



Written by [Michael Tennant](#) on December 20, 2016

ObamaCare Funding Abortion in Many Ways

Thanks to an executive order signed by President Barack Obama shortly after the passage of the Affordable Care Act (ACA), the healthcare law is not supposed to violate the Hyde Amendment's ban on federal funding of elective abortions. However, according to a new [report](#) from the Family Research Council (FRC) and the Charlotte Lozier Institute (CLI), ObamaCare does in fact fund abortion in numerous and growing ways.



First the good news: Half the states have enacted laws prohibiting elective-abortion coverage from being included in exchange plans; that number remains unchanged from last year. Also, among the 203 existing multi-state plans offered across 22 states, not one covers elective abortions.

The ACA requires multi-state plans to exist in all 50 states by 2017, with at least one pro-life plan available in each state. But like much of the rest of ObamaCare, multi-state plans have not quite lived up to expectations. A third of the states participating in these plans in 2016 have dropped out for 2017, and “numerous issuers have discontinued offering multi-state plans,” FRC’s Arina Grossu writes in the online [Daily Signal](#).

Now for the far-more-extensive bad news.

Across the states that permit elective-abortion coverage in exchange plans, FRC estimates that about 57 percent of plans do cover abortion-on-demand. (Exact figures are hard to come by because not all insurers have complied with statutory requirements that they reveal their exchange plans’ abortion coverage.) In 10 states plus the District of Columbia, 85 percent or more of exchange plans cover elective abortion. In six jurisdictions — Alaska, the District of Columbia, Hawaii, Massachusetts, Vermont, and Washington — every single exchange plan covers elective abortion. The number of states with no pro-life plans had actually fallen from five in 2014 to two in 2016, but the reduction in multi-state plans and the exodus of insurers from the exchanges caused the increase to six, a record high, for 2017.

Residents of states with even one exchange plan that covers abortion-on-demand cannot escape paying for this coverage simply by selecting a different plan. ObamaCare requires insurers on these exchanges to collect a surcharge of at least one dollar per month from all enrollees — whether or not they have opted for abortion coverage — to pay for any abortions obtained by exchange enrollees. The surcharge is collected as part of the enrollee’s premium, which may be subsidized by the federal government — a clear violation of the Hyde Amendment despite accounting gimmicks designed to disguise it.

Furthermore, all taxpayers, regardless of their state of residence, are forced to bankroll abortions in numerous ways under the ACA and subsequent regulations, as FRC has [documented](#) elsewhere. The law allows the federal government to subsidize exchange coverage, including multi-state plans, even if an individual selects a plan that covers elective abortions. The Obama administration ruled that members of Congress and their staffs, who are required by the ACA to buy insurance on their state exchanges at



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taxpayer expense, could [choose plans that cover elective abortions](#), a violation of yet another longstanding federal law (the Smith Amendment). ObamaCare, notes FRC, “requires insurance companies to contract with health care facilities marked as Essential Community Providers which includes at least 588 Planned Parenthood and other family planning facilities that may perform abortions.” The administration also funneled [hundreds of thousands of dollars](#) to Planned Parenthood to serve as exchange “navigators.” Moreover, there are plenty of appropriations under the ACA that are not prohibited from being used to fund abortions, including payments to “non-profit health co-ops, Community Health Centers, and the now expired [high-risk pool plans](#) program,” says FRC.

That ObamaCare funds abortion-on-demand is hardly surprising given the radical pro-abortion stance of the Democratic Party, which bears sole responsibility for the law. Pro-life Democrats initially balked at voting for the ACA because they correctly foresaw that it would be used to circumvent the Hyde Amendment and other federal laws prohibiting taxpayer funding of elective abortion. In the end, however, they [caved in](#) under pressure from the Obama administration. In return, they got Obama’s executive order that clearly has done little to prevent ObamaCare from paying for abortion in a variety of ways. Planned Parenthood president Cecile Richards was [correct](#) when she called the order a “symbolic gesture” of no real significance.

For those who nevertheless believed that the order really meant something, FRC’s ongoing monitoring of ACA implementation ought, in Grossu’s words, “to reveal the falsehood of President Barack Obama’s statement that Obamacare does not violate the long-standing principle of the Hyde Amendment.” But then what other things that Obama has said about the ACA — or just about anything else — have turned out to be true?



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