

## **Hatch Amendment #C13 to America's Healthy Future Act of 2009**

**Short Title:** Non-discrimination on abortion and respect for right of conscience

### **Description:**

Non-Discrimination on abortion and respect for rights of conscience

- (a) NON DISCRIMINATION.—A Federal agency or program, and any State or local government that receives Federal financial assistance under this Act ( or and amendment made by this Act), may not—
  - 1) subject any individual or institutional health care entity to discrimination, or
  - 2) require any health plan created or regulated under this Act (or an amendment made by this Act), to subject any individual or institutional health care entity to discrimination, on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.
- (b) DEFINITION.—In this section, the term “health care entity” includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.
- (c) ADMINISTRATION.—The Office for Civil Right of the Department of Heath and Human Services is designated to receive complaints of discrimination based on this section, and coordinate the investigation of such complaints.

**Offset:** Not applicable.

## **Hatch Amendment #C14 to America's Healthy Future Act of 2009**

**Short Title:** Prohibits authorized or appropriated federal funds under this Mark from being used for elective abortions and plans that cover such abortions.

### **Description:**

No funds authorized or appropriated under this Mark may be used to pay for any abortion or to cover any part of the costs of any health plan that includes coverage of abortion, except in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself, or unless the pregnancy is the result of an act of rape or incest.

Nothing in this amendment would preclude an insurance issuer from offering a separate, supplemental policy to cover additional abortions. Such a supplemental policy would be funded solely by supplemental premiums paid for by individuals choosing to purchase the policy.

### **Rationale:**

All other major federal health programs preclude federal funds from being used to support abortion or any benefits package that includes abortion, beyond the limited circumstances of life endangerment and rape/incest. In some programs such as SCHIP (State Children's Health Insurance Program) this is written into permanent law; in others, such as Medicaid, Medicare and

FEHBP (Federal Employees Health Benefits Program) longstanding appropriations riders, the Hyde amendment and parallel provisions, have long prevented federal funds from paying for abortions or from supporting any of the costs of a health plan that includes them. In FEHBP, because federal funds are used to supplement private premium dollars, all the health plans offered to federal employees must completely exclude abortion except for these very limited circumstances. This amendment would respect the same policy in the health care reform legislation, while allowing truly private insurance coverage for elective abortions to continue as long as this is done through a supplemental policy, chosen and funded by the purchaser and kept completely separate from the federally subsidized package of benefits. In this way longstanding federal policy on abortion funding will be preserved, anyone who wants abortion coverage may purchase it, and people will not be forced to pay for other people's abortions.

**Offset:** Not applicable.

## **ENZI AMENDMENT #C15**

Enzi Amendment #C15 to America's Healthy Future Act of 2009

Short Title: To ensure that conscience protections are applied.

Description of Amendment:

The amendment prohibits the federal government, any state or local government, health care provider or health plan that receives federal financial assistance from discriminating against an individual or institutional health care entity on the basis that the individual or entity does not perform or participate in specific surgical or medical procedures or prescribe certain pharmaceuticals in violation of the moral, ethical, or religious beliefs of the individual or entity.

It strikes the language in the bill regarding the requirement to offer plans with abortions, the requirement to segregate funds, the rules regarding the tax credits and abortions, and the non discrimination language on abortions.