

107TH CONGRESS  
1ST SESSION

# S. 987

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 SENATE OF THE UNITED STATES

JUNE 5, 2001

Mr. TORRICELLI (for himself and Mr. KERRY) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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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 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-

1 ment Act of 2000 (Public Law 106–354; 114 Stat. 1381)  
 2 and section 702(b) of the Medicare, Medicaid, and SCHIP  
 3 Benefits Improvement and Protection Act of 2000 (as en-  
 4 acted into law by section 1(a)(6) of Public Law 106–554),  
 5 is amended—

6 (1) in subsection (a)(10)(A)(ii)—

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

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

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

12 “(XIX) who are described in sub-  
 13 section (cc) (relating to HIV-infected  
 14 individuals);” and

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

16 “(cc) HIV-infected individuals described in this sub-  
 17 section are individuals not described in subsection  
 18 (a)(10)(A)(i)—

19 “(1) who have HIV infection;

20 “(2) whose income (as determined under the  
 21 State plan under this title with respect to disabled  
 22 individuals) does not exceed the maximum amount  
 23 of income a disabled individual described in sub-  
 24 section (a)(10)(A)(i) may have and obtain medical  
 25 assistance under the plan; and

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

7           (b) CONFORMING AMENDMENTS.—Section 1905(a)  
8           of the Social Security Act (42 U.S.C. 1396d(a)), as  
9           amended by section 2(a)(4) of the Breast and Cervical  
10          Cancer Prevention and Treatment Act of 2000 (Public  
11          Law 106–354; 114 Stat. 1382) is amended in the matter  
12          preceding paragraph (1)—

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

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

15          and

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

17                         “(xiv) individuals described in section  
18                         1902(cc);”.

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

23                         “(3) DISREGARDING MEDICAL ASSISTANCE FOR  
24                         OPTIONAL LOW-INCOME HIV-INFECTED INDIVID-  
25                         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) TECHNICAL AMENDMENTS.—

7 (1) Section 1902 of the Social Security Act (42  
8 U.S.C. 1396a), as amended by section 702(b) of the  
9 Medicare, Medicaid, and SCHIP Benefits Improve-  
10 ment and Protection Act of 2000 (as enacted into  
11 law by section 1(a)(6) of Public Law 106–554), is  
12 amended by redesignating the subsection (aa) added  
13 by such section as subsection (bb).

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

20 (3) Section 1915(b) of the Social Security Act  
21 (42 U.S.C. 1396n(b)), as amended by section  
22 702(c)(2) of the Medicare, Medicaid, and SCHIP  
23 Benefits Improvement and Protection Act of 2000  
24 (as so enacted into law), is amended by striking  
25 “1902(aa)” and inserting “1902(bb)”.

1 (e) EFFECTIVE DATES.—

2 (1) IN GENERAL.—The amendments made by  
3 subsections (a), (b), and (c) shall apply to calendar  
4 quarters beginning on or after the date of the enact-  
5 ment of this Act, without regard to whether or not  
6 final regulations to carry out such amendments have  
7 been promulgated by such date.

8 (2) TECHNICAL AMENDMENTS.—The amend-  
9 ments made by subsection (d) shall take effect as if  
10 included in the enactment of section 702 of the  
11 Medicare, Medicaid, and SCHIP Benefits Improve-  
12 ment and Protection Act of 2000 (as enacted into  
13 law by section 1(a)(6) of Public Law 106–554).

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