



**CAPPS AMENDMENT TO NATIONAL HEALTH CARE REFORM BILL**  
***OPENING THE DOOR FOR ABORTION COVERAGE***

**August 4, 2009**

\*\*\*\*\*

During the House Energy and Commerce Committee Markup of H.R. 3200, the national health care reform legislation, Rep. Lois Capps (D-CA), who has a consistent pro-abortion voting record, offered what was dubbed a “compromise amendment” on the issue of abortion. The amendment passed by a vote of 30-28. The amendment, however, is anything but a compromise. In fact, the amendment transitions the bill from including a back-door abortion mandate through the use of terms such as “outpatient services,” “essential benefits,” and “physician services,” to one that explicitly mentions abortion and permits the Secretary of Health and Human Services to include abortion services in the public plan.

The amendment has several different provisions related to abortion. It amends Section 122 of the bill to, among other things, add a Subsection mandating that the “public health insurance option” provide coverage for abortions “for which public funding is allowed...based on the law as in effect as of the date that is 6 months before the beginning of the plan year involved.” The amendment further clarifies that “[n]othing in this Act shall be construed as preventing the public health insurance option from providing for or prohibiting coverage” of abortions for which public funding is prohibited. The net effect of this provision is that the public health insurance plan may cover all abortions, and, as LifeSiteNews.com noted in a recent article, “if the Hyde Amendment is reversed, the amendment would actually require that the public plan cover abortions.”

In addition, the amendment states that the Commissioner “shall assure” that in “each premium rating area of the Health Insurance Exchange . . . there is at least one such plan that provides coverage” for both abortions for which public funding is allowed and abortions for which public funding is not allowed. The amendment allows taxpayer dollars to flow to plans that subsidize abortions, but it sets up an accounting system to give the appearance that taxpayer money is not subsidizing abortions for which public funding is prohibited. The net effect of this provision is that abortion coverage will be mandated in every geographic region of the country and taxpayer dollars will be permitted to fund plans that cover abortion services.

The only effective way to prohibit tax-payer subsidized abortion coverage is to prevent plans that accept public dollars from covering abortion. The Capps Amendment falls far short of this mark.