



The Stupak-Pitts Amendment:

An Abortion Coverage Ban that Denies Women the Full Promise of Health Care Reform

On November 7, 2009, the House of Representatives adopted the Stupak-Pitts Amendment during its consideration of health care reform legislation. The amendment is a grievous assault on women's access to abortion care. For the reasons outlined below, it should be rejected by the Senate and should not appear in any final health care reform legislation.

1. The Stupak-Pitts Amendment is a direct attack on a woman's ability to make personal, private medical decisions and puts politics before a woman's health.

- Abortion is part of basic health care for women. Although we may not all feel the same way about abortion, we should respect and support a woman's decision. Everyone's circumstances and health care needs are different; a woman facing an unintended or medically catastrophic pregnancy should be able to decide what is best for herself and her family.
- Under Stupak-Pitts, a woman who receives *no* federal assistance and chooses to participate in the *public* plan option, in order to lower her insurance cost, will not be able to get abortion coverage.
- Women who receive *any* federal subsidy under the Act cannot purchase a *private* plan that offers coverage for any abortion except those necessary to save a woman's life or where the pregnancy results from rape or incest. This is true even if the premium is paid for partly or largely through private dollars. If she wants abortion coverage, she will be required to purchase an abortion rider which may not in fact be available. In many instances, the federal government will in effect both require a woman to purchase insurance in the exchange and prohibit her from buying full coverage in the exchange.
- As a result of the Stupak-Pitts abortion coverage ban, the federal government has turned its back on women who may need abortions even while it claims to improve women's access to health care.

2. **The Stupak-Pitts Amendment jeopardizes the abortion coverage millions of women currently have. The amendment could leave women in a worse position than before health care reform.**

- Initially, the insurance exchange will be open to the uninsured and underinsured, and companies with 25 or fewer employees.¹ Over the next several years, that number will grow to include businesses with up to 100 employees, and perhaps more, that employ millions of women.
- At minimum, almost 50 percent of covered workers, and as many as 87 percent of employer-based insurance policies, currently cover abortions.²
- Insurance companies in the exchange will be able to offer plans that cover abortions only to those who receive no federal subsidy and *only* if they also offer an identical plan with no coverage for abortions. For reasons of economics, companies may well opt *not* to provide the shadow plan that covers abortion – with the result being a market with *no option* for abortion coverage
- Women would then be left unable to obtain insurance plans in the exchange with abortion coverage. This will be true even if they receive no federal health care subsidy. Women and their families would then be exposed to significant financial risk, amounting to thousands of dollars, should, for example, the woman need to terminate a pregnancy because of a severe fetal anomaly or because the fetus is not viable. The effect of Stupak-Pitts would be to force some women to continue a pregnancy, even after being informed by a doctor that the fetus will not survive, because they no longer have insurance coverage to terminate the pregnancy.

3. **The Stupak-Pitts Amendment intentionally ~~is not~~ is an incentive**

We do not require or tolerate such intrusions for other sensitive and private health care. To demand women wanting abortion coverage to get it at the expense of their privacy is intolerable.

6. The Stupak-Pitts Amendment is an improper extension and expansion of the Federal Employees Health Benefits Program (FEHBP) abortion ban.

- The Stupak-Pitts Amendment goes well beyond the restrictions now imposed on federal employees. It extends the reach of federal bans on abortion coverage to those who are not employed by the government – including those working for private companies buying from private insurers.
- It is egregious that, through the FEHBP abortion ban, our federal government imposes the religious viewpoint of a few lawmakers upon more than a million federal employees of diverse faiths and cultures. And it is unacceptable to intrude, in the same way, upon the privacy and autonomy of private-sector employees. This kind of ideologically-based intrusion in a significantly larger marketplace like the insurance exchange is improper.

7. The Stupak-Pitts Amendment does not maintain the status quo and does not “merely” ensure that there is no public funding of abortion. The Capps Compromise Amendment does.

- The Stupak-Pitts Amendment goes significantly further than longstanding federal rules against public funding of abortion. It imposes the restrictions in wholly new markets and on millions more women. In reality, the Stupak-Pitts Amendment has only one goal: to stop women from having abortions.
- The Capps Amendment that was originally in the House health care bill maintains current federal policy on abortion and represents the status quo. The Capps Compromise provides that:
 - There will be no public funding for abortions except where the life of the woman is endangered or where the pregnancy results from rape or incest;
 - Insurance companies must keep private funds separate from public dollars and only private dollars may be used to pay for abortion;
 - All state and federal laws on abortion access, notification, etc. remain unchanged;
 - There shall be no discrimination against individuals or facilities that perform abortions or those that choose not to perform abortions;
 - In every exchange, there must be one plan that provides abortion and one that does not (which provides anti-choice individuals with an option they do not have in today’s insurance marketplace).

- The Capps Amendment is by no means our preferred choice. It singles out abortion care. We have long argued, in the context of health care reform, that abortion shouldn't be treated differently than any other health care service. Moreover, we believe that public funding of abortion is just and proper; the Hyde Amendment, which severely restricts Medicaid funding of abortion, is not. The government should not use its dollars to intrude on a woman's decision whether to continue or end a pregnancy and selectively withhold benefits if a woman decides to have an abortion. But the Capps Amendment is a compromise in that it does not extend the restrictions further.
- The Capps Compromise clearly prohibits federal funding for abortion, as requested by anti-choice individuals in Congress and in the general public. Anything more than Capps will advance an extreme anti-choice agenda that interferes in a woman's most