

## **The Rehberg Draft Abuses the Appropriations Process to Undermine Women's Access to Preventive Health Care and Harm Women's Health**

On September 29, 2011, Representative Rehberg (R-MT), Chairman of the Labor, Education, Health, and Human Services Appropriations Subcommittee, posted his draft of the Fiscal Year 2012 Labor, Health and Human Services, and Education appropriations bill. The Subcommittee on Labor, Health and Human Services, and Education was never provided the opportunity to review, debate, or mark-up the draft prior to its release. The Rehberg Draft includes dangerous provisions that could threaten women's ability to purchase health insurance that includes abortion coverage, aims to eliminate millions of women's access to basic, preventive healthcare, and expands existing refusal laws that would harm women's health.

### **The Rehberg Draft Would Completely Defund the Title X Family Planning Program**

- The Rehberg Draft would eliminate all funding for the Title X program, which for more than 40 years has provided family planning services, breast and cervical cancer screenings, and other preventive health care to low-income women in need.
- As the first and only comprehensive federal program dedicated to the provision of family planning services nationwide, Title X is an integral component of the nation's public health infrastructure, providing critical reproductive health care to more than five million low-income women and men at over 4,500 community-based clinics across the nation.
- Defunding Title X would have a serious negative impact on women's access to basic, preventive health care, especially as the economy continues to falter and more have come to rely on the basic health care provided by the Title X program.

### **The Rehberg Draft Would Bar Planned Parenthood From Receiving Any Federal Funds, Depriving Women and Their Families of Critical Preventive Health Care**

- The Rehberg Draft, like the already-rejected Pence Amendment (a House amendment attached to the Continuing Resolution for FY11), would bar any Planned Parenthood entity from receiving any federal funds appropriated by the Rehberg Draft. This rider is aimed at denying millions access to the primary and preventive services that Planned Parenthood yearly provides to three million Americans who are in need of basic health care.
- For example, this rider would bar Planned Parenthood from receiving any Title X funding. This means that even if the rider that defunds Title X was stripped from the Rehberg Draft, Planned Parenthood would still be barred from providing any family planning services with Title X funding.

- Additionally, this rider would mean that Planned Parenthood would no longer be able to provide family planning and other basic, preventive health care to the approximately 1.4 million Medicaid patients it currently serves. Planned Parenthood would also lose other federal funding, including the Maternal and Child Health Block grants, CDC grants, Social Services grants, TANF funding, and Teen Pregnancy Prevention Program funding, that supports Planned Parenthood in providing basic health care and other services for millions of individuals a year.
- Simply put, banning federal funding for Planned Parenthood and its health centers would be devastating to the health and well-being of millions.

### **The Rehberg Draft Could Be Interpreted to Prevent Millions of Women from Purchasing Insurance Coverage that Covers Abortion**

- The Rehberg Draft includes language that could eliminate abortion coverage in any newly-created health insurance exchange. The Draft could be interpreted to prohibit all individuals who receive premium assistance credits under the Affordable Care Act (ACA), the new health care law, from purchasing a health insurance plan that includes abortion coverage.
- This new restrictions could result in all health care plans dropping insurance coverage of abortion. Since most insurance plans currently cover abortion, the Rehberg Draft could result in *millions of women losing coverage that they currently have*. These restrictions apply even for women who need abortion care in circumstances where she faces a serious health risk or there is a grave fetal anomaly.

### **The Rehberg Draft Halts All Funding For Implementing the Affordable Care Act**

- Multiple and duplicative riders in the Rehberg Draft would essentially stop any funding to implement the Affordable Care Act (ACA), the landmark health care law enacted last year. In fact, the Rehberg Draft temporarily halts all funding until ninety days following the completion of all legal challenges to the law.
- Such defunding threatens the critical hard-fought and won consumer protections. For example, the ACA prohibits health plans from denying coverage for pre-existing conditions, including pregnancy, guarantees coverage of maternity and newborn care in some private health insurance plans, and makes it easier for states to make more women eligible for family planning services under the Medicaid program. Restricting all ACA funding would prevent the government from moving forward to ensure that these hard-won provisions are in place, and, in some cases, are being vigorously enforced.

### **The Rehberg Draft Broadens and Makes Permanent Existing Refusal Law**

- The Rehberg Draft *makes permanent law* the Weldon Amendment, which gives broad refusal rights to various health care entities, including insurance companies, hospitals and HMOs, to refuse to provide abortion care, without providing any patient protections.

- The Rehberg Draft also greatly *expands* the Weldon Amendment by incorporating some elements of the disputed Bush Administration Refusal Rule, such as the ability of employees with only a tangential connection to abortion services, such as a janitor or a receptionist, to refuse to perform their duties.
- Finally, the Rehberg Draft also *adds* a private cause of action which would allow health care entities to sue for any actual or “threatened” violation of the statute.

### **The Rehberg Draft Expands the Hyde Amendment Restrictions**

- The Rehberg Draft applies the Hyde Amendment, a harmful law that prohibits certain federal funds from paying for abortion, except in cases of rape or incest, or where the life of the woman would be endangered, to programs authorized under the Affordable Care Act. Like other parts of the Draft, this disrupts the Affordable Care Act compromise on abortion which—while harmful for many women—cleared the way for the bill’s passage. The Hyde Amendment is a dangerous and draconian law that bans certain funds for abortion care even in circumstances where the pregnancy threatens the mother’s health. It should be repealed, not expanded.

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