

RSC ONE-PAGER: WHAT YOU NEED TO KNOW ABOUT ABORTION IN H.R. 3962

November 3, 2009

The bill retains the Capps amendment which does the following:

1. Authorizes federal funding for abortion.

- Section 222 of H.R. 3962 (page 110) permits federal funds to be used for abortion in the government insurance plan. The bill states: “Nothing in this Act shall be construed as preventing the public health insurance option from providing for or prohibiting coverage of services described in paragraph (4)(A).” Section 4(A) refers to elective abortion procedures that are otherwise prohibited from receiving federal funds in other government programs due to Hyde restrictions, but cannot be prohibited in the government insurance plan.
- Supporters of the bill assert that only private funds will be used to fund abortion in the government insurance plan. **This is false.** The bill places individual premium payments into a federal Treasury account that may be used to pay for abortions. It is important for pro-lifers to note that these premiums, paid to the federal government and placed into this account, **are federal dollars.**

2. Federally subsidizes private insurance plans that cover abortion.

- The government will subsidize private plans that cover abortion with affordability credits (government subsidies to purchase “qualified health benefit plans”), so long as an accounting gimmick is used to purportedly separate private dollars from federal dollars with regard to abortion coverage. This will be impossible to achieve.
- Section 303, (Benefits Package Levels), requires at least one Exchange plan in each premium rating area to provide coverage for abortion, and at least one plan must provide no coverage for abortion.

The Hyde Amendment does not apply to the government insurance plan.

- Because many of the programs in this bill (e.g. the government insurance plan) are not subject to the Labor-HHS appropriations bill, much of the bill does not fall under the Hyde Amendment.
- The Hyde amendment guarantees that no federal funds can be used to pay for abortions in programs funded by the Labor-HHS Appropriations bill. It is subject to annual consideration and is only relevant if it is passed as a rider to the Labor HHS bill. If it is not attached in any given year, the federal funding of abortion restrictions is nullified.

H.R. 3962 is a grave departure from current law.

- Federal programs like Medicaid, SCHIP, and the Federal Employees Health Benefits Plan do not cover abortion. This will be the first time in decades that federal dollars will go towards abortion.

Denying federal funds for elective abortion will decrease the number of abortions.

- Denying federal funding for elective abortions encourages women to carry their babies to full term. In fact, the [Guttmacher Institute](#) did a study that showed approximately one-fourth of all women covered by Medicaid who would have had an abortion if Medicaid covered it, chose to have their baby instead.