescribed
9 by the Secretary of Labor under subpara-
10 graph (A)(ii) available to each such cov-
11 ered employer; and

12 (iii) provide, in consultation with the
13 Secretary of Labor, the additional notifica-
14 tion required for individuals described in
15 paragraph (1)(B).

16 (C) COVERED EMPLOYERS.—Not later
17 than 15 days after the model notification and
18 eligibility and enrollment forms are made avail-
19 able under subparagraph (B)(ii), each covered
20 employer or their designee shall—

21 (i) provide the additional notification
22 required under this subsection to the indi-
23 viduals described in paragraph (3) (other
24 than such individuals who are also de-
25 scribed in paragraph (1)(B)); and

1 (ii) be able to comply with such addi-
2 tional notification requirement in the case
3 of any individual described in paragraph
4 (1)(A).

5 (D) DEFINITION OF COVERED EM-
6 PLOYER.—For purposes of this section, the
7 term “covered employer” means, for any cal-
8 endar year, any person on whom an excise tax
9 is imposed under section 3111 or 1401 of the
10 Internal Revenue Code of 1986 with respect to
11 having an individual in the person’s employ to
12 whom wages are paid by such person during
13 such calendar year.

14 (h) REPORTS.—Beginning on January 1, 2002, and
15 every 3 months thereafter until January 1, 2003, the Sec-
16 retary of the Treasury shall submit a report to Congress
17 regarding the premium assistance program established
18 under this section that includes the following:

19 (1) The status of the implementation of the
20 program.

21 (2) The number of individuals provided assist-
22 ance under the program as of the date of the report.

23 (3) The average dollar amount (monthly and
24 annually) of the premium assistance provided under
25 the program.

1 (4) The total amount of expenditures incurred
 2 (with administrative expenditures noted separately)
 3 under the program as of the date of the report.

4 (i) APPROPRIATION.—

5 (1) IN GENERAL.—Out of any funds in the
 6 Treasury not otherwise appropriated, there is appro-
 7 priated to carry out this section, such sums as are
 8 necessary for each of fiscal years 2002 and 2003.

9 (2) OBLIGATION OF FUNDS.—This section con-
 10 stitutes budget authority in advance of appropria-
 11 tions Acts and represents the obligation of the Fed-
 12 eral Government to provide for the payment of pre-
 13 mium assistance under this section.

14 (j) SUNSET.—No premium assistance may be pro-
 15 vided under this section for any month beginning after De-
 16 cember 31, 2002.

17 **SEC. 202. STATE OPTION TO PROVIDE TEMPORARY MED-**
 18 **ICAID COVERAGE FOR CERTAIN UNINSURED**
 19 **INDIVIDUALS.**

20 (a) STATE OPTION.—Notwithstanding any other pro-
 21 vision of law, a State may elect to provide under its med-
 22 icaid program under title XIX of the Social Security Act
 23 medical assistance in the case of an individual—

1 (1) who at any time during the period that be-
 2 gins on September 11, 2001, and ends on December
 3 31, 2002, is separated from employment;

4 (2) who is not eligible for COBRA continuation
 5 coverage;

6 (3) who is uninsured; and

7 (4) whose assets, resources, and earned or un-
 8 earned income (or both) do not exceed such limita-
 9 tions (if any) as the State may establish.

10 (b) LIMITATION OF PERIOD OF COVERAGE.—Medical
 11 assistance provided in accordance with this section shall
 12 end with respect to an individual on the earlier of—

13 (1) the date the individual is no longer unin-
 14 sured; or

15 (2) subject to subsection (c)(4), 12 months
 16 after the date the individual first receives such as-
 17 sistance.

18 (c) SPECIAL RULES.—In the case of medical assist-
 19 ance provided under this section—

20 (1) the Federal medical assistance percentage
 21 under section 1905(b) of the Social Security Act (42
 22 U.S.C. 1396d(b)) shall be the enhanced FMAP (as
 23 defined in section 2105(b) of such Act (42 U.S.C.
 24 1397ee(b)));

1 (2) a State may elect to apply any income,
2 asset, or resource limitation permitted under the
3 State medicaid plan or under title XIX of such Act;

4 (3) the provisions of section 1916(g) of the So-
5 cial Security Act (42 U.S.C. 1396o) shall apply to
6 the provision of such assistance in the same manner
7 as the provisions of such section apply with respect
8 to individuals provided medical assistance only under
9 subclause (XV) or (XVI) of section
10 1902(a)(10)(A)(ii) of such Act (42 U.S.C.
11 1396a(a)(10)(A)(ii));

