

Comparison of Stupak-Pitts Amendment Currently in H.R. 3962, “Affordable Health Care for America Act” and the Reid Abortion Provisions in H.R. 3590, “Patient Protection and Affordable Care Act”

Summary: The House struck the Capps abortion funding amendment and adopted the Stupak-Pitts amendment to prevent federal funding of abortion and subsidies for plans covering abortion. The Stupak-Pitts amendment allows women to purchase plans with elective abortion coverage with non-federal funds. The House also adopted Rep. Stupak’s conscience amendment on abortion. However, like the Capps abortion funding amendment rejected in the House, the Reid bill Sec. 1303, page 116, authorizes the Secretary to include elective abortion in the public option and subsidizes health plans in the government run Exchange that cover elective abortion. The Reid bill mandates that at least one plan in each market region cover that receives government subsidies cover elective abortion, and it replaces the Stupak conscience amendment with protections for abortion and pro-life providers, but not pro-life plans.

Below is a comparison of the Stupak-Pitts amendment and Reid’s abortion provisions.

Provision	Stupak-Pitts in H.R. 3962 as Passed	Reid Sec. 1303 in H.R. 3592
Public Option Abortion Payments	No	Yes—p. 118 Authorizes the Secretary of HHS to include coverage of abortion on demand in the public option—now called the “Community Health Insurance Option.”
Exchange Plans Abortion Subsidies	No	Yes—p. 117 Authorizes QHBP plans receiving federal subsidies (tax credits and cost-sharing credits) in the Exchange to cover elective abortion.
State Requirement for Elective Abortion	N/A	Yes—p. 119 Authorizes a state to require coverage of elective abortion in the federal public option program, even if the Secretary of HHS chose <i>not</i> to offer elective abortion in the public plan, so long as funds paying for abortion are deemed not to be federal credits.
Accounting Gimmick I—Public Option	N/A	Yes—p. 118 Public option pays directly for abortion, even if “tax and cost-sharing credits” are kept separate from “premium payments” made to public option in each State. Credits and premiums are combined and public option which would pay for elective abortion.
Accounting Gimmick II—QHBP plans	N/A	Similar—p. 121 Allows funding for any qualified health benefit plan that covers elective abortion so long as the “amount attributable” to the tax credits or cost-sharing credits is not used for elective abortion. p. 122 Such plans must “segregate” the amount of the cost of elective abortion, per the Secretary, from the amount attributable to the tax or cost-sharing credits. This allows the QHBP to deem that abortion was not paid for using federal credits.
Abortion Plan Mandate	No	Same—p. 120
Abortion Surcharge	No	Same—p. 122
Preemption of State Laws	No	Same—p. 123
Conscience Protections (Current law under the Hyde/Weldon appropriations provision protects plans and providers who refuse to participate in abortion for any reason.)	Yes--separate amendment passed to protect current law.	Same—p. 123
Co-Ops	None	\$6 billion for loans and grants to assist the establishment of non-profit health co-ops with no restrictions on funding abortion on demand.