

Hyde Application in COVID-19 pandemic legislation

CARES Act (became law):

- The CARES Act included new supplemental discretionary health funding in Division B, including \$100 billion for hospitals and other health care providers determined by the HHS Secretary that provide diagnoses, testing or care for coronavirus. This language applied FY2020 Labor HHS's terms and conditions, including the Hyde Amendment.
- The CARES Act included an additional \$1.32 billion in mandatory funding for health centers, applying the Hyde Amendment by cross reference.
- The CARES Act included new \$150 billion in mandatory funding for coronavirus relief fund for states, applying the Hyde Amendment by cross reference.
- The CARES Act created the Paycheck Protection Program (PPP). The PPP offers forgivable low-interest loans to small businesses to retain workers, maintain payroll, and cover certain other existing overhead costs like health care benefits. However, it does NOT include any Hyde protections to ensure taxpayer dollars do not fund health plans that include elective abortion.

H.R. 6800/HEROES Act (did not become law):

- A provision titled "Additional Relief for Workers" included expansions of federal subsidies of employer-sponsored health insurance, including plans that cover abortion by providing an unprotected credit to employers for 50% of employee wages for each calendar quarter -- including the employee's group health plan expenses that may often include elective abortion.
- A provision titled "Credits for Paid Sick and Family Leave" included tax credits for paid sick and family leave. Through this credit, taxpayers subsidize the cost of health insurance that may often include elective abortion. This bill extends the tax credit an additional calendar year but did not include any Hyde protections.
- The HEROES Act provided that, between March 1, 2020 – January 31, 2021, the government would pay 100% of the premiums for COBRA continuation coverage. Many employer-sponsored health care plans include elective abortions, but no Hyde protections were applied to ensure that taxpayer dollars would not finance abortion-covering plans. (Note: COBRA is currently a program that permits workers who lose health benefits the right to continue coverage for a limited period if the worker pays the full premium plus administrative costs.)
- The HEROES Act contained a Manager's Amendment that states that, both in this bill and provisions in past coronavirus relief bills signed into law, no person shall be "excluded from participation in, denied the benefits of, or subjected to discrimination... based on any factor ... such as... pregnancy, childbirth, and related medical conditions...". "Related medical conditions" has been recognized by the courts and the Equal Employment Opportunity Commission (EEOC) as a reference to abortion. If adopted, this provision could have overridden the Hyde protections that have been included in this bill and in previously enacted coronavirus legislation.
- The Manager's Amendment also contained two provisions (SEC. 30307 and SEC. 30308) that provided funding to group health insurance plans. Neither provision included any Hyde protection language to ensure taxpayer dollars do not fund health plans that include elective abortion.