12 (4) a State may elect to provide such assistance
13 in accordance with section 1902(a)(34) of the Social
14 Security Act (42 U.S.C. 1396a(a)(34)) and any as-
15 sistance provided with respect to a month described
16 in that section shall not be included in the deter-
17 mination of the 12-month period under subsection
18 (b)(2);

19 (5) a State may elect to make eligible for such
20 medical assistance a dependent spouse or children of
21 an individual eligible for medical assistance under
22 subsection (a), if such spouse or children are unin-
23 sured;

24 (6) individuals eligible for medical assistance
25 under this section shall be deemed to be described

1 in the list of individuals described in the matter pre-
2 ceding paragraph (1) of section 1905(a) of such Act
3 (42 U.S.C. 1396d(a));

4 (7) a State may elect to provide such medical
5 assistance without regard to any limitation under
6 sections 401(a), 402(b), 403, and 421 of the Per-
7 sonal Responsibility and Work Opportunity Rec-
8 onciliation Act of 1996 (8 U.S.C. 1611(a), 1612(b),
9 1613, and 1631) and no debt shall accrue under an
10 affidavit of support against any sponsor of an indi-
11 vidual who is an alien who is provided such assist-
12 ance, and the cost of such assistance shall not be
13 considered as an unreimbursed cost; and

14 (8) the Secretary of Health and Human Serv-
15 ices shall not count, for purposes of section 1108(f)
16 of the Social Security Act (42 U.S.C. 1308(f)), such
17 amount of payments under this section as bears a
18 reasonable relationship to the average national pro-
19 portion of payments made under this section for the
20 50 States and the District of Columbia to the pay-
21 ments otherwise made under title XIX for such
22 States and District.

23 (d) SUNSET.—No medical assistance may be provided
24 under this section for any month beginning after Decem-
25 ber 31, 2002.

1 **SEC. 203. STATE OPTION TO PROVIDE TEMPORARY COV-**
 2 **ERAGE UNDER MEDICAID FOR THE UNSUB-**
 3 **SIDIZED PORTION OF COBRA CONTINUATION**
 4 **PREMIUMS.**

5 (a) STATE OPTION.—

6 (1) IN GENERAL.—Notwithstanding any other
 7 provision of law, a State may elect to provide under
 8 its medicaid program under title XIX of the Social
 9 Security Act medical assistance in the form of pay-
 10 ment for the portion of the premium for COBRA
 11 continuation coverage for which an individual does
 12 not receive a subsidy under the premium assistance
 13 program established under section 201 in the case of
 14 an individual—

15 (A) who at any time during the period that
 16 begins on September 11, 2001, and ends on De-
 17 cember 31, 2002, is separated from employ-
 18 ment;

19 (B) who is eligible for, and has elected cov-
 20 erage under, COBRA continuation coverage;

21 (C) who is receiving premium assistance
 22 under the program established under section
 23 201; and

24 (D) whose family income does not exceed
 25 200 percent of the poverty line.

1 (2) INCLUSION OF CERTAIN INDIVIDUALS.—For
 2 purposes of paragraph (1), the spouse, child, or
 3 other individual who was an insured under health in-
 4 surance coverage of an individual who was killed as
 5 a result of the terrorist-related aircraft crashes on
 6 September 11, 2001, or as a result of any other ter-
 7 rorist-related event occurring during the period de-
 8 scribed in that paragraph, and who satisfies the re-
 9 quirements of subparagraphs (B), (C), and (D) of
 10 paragraph (1) shall be eligible for medical assistance
 11 under this section.

12 (b) LIMITATION OF PERIOD OF COVERAGE.—Medical
 13 assistance provided in accordance with this section shall
 14 end with respect to an individual on the earlier of—

15 (1) the date the individual is no longer covered
 16 under COBRA continuation coverage; or

17 (2) 12 months after the date the individual first
 18 receives such assistance under this section.

