

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1341

To require each State to provide a minimum level of access to health care to all citizens of such State as a condition for participation in Federal health care funding programs.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2005

Mr. FATTAH introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To require each State to provide a minimum level of access to health care to all citizens of such State as a condition for participation in Federal health care funding programs.

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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Health Care Access Assurance Act of 2005”.

6 (b) FINDINGS.—The Congress finds the following:

1           (1) Access to health care is a basic right pro-  
2           tected by the Constitution of the United States.

3           (2) Each State should determine the minimum  
4           level of health services to be provided within such  
5           State.

6           (3) Any health care system operated by a State  
7           that does not provide access to health care to all citi-  
8           zens of such State is in violation of the fourteenth  
9           amendment to the Constitution of the United States.

10          (4) Federal funds may not be employed to sup-  
11          port State health care systems that are unconstitu-  
12          tional.

13 **SEC. 2. MINIMUM ACCESS REQUIREMENT.**

14          (a) IN GENERAL.—Not later than October 1, 2010,  
15          the Secretary of Health and Human Services shall require  
16          each State to certify that all citizens of such State have  
17          access to a minimum level of health care coverage as de-  
18          fined by such State. The Secretary may remove or recon-  
19          sider a State’s certification for cause.

20          (b) PENALTY.—Any State unable to certify that all  
21          citizens of such State have access to a minimum level of  
22          health care coverage shall be ineligible for funding from  
23          the Health Resources and Services Administration, the In-  
24          dian Health Service, the Substance Abuse and Mental  
25          Health Services Administration, and the Centers for Medi-

- 1 care & Medicaid Services, to support the health care sys-
- 2 tem in such State.

○