

RSC POLICY BRIEF: ABORTION IN SENATOR REID'S MANAGER'S AMENDMENT

December 21, 2009

"A review of the Senate language indicates a dramatic shift in federal policy that would allow the federal government to subsidize insurance policies with abortion coverage."

- Congressman Bart Stupak (D-MI), December 19, 2009

Early this morning, the Senate invoked cloture on the Reid Manager's Amendment to H.R. 3590, Senator Reid's Takeover of Health Care Bill, by a party line vote of 60-40. As of now, the Senate expects to have the final vote on passage of the bill at 7:30 PM on December 24, 2009. Outlined below are the stark differences between the House-passed abortion-restrictive language and the Senate-passed abortion-encouraging language.

Stupak Amendment:

- The Stupak amendment passed the House by a vote of 240-194 (with 64 Democrats voting in favor of the amendment). It preserves current law prohibiting federal funds from being used to cover elective abortions.
- The amendment states that "No funds...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..." and contains exclusions for rape, incest, and to save the life of the mother.
- The amendment also contains language that clarifies that those private plans which do not receive government funds may still offer elective abortions. It further clarifies that an individual may purchase a plan that includes abortion, as long as "such coverage or plan is paid for entirely using only funds not authorized or appropriated by this Act," and that nothing "shall restrict any nonfederal QHBP (Qualified Health Benefits Plan)...from offering separate supplemental coverage for abortions for which funding is prohibited so long as premiums for such separate supplemental coverage or plan are paid for entirely with funds not authorized or appropriated by this Act."

Reid Manager's Amendment:

- The amendment requires that those who are enrolled in a plan that covers abortion make separate payments into an account that will be used for abortions, therefore creating public and "private" funds. Just because the funds are put into another account does not mean they are not federal dollars subsidizing abortions. Money is fungible and attempts to separate taxpayer dollars and private dollars to pay for an abortion is nothing more than a deceitful shell game.
- Each state, through the new government run plan ("Multi-State Plan") overseen by the Office of Personnel Management (OPM), can provide access to at least two plans – only one of which must exclude abortions. This "Multi-State Plan" is very similar to the Federal Employee Health Benefits Plan (FEHBP), also administered by OPM. However, currently no plan under the FEHBP provides for abortion coverage. This language is a huge departure from current policy by allowing abortion coverage in federally-subsidized health care exchanges.
- Senator Reid's manager's amendment gives each state the ability to "opt-out" which allows them to pass a law barring insurance coverage for abortion within state borders. However, even if a state chooses to opt out, an individual's tax dollars may go toward plans that cover abortion in other states.
- Reid's manager's amendment fails to address the issue of giving the Health Resources and Services Administration (HRSA) the power to require private insurance plans to include abortion coverage under the title of "preventive care." This language was included in an amendment by Senator Mikulski (D-MD) which could be interpreted to define abortion as "preventative care."

- The amendment fails to provide adequate conscience clause protection, by not including a prohibition on any government entity or program from discriminating against health care providers that do not want to participate in abortions.
- The bill reauthorizes the Indian Health Service but it does not contain a permanent ban on abortion funding.

**Groups opposing the Reid Manager's Amendment include: American Center for Law and Justice, Americans United for Life, Concerned Women for America, Family Research Council, National Right to Life Committee, Nebraska Right to Life, United States Conference of Catholic Bishops

The new abortion language in the Senate-passed bill is a huge departure from long-standing policy that federal dollars should not go toward the funding of abortions. Among other things, the bill allows the federal government to subsidize plans that cover abortion and creates an accounting gimmick to make it seem as if federal dollars are not being used for abortions. In no way does the manager's amendment represent a compromise, except in the way it compromises human life. When the federal government subsidizes a health care plan, it is making all of the covered services available. By subsidizing plans that offer abortion, the American taxpayer is enabling, and even encouraging abortion, which will make abortion more common – not more rare.

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