19 (c) SPECIAL RULES.—In the case of medical assist-
 20 ance provided under this section—

21 (1) such assistance may be provided without re-
 22 gard to—

23 (A) whether the State otherwise has elect-
 24 ed to make medical assistance available for
 25 COBRA premiums under section

1 1902(a)(10)(F) of the Social Security Act (42
2 U.S.C. 1396a(a)(10)(F)); or

3 (B) the conditions otherwise imposed for
4 the provision of medical assistance for such
5 COBRA premiums under clause (XII) of the
6 matter following section 1902(a)(10)(G) of the
7 Social Security Act (42 U.S.C.
8 1396a(a)(10)(G)), or paragraphs (1)(B),
9 (1)(C), (1)(D), and (4) of section 1902(u) of
10 such Act (42 U.S.C. 1396a(u)); and

11 (2) paragraphs (1), (2), (4), (5), (7), and (8)
12 of subsection (c) of section 202 apply to such assist-
13 ance in the same manner as such paragraphs apply
14 to the provision of medical assistance under that sec-
15 tion.

16 (d) SUNSET.—No medical assistance may be provided
17 under this section for any month beginning after Decem-
18 ber 31, 2002.

19 **SEC. 204. TEMPORARY INCREASES OF MEDICAID FMAP FOR**
20 **FISCAL YEAR 2002.**

21 (a) PERMITTING MAINTENANCE OF FISCAL YEAR
22 2001 FMAP.—Notwithstanding any other provision of
23 law, but subject to subsection (d), if the FMAP deter-
24 mined without regard to this section for a State for fiscal
25 year 2002 is less than the FMAP as so determined for

1 fiscal year 2001, the FMAP for the State for fiscal year
 2 2001 shall be substituted for the State's FMAP for fiscal
 3 year 2002, before the application of this section.

4 (b) GENERAL 1.50 PERCENTAGE POINTS IN-
 5 CREASE.—Notwithstanding any other provision of law, but
 6 subject to subsections (d) and (e), for each State for each
 7 calendar quarter in fiscal year 2002, the FMAP (taking
 8 into account the application of subsection (a)) shall be in-
 9 creased by 1.50 percentage points.

10 (c) FURTHER INCREASE FOR STATES WITH HIGH
 11 UNEMPLOYMENT RATES.—

12 (1) IN GENERAL.—Notwithstanding any other
 13 provision of law, but subject to subsections (d) and
 14 (e), the FMAP for a high unemployment State for
 15 a calendar quarter in fiscal year 2002 (and any sub-
 16 sequent calendar quarter in such fiscal year regard-
 17 less of whether the State continues to be a high un-
 18 employment State for a calendar quarter in such fis-
 19 cal year) shall be increased (after the application of
 20 subsections (a) and (b)) by 1.50 percentage points.

21 (2) HIGH UNEMPLOYMENT STATE.—For pur-
 22 poses of this subsection, a State is a high unemploy-
 23 ment State for a calendar quarter if, for any 3 con-
 24 secutive months beginning on or after June 2001
 25 and ending with the second month before the begin-

1 ning of the calendar quarter, the State has an unem-
 2 ployment rate that exceeds the national average un-
 3 employment rate. Such unemployment rates for such
 4 months shall be determined based on publications of
 5 the Bureau of Labor Statistics of the Department of
 6 Labor.

7 (d) 1-YEAR INCREASE IN CAP ON MEDICAID PAY-
 8 MENTS TO TERRITORIES.—Notwithstanding any other
 9 provision of law, with respect to fiscal year 2002, the
 10 amounts otherwise determined for Puerto Rico, the Virgin
 11 Islands, Guam, the Northern Mariana Islands, and Amer-
 12 ican Samoa under section 1108 of the Social Security Act
 13 (42 U.S.C. 1308) shall each be increased by an amount
 14 equal to 3.093 percentage points of such amounts.

15 (e) SCOPE OF APPLICATION.—The increases in the
 16 FMAP for a State under this section shall apply only for
 17 purposes of title XIX of the Social Security Act and shall
 18 not apply with respect to—

19 (1) disproportionate share hospital payments
 20 described in section 1923 of such Act (42 U.S.C.
 21 1396r–4); and

22 (2) payments under titles IV and XXI of such
 23 Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

24 (f) STATE ELIGIBILITY.—A State is eligible for an
 25 increase in its FMAP under subsection (b) or (c) only if

1 the eligibility under its State plan under title XIX of the
 2 Social Security Act (including any waiver under such title
 3 or under section 1115 of such Act (42 U.S.C. 1315)) is
 4 no more restrictive than the eligibility under such plan (or
 5 waiver) as in effect on October 1, 2001.

