



Written by [Michael Tennant](#) on July 19, 2010

## ObamaCare Abortion Funding Has Begun

So much for President Obama's executive order banning federal funding of abortions under ObamaCare. Two states, Pennsylvania and Maryland, have now accepted federal funds for high-risk insurance pools, and both offer significant abortion coverage.

This comes as no surprise given that Obama opposed the inclusion of the Stupak-Pitts amendment in the ObamaCare legislation and succeeded in getting it removed before the bill was passed by Congress. This amendment would have prohibited federal funding of abortions. Rep. Bart Stupak (D-Mich.), one of the amendment's sponsors, capitulated to pressure from the White House to vote for ObamaCare despite the amendment's removal in exchange for a promise that the President would issue an executive order banning federal funding of abortions.



However, as several pro-life groups pointed out around the time ObamaCare became law, the executive order is meaningless. (Even Planned Parenthood's president [called](#) it "a symbolic gesture" with no force of law.) "The president cannot amend a bill by issuing an order, and the federal courts will enforce what the law says," said a March 21 National Right to Life Committee [press release](#). The NRLC specifically warned that the "order does nothing to mitigate" the fact that ObamaCare creates "pools of directly appropriated funds that are not covered by existing restrictions on funding of abortion."

Among those "pools of directly appropriated funds" are state high-risk insurance pools, which will cover those who cannot obtain private health insurance because of pre-existing conditions. Pennsylvania will receive \$160 million in taxpayer funding for its high-risk pool, and Maryland will receive \$85 million.

The NRLC has [determined](#) that [Pennsylvania's plan](#) — proposed by the state insurance commission, headed by Governor Ed Rendell's appointed insurance commissioner, and approved by the federal Department of Health and Human Services, headed by Secretary Kathleen Sebelius — will indeed cover abortions, the executive order notwithstanding:

The section on abortion (see page 14) asserts that "elective abortions are not covered." However, that statement proves to be a red herring, because the operative language does not define "elective." Rather, the proposal specifies that the coverage "includes only abortions and contraceptives that satisfy the requirements of" several specific statutes, the most pertinent of which is 18 Pa. C.S. § 3204, which says that an abortion is legal in Pennsylvania (consistent with *Roe v. Wade*) if a single physician believes that it is "necessary" based on "all factors (physical, emotional, psychological, familial and the woman's age) relevant to the well-being of the woman." Indeed, the cited statute provides only a single circumstance in which an abortion prior to 24



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weeks is NOT permitted under the Pennsylvania statute: “No abortion which is sought solely because of the sex of the unborn child shall be deemed a necessary abortion.”

As a result, “Under the Rendell-Sebelius plan, federal funds will subsidize coverage of abortion performed for any reason, except sex selection,” said NRLC’s [legislative director Douglas] Johnson. “The Pennsylvania proposal conspicuously lacks language that would prevent funding of abortions performed as a method of birth control or for any other reason, except sex selection — and the Obama Administration has now approved this.”

Maryland, [reports CNSNews.com](#), has published a fact sheet that says that its new, federally funded plan “offers the same benefit package as other MHIP (Maryland Health Insurance Plan) options.” Adds CNSNews: “All five of MHIP’s plans cover abortion, including one plan that requires no co-pay if the abortion is performed at an out-patient abortion clinic, according [sic] information found on [page 53](#) of the 2010 MHIP Certificate of Coverage.”

Stupak, eager to defend his vote for ObamaCare, has taken the NRLC and other pro-life groups to task for their assertions that federal funds will pay for abortion through the state high-risk pools, [saying](#), “This is the latest example of some right to life groups politicizing life issues in an effort to undermine health care reform. The President’s Executive Order makes clear that federal funds may not be used for abortion under the Affordable Care Act — including the (high-risk) insurance pools currently being implemented in Pennsylvania and states across the country.”

Likewise, [according to CNSNews](#), “Health and Human Services spokeswoman Jenny Backus released a statement on Wednesday saying that under the Affordable Care Act and President Obama’s March 24, 2010 Executive Order, ‘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.’”

Of course, this still means that *some* abortions will be covered by federal funds. Even if they weren’t, however, money is fungible, so the addition of federal funds to existing state programs will free up state money to pay for more murder in (or even partly out of) the womb.

Besides, whom are you going to believe: government officials who have every incentive to lie, or respected activist organizations that have much to lose in terms of credibility, fundraising, and clout by doing so?





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