



Written by [Jack Kenny](#) on March 20, 2010

Stupak Measure Could Delay Healthcare Bill

The Stupak amendment is back and may yet derail or delay passage of healthcare reform legislation that the House of Representatives is expected to vote on tomorrow. Last year, Rep. Bart Stupak (D-Mich.) managed to get language into the House-passed healthcare bill that forbids federal funding of abortion under the healthcare measure and stipulates that nothing in the legislation or the rules to be promulgated by the Secretary of Health, Education and Welfare will require any health insurance policy to include abortion coverage. The Senate bill, now before the House, lacks the clear ban that Stupak is demanding in order to support the bill. Other anti-abortion Democrats are expected to oppose the bill without the Stupak amendment.



In a bit of parliamentary maneuvering to counter that being planned by the Democratic leadership, Stupak has offered his amendment as an "enrollment corrections" bill to be adopted before the health care bill can be sent to the President for signing. Speaker of the House Nancy Pelosi said earlier this week that she planned to have the Senate bill voted on by the House on Sunday in the form of a reconciliation bill that would "deem" the changes passed by the House to be accepted by the Senate. The reconciliation move is designed to avoid an anticipated Republican filibuster of the measure in the Senate that could kill final passage.

Saturday's *New York Times* reported that House Democratic leaders late Friday were "exploring the possibility of a deal with abortion opponents that would clinch the final votes to pass major health care legislation." But that effort, if actually pursued, could trigger a revolt by staunch supporters of abortion "rights."

"We don't want another vote on abortion," said Rep. Diana DeGette (D-Colo.). "We are not going to vote for a bill that restricts women's right to choose beyond current law." DeGette, who co-chairs the Pro-Choice Caucus in the House, said Stupak's enrollment resolution could result in the loss of 40 to 55 votes for the health care bill.

The Stupak measure, four pages long, says in part: "Nothing in this Act shall be construed to require any health plan to provide coverage for abortion services or to allow the secretary (of Health and Human Services) or any other person or entity implementing this Act to require coverage of such services." It also states that "None of the funds appropriated by this Act ... shall be expended for any abortion or to cover any part of the costs of any health plan that includes coverage of abortion, except in the case where a woman suffers from a physical disorder, physical injury or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed ... or unless the pregnancy results from rape or incest."



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The three-fold exception that is included is in virtually all efforts to limit abortion-the exception for cases of rape, incest, or where the life of the mother is at stake. But any medical procedure that is aimed strictly at saving the life of the mother and is not an effort to destroy the infant in the womb is not an abortion. And if pro-life legislators oppose abortion because it is the deliberate killing of innocent human life, then one might wonder at the willingness to permit the killing of infants who, through no fault of their own, were conceived by rape or incest.

The issue that appears to be given little consideration or debate in Washington, meanwhile, has to do with the fact that Congress has no authority under the Constitution to be in the health insurance or any other insurance business, or to require individuals or businesses to purchase coverage. While the unconstitutional measure may yet be enacted by parliamentary procedures that may themselves circumvent the requirements of the Constitution, the battle has already begun over fixing the blame if the ambitious plan is defeated.

"We compromised to the concept of 'no federal funding for abortion,' which is current law - we don't like that," DeGette said. "And so if Mr. Stupak and a few members, along with Republicans, decide to use this to take healthcare down, then that loss of healthcare coverage is going to be on their hands."

But Stupak and others could just as logically argue that if DeGette and her "pro-choice" allies oppose the bill because of Stupak's amendment, the defeat of federal health care program will be on their hands.

Photo: Rep. Bart Stupak



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