6 **SEC. 205. DEFINITIONS.**

7 In this title:

8 (1) ADMINISTRATOR.—The term “adminis-
 9 trator” has the meaning given that term in section
 10 3(16)(A) of the Employee Retirement Income Secu-
 11 rity Act of 1974 (29 U.S.C. 1002(16)(A)).

12 (2) COBRA CONTINUATION COVERAGE.—

13 (A) IN GENERAL.—The term “COBRA
 14 continuation coverage” means coverage under a
 15 group health plan provided by an employer pur-
 16 suant to title XXII of the Public Health Service
 17 Act, section 4980B of the Internal Revenue
 18 Code of 1986, part 6 of subtitle B of title I of
 19 the Employee Retirement Income Security Act
 20 of 1974, or section 8905a of title 5, United
 21 States Code.

22 (B) APPLICATION IN STATES REQUIRING
 23 SUCH COVERAGE.—Such term includes such
 24 continuation coverage provided in a State that
 25 has enacted a law that requires such continu-

1 ation coverage even though the continuation
 2 coverage would not otherwise be required under
 3 the provisions of law referred to in subpara-
 4 graph (A).

5 (3) COVERED EMPLOYEE.—The term “covered
 6 employee” has the meaning given that term in sec-
 7 tion 607(2) of the Employee Retirement Income Se-
 8 curity Act of 1974 (29 U.S.C. 1167(2)).

9 (4) ELECTION PERIOD.—The term “election pe-
 10 riod” has the meaning given that term in section
 11 605(1) of the Employee Retirement Income Security
 12 Act of 1974 (29 U.S.C. 1165(1)).

13 (5) FEDERAL PUBLIC BENEFIT.—The term
 14 “Federal public benefit” has the meaning given that
 15 term in section 401(c) of the Personal Responsibility
 16 and Work Opportunity Reconciliation Act of 1996 (8
 17 U.S.C. 1611(c)).

18 (6) FMAP.—The term “FMAP” means the
 19 Federal medical assistance percentage, as defined in
 20 section 1905(b) of the Social Security Act (42
 21 U.S.C. 1396d(b)).

22 (7) GROUP HEALTH PLAN.—The term “group
 23 health plan” has the meaning given that term in sec-
 24 tion 2791(a) of the Public Health Service Act (42
 25 U.S.C. 300gg–91(a)), section 607(1) of the Em-

1 ployee Retirement Income Security Act of 1974 (29
 2 U.S.C. 1167(1)), and section 4980B(g)(2) of the In-
 3 ternal Revenue Code of 1986.

4 (8) HEALTH INSURANCE COVERAGE.—The term
 5 “health insurance coverage” has the meaning given
 6 that term in section 2791(b)(1) of the Public Health
 7 Service Act (42 U.S.C. 300gg–91(b)(1)).

8 (9) MULTIEMPLOYER PLAN.—The term “multi-
 9 employer plan” has the meaning given that term in
 10 section 3(37) of the Employee Retirement Income
 11 Security Act of 1974 (29 U.S.C. 1002(37)).

12 (10) POVERTY LINE.—The term “poverty line”
 13 has the meaning given that term in section
 14 2110(c)(5) of the Social Security Act (42 U.S.C.
 15 1397jj(c)(5)).

16 (11) STATE.—The term “State” has the mean-
 17 ing given such term for purposes of title XIX of the
 18 Social Security Act (42 U.S.C. 1396 et seq.).

19 (12) STATE OR LOCAL PUBLIC BENEFIT.—The
 20 term “State or local public benefit” has the meaning
 21 given that term in section 411(c) of the Personal
 22 Responsibility and Work Opportunity Reconciliation
 23 Act of 1996 (8 U.S.C. 1621(c)).

24 (13) UNINSURED.—

1 (A) IN GENERAL.—The term “uninsured”
2 means, with respect to an individual, that the
3 individual is not covered under—

4 (i) a group health plan;

5 (ii) health insurance coverage; or

6 (iii) a program under title XVIII,
7 XIX, or XXI of the Social Security Act
8 (other than under such title XIX pursuant
9 to section 202).

10 (B) EXCLUSION.—Such coverage under
11 clause (i) or (ii) shall not include coverage con-
12 sisting solely of coverage of excepted benefits
13 (as defined in section 2791(c) of the Public
14 Health Service Act (42 U.S.C. 300gg–91(c)).

Calendar No. 238

107TH CONGRESS
1ST SESSION

S. 1732

A BILL

To provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes.

NOVEMBER 28, 2001

Read the second time and placed on the calendar