

107TH CONGRESS  
2D SESSION

# S. 2570

To temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 23, 2002

Ms. COLLINS (for herself, Mr. NELSON of Nebraska, Mr. HUTCHINSON, Mrs. LINCOLN, Mr. SMITH of Oregon, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To temporarily increase the Federal medical assistance percentage for the medicaid program, 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. TEMPORARY INCREASE OF MEDICAID FMAP.**

4 (a) PERMITTING MAINTENANCE OF FISCAL YEAR  
5 2001 FMAP FOR LAST 2 CALENDAR QUARTERS OF FIS-  
6 CAL YEAR 2002.—Notwithstanding any other provision of  
7 law, but subject to subsection (e), 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

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

5 (b) PERMITTING MAINTENANCE OF FISCAL YEAR  
6 2002 FMAP FOR FISCAL YEAR 2003.—Notwithstanding  
7 any other provision of law, but subject to subsection (e),  
8 if the FMAP determined without regard to this section  
9 for a State for fiscal year 2003 is less than the FMAP  
10 as so determined for fiscal year 2002, the FMAP for the  
11 State for fiscal year 2002 shall be substituted for the  
12 State's FMAP for each calendar quarter of fiscal year  
13 2003, before the application of this section.

14 (c) GENERAL 1 PERCENTAGE POINT INCREASE FOR  
15 LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2002  
16 AND FISCAL YEAR 2003.—Notwithstanding any other  
17 provision of law, but subject to subsections (e) and (f),  
18 for each State for the third and fourth calendar quarters  
19 of fiscal year 2002 and each calendar quarter of fiscal year  
20 2003, the FMAP (taking into account the application of  
21 subsections (a) and (b)) shall be increased by 1 percentage  
22 point.

23 (d) INCREASE IN CAP ON MEDICAID PAYMENTS TO  
24 TERRITORIES.—Notwithstanding any other provision of  
25 law, but subject to subsection (f), with respect to the third

1 and fourth calendar quarters of fiscal year 2002 and each  
2 calendar quarter of fiscal year 2003, the amounts other-  
3 wise determined for Puerto Rico, the Virgin Islands,  
4 Guam, the Northern Mariana Islands, and American  
5 Samoa under subsections (f) and (g) of section 1108 of  
6 the Social Security Act (42 U.S.C. 1308) shall each be  
7 increased by an amount equal to 2 percent of such  
8 amounts.

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

13 (1) disproportionate share hospital payments  
14 described in section 1923 of such Act (42 U.S.C.  
15 1396r-4); or

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

18 (f) STATE ELIGIBILITY.—

19 (1) IN GENERAL.—A State is eligible for an in-  
20 crease in its FMAP under subsection (e) or an in-  
21 crease in a cap amount under subsection (d) only if  
22 the eligibility under its State plan under title XIX  
23 of the Social Security Act (including any waiver  
24 under such title or under section 1115 of such Act  
25 (42 U.S.C. 1315)) is no more restrictive than the

1 eligibility under such plan (or waiver) as in effect on  
2 January 1, 2002.

3 (2) RULE OF CONSTRUCTION.—Nothing in  
4 paragraph (1) shall be construed as affecting a  
5 State’s flexibility with respect to benefits offered  
6 under the State medicaid program under title XIX  
7 of the Social Security Act (42 U.S.C. 1396 et seq.)  
8 (including any waiver under such title or under sec-  
9 tion 1115 of such Act (42 U.S.C. 1315)).

10 (g) DEFINITIONS.—In this section:

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

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

18 (h) REPEAL.—Effective as of October 1, 2003, this  
19 section is repealed.

20 **SEC. 2. ADDITIONAL TEMPORARY STATE FISCAL RELIEF.**

21 (a) IN GENERAL.—Title XX of the Social Security  
22 Act (42 U.S.C. 1397–1397f) is amended by adding at the  
23 end the following:

1 **“SEC. 2008. ADDITIONAL TEMPORARY GRANTS FOR STATE**  
 2 **FISCAL RELIEF.**

3 “(a) IN GENERAL.—For the purpose of providing  
 4 State fiscal relief allotments to States under this section,  
 5 there are hereby appropriated, out of any funds in the  
 6 Treasury not otherwise appropriated, \$4,430,280,000.  
 7 Such funds shall be available for obligation by the State  
 8 through June 30, 2004, and for expenditure by the State  
 9 through September 30, 2004. This section constitutes  
 10 budget authority in advance of appropriations Acts and  
 11 represents the obligation of the Federal Government to  
 12 provide for the payment to States of amounts provided  
 13 under this section.

14 “(b) ALLOTMENT.—Funds appropriated under sub-  
 15 section (a) shall be allotted by the Secretary among the  
 16 States in accordance with the following table:

“State	Allotment (in dollars)
Alabama	\$48,732,000
Alaska	\$12,715,000
Amer. Samoa	\$126,000
Arizona	\$67,139,000
Arkansas	\$36,666,000
California	\$459,264,000
Colorado	\$40,650,000
Connecticut	\$61,497,000
Delaware	\$11,920,000
District of Columbia	\$17,700,000
Florida	\$185,836,000
Georgia	\$98,525,000
Guam	\$193,000
Hawaii	\$13,378,000
Idaho	\$15,587,000
Illinois	\$156,504,000
Indiana	\$76,215,000
Iowa	\$38,784,000
Kansas	\$31,843,000
Kentucky	\$65,707,000
Louisiana	\$75,795,000
Maine	\$27,392,000
Maryland	\$65,445,000
Massachusetts	\$155,344,000
Michigan	\$133,966,000
Minnesota	\$83,144,000
Mississippi	\$48,596,000
Missouri	\$102,266,000

<b>“State</b>	<b>Allotment (in dollars)</b>
Montana	\$11,590,000
Nebraska	\$24,095,000
Nevada	\$14,595,000
New Hampshire	\$15,423,000
New Jersey	\$126,921,000
New Mexico	\$32,476,000
New York	\$693,453,000
North Carolina	\$127,427,000
North Dakota	\$8,382,000
N. Mariana Islands	\$71,000
Ohio	\$171,776,000
Oklahoma	\$45,262,000
Oregon	\$49,868,000
Pennsylvania	\$231,978,000
Puerto Rico	\$11,702,000
Rhode Island	\$24,185,000
South Carolina	\$57,178,000
South Dakota	\$9,177,000
Tennessee	\$119,003,000
Texas	\$232,167,000
Utah	\$18,074,000
Vermont	\$11,545,000
Virgin Islands	\$189,000
Virginia	\$63,699,000
Washington	\$96,068,000
West Virginia	\$29,260,000
Wisconsin	\$68,664,000
Wyoming	\$5,123,000
<b>Total</b>	<b>\$4,430,280,000</b>

1       “(c) USE OF FUNDS.—Funds appropriated under  
2 this section may be used by a State for services directed  
3 at the goals set forth in section 2001, subject to the re-  
4 quirements of this title.

5       “(d) PAYMENT TO STATES.—Not later than 30 days  
6 after amounts are appropriated under subsection (a), in  
7 addition to any payment made under section 2002 or  
8 2007, the Secretary shall make a lump sum payment to  
9 a State of the total amount of the allotment for the State  
10 as specified in subsection (b).

11       “(e) DEFINITION.—For purposes of this section, the  
12 term ‘State’ means the 50 States, the District of Colum-  
13 bia, and the territories contained in the list under sub-  
14 section (b).”.

1           (b) REPEAL.—Effective as of January 1, 2005, sec-  
2 tion 2008 of the Social Security Act, as added by sub-  
3 section (a), is repealed.

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