



Written by [Michael Tennant](#) on July 23, 2010

Did Pro-Lifers Err in Their Assertions of ObamaCare Abortion Funding?

On July 19 The New American reported that under ObamaCare the federal government has begun funding abortions through state high-risk insurance pools. Pennsylvania and Maryland have both received approval from the federal Department of Health and Human Services for their state plans and will receive federal funding, and both states' plans seem to include abortion coverage. This story was based in large part on reports from CNSNews.com and press releases from the National Right to Life Committee.



The *St. Petersburg Times'* PolitiFact website [investigated](#) the NRLC's claims and concluded that they were false. In actuality, things are a bit murkier than that.

Because the NRLC, in particular, brought this issue to light, the Obama administration was forced to clarify its position on federal funding of abortion through these high-risk pools. HHS issued a [statement](#) saying that "in Pennsylvania and in all other states abortions will not be covered in the Pre-existing Condition Insurance Plan (PCIP) except in the cases of rape or incest, or where the life of the woman would be endangered," as *TNA* reported in its July 19 article.

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Pennsylvania officials, too, argued that their plan "never intended to cover abortion," according to PolitiFact, which quoted a Pennsylvania Insurance Department statement saying that covered persons seeking abortions "will have to pay for them out of their own pocket."

However, as the NRLC pointed out in its July 13 [press release](#), the state's plan claimed that "elective abortions are not covered" but did not define "elective," referring instead to existing state laws, including one that permits abortion in nearly all circumstances. PolitiFact agreed that this was "potentially contradictory," adding that "it's important to keep in mind that this plan is intended to cover older people who have health problems, not young, healthy women who might seek abortions, and that the regulations are being created quickly."

PolitiFact asked the NRLC's legislative director, Douglas Johnson, if the Obama administration's statement had changed his opinion of the Pennsylvania plan's abortion coverage. Johnson replied, "If the federal [Health and Human Services Department] does what they now say they're going to do ... then I think that Pennsylvania will conform to the directive." That is, Johnson believes that if the HHS policy as stated is enforced, Pennsylvania's plan will not cover abortions.

Planned Parenthood's president, Cecile Richards, agreed that the administration's statement means that federal funds will not pay for abortions through high-risk pools, saying in a [statement](#), "This decision has no basis in the law and flies in the face of the intent of the high-risk pools that were meant to meet the medical needs of some of the most vulnerable women in this country." This, however, contradicts PolitiFact's assertion that Pennsylvania's plan was intended to cover "older people."



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PolitiFact concludes that while at first glance the Pennsylvania plan appeared to cover abortions, given the statements from both the Obama administration and the Pennsylvania Insurance Department, they “don’t see pre-meditated intent to cover elective abortion.” (PolitiFact did not consider the potential for abortion coverage under the Maryland plan, which explicitly states that it covers everything that other Maryland state insurance plans cover — and they all cover abortion.)

Perhaps PolitiFact is correct about the whole brouhaha, but Johnson suggested a different, and possibly more likely, scenario: “We will see this episode as part of a pattern where they try to get away with what they can on abortion, and then when a light shines on them they blow smoke and scurry for cover.”

Johnson’s suspicions are not without warrant. It is known, for example, that in November 2009 the Stupak-Pitts amendment, which would have banned federal funding of abortions under ObamaCare, was passed by the House of Representatives but was removed from the final version of the ObamaCare bill because of objections from pro-abortion Democrats, including President Obama. To allay concerns of pro-life legislators such as Rep. Bart Stupak (D-Mich.), Obama issued an executive order similar to the Stupak-Pitts amendment — an order that both [anti-](#) and [pro-abortion](#) activists recognized was unenforceable and, furthermore, left open the possibility for federal funding of abortion through many lesser-known portions of the legislation, as PolitiFact explained:

The executive order says that it should be government-wide policy that federal funds “are not used for abortion services (except in cases of rape or incest, or when the life of the woman would be endangered), consistent with a longstanding Federal statutory restriction that is commonly known as the Hyde Amendment.” The executive order then goes into specifics about health care exchanges and community health centers, which were the most talked about provisions before the bill was passed.

The lesser known provisions of bill are all up for debate now. Johnson said the executive order is essentially meaningless, and is silent on a host of other provisions in the health bill. “Each of these things will have its own timeline and its own administrative trajectory,” Johnson said. “We’re going to have to watch each and every one of them.”

Senate Democrats assert that the ObamaCare law does not provide for federal funding of abortions. Yet they also [state](#) that under the law the Secretary of Health and Human Services “must ensure that in each [insurance] Exchange, there is at least one plan available that covers abortions beyond those allowed by Hyde and at least one plan that does not cover abortions beyond those permitted by Hyde” and, further, that “there is no preemption of State laws regarding abortion coverage, funding or procedural requirements on abortion like parental notification or consent.” In other words, the federal government will force every state insurance exchange to cover abortion and will permit states to continue to fund abortions (undoubtedly one of the rare instances in which abortion activists applaud federalism). Thus, though federal funds may not directly pay for abortions, the money Washington supplies can be used to free up state funds for abortion coverage.

In addition, as [TNA reported](#), House Speaker Nancy Pelosi (D-Calif.) was recently presented with the “Champion of Women’s Health” award by Planned Parenthood for her role in securing the passage of ObamaCare minus the Stupak-Pitts amendment. Clearly the nation’s largest abortion provider believes that ObamaCare provides for federal funding of abortion, Obama’s executive order notwithstanding.

Given all this, it is certainly reasonable to assume that abortion supporters, among them President



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Obama, will do everything in their power to circumvent the executive order. Therefore, the NRLC was not out of line in sounding the alarm over the potential for federal abortion funding through state high-risk pools — a potential that still exists to some extent, as in the case of Maryland — and it is surely justified in continuing to keep a close eye on these pools to see if they do indeed live up to the supposed restrictions on abortion coverage. Likewise, pro-lifers must be ever vigilant that other provisions of ObamaCare are not used to sneak federal abortion funding in by the back door.





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