

107TH CONGRESS
2D SESSION

S. 2221

To temporarily increase the Federal medical assistance percentage for the
medicaid program.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2002

Mr. ROCKEFELLER (for himself and Mr. SMITH of Oregon) introduced the
following bill; which was read twice and referred to the Committee on Finance

A BILL

To temporarily increase the Federal medical assistance
percentage for the medicaid program.

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. TEMPORARY INCREASE OF MEDICAID FMAP.**

4 (a) PERMITTING MAINTENANCE OF FISCAL YEAR
5 2001 FMAP FOR LAST 3 CALENDAR QUARTERS OF FIS-
6 CAL YEAR 2002.—Notwithstanding any other provision of
7 law, but subject to subsection (g), if the FMAP deter-
8 mined without regard to this section for a State for fiscal
9 year 2002 is less than the FMAP as so determined for
10 fiscal year 2001, the FMAP for the State for fiscal year

1 2001 shall be substituted for the State's FMAP for the
2 second, third, and fourth calendar quarters of fiscal year
3 2002, before the application of this section.

4 (b) PERMITTING MAINTENANCE OF FISCAL YEAR
5 2002 FMAP FOR FISCAL YEAR 2003.—Notwithstanding
6 any other provision of law, but subject to subsection (g),
7 if the FMAP determined without regard to this section
8 for a State for fiscal year 2003 is less than the FMAP
9 as so determined for fiscal year 2002, the FMAP for the
10 State for fiscal year 2002 shall be substituted for the
11 State's FMAP for each calendar quarter of fiscal year
12 2003, before the application of this section.

13 (c) PERMITTING MAINTENANCE OF FISCAL YEAR
14 2003 FMAP FOR FISCAL YEAR 2004.—Notwithstanding
15 any other provision of law, but subject to subsection (g),
16 if the FMAP determined without regard to this section
17 for a State for fiscal year 2004 is less than the FMAP
18 as so determined for fiscal year 2003, the FMAP for the
19 State for fiscal year 2003 shall be substituted for the
20 State's FMAP for each calendar quarter of fiscal year
21 2004, before the application of this section.

22 (d) GENERAL 1.50 PERCENTAGE POINTS INCREASE
23 THROUGH FISCAL YEAR 2004.—Notwithstanding any
24 other provision of law, but subject to subsections (g) and
25 (h), for each State for the second, third, and fourth cal-

1 endar quarters of fiscal year 2002 and each calendar quar-
 2 ter of fiscal years 2003 and 2004, the FMAP (taking into
 3 account the application of subsections (a), (b), and (c))
 4 shall be increased by 1.50 percentage points.

5 (e) FURTHER INCREASE FOR STATES WITH HIGH
 6 UNEMPLOYMENT RATES THROUGH FISCAL YEAR 2004.—

7 (1) IN GENERAL.—Notwithstanding any other
 8 provision of law, but subject to subsections (g) and
 9 (h), the FMAP for a high unemployment State for
 10 the second, third, and fourth calendar quarters of
 11 fiscal year 2002, or any calendar quarter of fiscal
 12 year 2003 or 2004, (and any subsequent such cal-
 13 endar quarters after the first such calendar quarter
 14 for which the State is a high unemployment State
 15 regardless of whether the State continues to be a
 16 high unemployment State for the subsequent such
 17 calendar quarters) shall be increased (after the ap-
 18 plication of subsections (a), (b), (c), and (d)) by
 19 1.50 percentage points.

20 (2) HIGH UNEMPLOYMENT STATE.—

21 (A) IN GENERAL.—For purposes of this
 22 subsection, a State is a high unemployment
 23 State for a calendar quarter if, for any 3 con-
 24 secutive months beginning on or after June
 25 2001 and ending with the second month before

the beginning of the calendar quarter, the State has an average seasonally adjusted unemployment rate that exceeds the average weighted unemployment rate during such period. Such unemployment rates for such months shall be determined based on publications of the Bureau of Labor Statistics of the Department of Labor.

(B) AVERAGE WEIGHTED UNEMPLOYMENT RATE DEFINED.—For purposes of subparagraph (A), the “average weighted unemployment rate” for a period is—

(i) the sum of the seasonally adjusted number of unemployed civilians in each State and the District of Columbia for the period; divided by

(ii) the sum of the civilian labor force in each State and the District of Columbia for the period.

(f) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, with respect to the second, third, and fourth calendar quarters of fiscal year 2002, and each calendar quarter of fiscal years 2003 and 2004, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under

1 section 1108 of the Social Security Act (42 U.S.C. 1308)
 2 shall each be increased by an amount equal to 6 percent-
 3 age points of such amounts.

4 (g) SCOPE OF APPLICATION.—The increases in the
 5 FMAP for a State under this section shall apply only for
 6 purposes of title XIX of the Social Security Act and shall
 7 not apply with respect to—

8 (1) disproportionate share hospital payments
 9 described in section 1923 of such Act (42 U.S.C.
 10 1396r-4); or

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

13 (h) STATE ELIGIBILITY.—A State is eligible for an
 14 increase in its FMAP under subsection (d) or (e) or an
 15 increase in a cap amount under subsection (f) only if the
 16 eligibility under its State plan under title XIX of the So-
 17 cial Security Act (including any waiver under such title
 18 or under section 1115 of such Act (42 U.S.C. 1315)) is
 19 no more restrictive than the eligibility under such plan (or
 20 waiver) as in effect on October 1, 2001.

21 (i) DEFINITIONS.—In this section:

22 (1) FMAP.—The term “FMAP” means the
 23 Federal medical assistance percentage, as defined in
 24 section 1905(b) of the Social Security Act (42
 25 U.S.C. 1396d(b)).

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

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