

108TH CONGRESS  
2D SESSION

# H. R. 3859

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

FEBRUARY 26, 2004

Ms. PELOSI (for herself, Mr. GEPHARDT, Mr. LEACH, Ms. ROS-LEHTINEN, Mr. HOYER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Ms. BALDWIN, Ms. BERKLEY, Mr. BOEHLERT, Mr. BONNER, Mrs. BONO, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DELAURO, Mr. DEUTSCH, Mr. DOGGETT, Mr. EMANUEL, Mr. FERGUSON, Mr. FILNER, Mr. FOLEY, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GARRETT of New Jersey, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHAY, Mr. HOFFEL, Mr. HOUGHTON, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. KELLY, Mr. KIRK, Mr. KLECZKA, Mr. LANTOS, Mr. LARSEN of Washington, Ms. LEE, Ms. LOFGREN, Mr. LYNCH, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. McNULTY, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NETHERCUTT, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RODRIGUEZ, Mr. ROTHMAN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SHIMKUS, Mr. SIMMONS, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. STARK, Mr. SWEENEY, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Mr. WALSH, Ms. WATERS, Mr. WAXMAN, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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 2004”.

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) is amended—

10 (1) in subsection (a)(10)(A)(ii)—

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

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

15 (C) by adding at the end the following:

16 “(XIX) who are described in sub-  
 17 section (cc) (relating to HIV-infected  
 18 individuals);”; and

19 (2) by adding at the end the following:

20 “(cc) HIV-infected individuals described in this sub-  
 21 section are individuals not described in subsection  
 22 (a)(10)(A)(i)—

23 “(1) who have HIV infection;

24 “(2) whose income (as determined under the  
 25 State plan under this title with respect to disabled

1 individuals) does not exceed the maximum amount  
 2 of income a disabled individual described in sub-  
 3 section (a)(10)(A)(i) may have and obtain medical  
 4 assistance under the plan; and

5 “(3) whose resources (as determined under the  
 6 State plan under this title with respect to disabled  
 7 individuals) do not exceed the maximum amount of  
 8 resources a disabled individual described in sub-  
 9 section (a)(10)(A)(i) may have and obtain medical  
 10 assistance under the plan.”.

11 (b) ENHANCED MATCH.—The first sentence of sec-  
 12 tion 1905(b) of the Social Security Act (42 U.S.C.  
 13 1396d(b)) is amended by striking “section  
 14 1902(a)(10)(A)(ii)(XVIII)” and inserting “subclause  
 15 (XVIII) or (XIX) of section 1902(a)(10)(A)(ii)”.

16 (c) CONFORMING AMENDMENTS.—Section 1905(a) of  
 17 the Social Security Act (42 U.S.C. 1396d(a)) is amended  
 18 in the matter preceding paragraph (1)—

19 (1) by striking “or” at the end of clause (xii);

20 (2) by adding “or” at the end of clause (xiii);

21 and

22 (3) by inserting after clause (xiii) the following:

23 “(xiv) individuals described in section  
 24 1902(cc);”.

1 (d) EXEMPTION FROM FUNDING LIMITATION FOR  
2 TERRITORIES.—Section 1108(g) of the Social Security  
3 Act (42 U.S.C. 1308(g)) is amended by adding at the end  
4 the following:

5 “(3) DISREGARDING MEDICAL ASSISTANCE FOR  
6 OPTIONAL LOW-INCOME HIV-INFECTED INDIVID-  
7 UALS.—The limitations under subsection (f) and the  
8 previous provisions of this subsection shall not apply  
9 to amounts expended for medical assistance for indi-  
10 viduals described in section 1902(cc) who are only  
11 eligible for such assistance on the basis of section  
12 1902(a)(10)(A)(ii)(XIX).”.

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

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