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H.H.S. Approves Pennsylvania Plan to Use Federal Funds to Subsidize Coverage of Nearly All Abortions in New "High-Risk Pool" Program

WASHINGTON (July 13, 2010) - The Obama Administration will give Pennsylvania \$160 million to set up a new "high-risk" insurance program under a provision of the federal health care legislation enacted in March -- and has quietly approved a plan submitted by an appointee of Governor Edward Rendell (D) under which the new program will cover any abortion that is legal in Pennsylvania.

The high-risk pool program is one of the new programs created by the sweeping health care legislation (the Patient Protection and Affordable Care Act) that President Obama signed into law on March 23. The law authorizes \$5 billion in federal funds for the program, which will cover as many as 400,000 people when it is implemented nationwide.

"The Obama Administration will give Pennsylvania \$160 million in federal tax funds, which we've discovered will pay for insurance plans that cover any legal abortion," said Douglas Johnson, legislative director for the National Right to Life Committee (NRLC), the federation of right-to-life organizations in all 50 states. **"This is just the first proof of the phoniness of President Obama's assurances that federal funds would not subsidize abortion -- but it will not be the last."**

An earlier version of the health care legislation, passed by the House of Representatives in November 2009, contained a provision (the Stupak-Pitts Amendment) that would have prevented federal funds from subsidizing abortion or insurance coverage of abortion in any of the programs created by the bill, including the high-risk pool program. But President Obama opposed that pro-life provision, and it was not included in the bill later approved by both houses and signed into law. An executive order signed by the President on March 24, 2010 did not contain effective barriers to federal funding of abortion, and did not even mention the high-risk pool program.

"President Obama successfully opposed including language in the bill to prevent federal subsidies for abortions, and now the Administration is quietly advancing its abortion-expanding agenda through administrative decisions such as this, which they hope will escape broad public attention," Johnson said.

The U.S. Department of Health and Human Services (DHHS) has emphasized that the high-risk pool program is a federal program and that the states will not incur any cost. On May 11, 2010, in a letter to Democratic and Republican congressional leaders on implementation of the new law, DHHS Secretary Kathleen Sebelius wrote that "states may choose whether and how they participate in the program, which is funded entirely by the federal government."

Details of the high-risk pool plans for most states are not yet available. But on June 28, Pennsylvania Insurance Commissioner Joel Ario (a member of the appointed cabinet of Governor Edward Rendell, a Democrat) issued [a press release](#) announcing that the federal Department of Health and Human Services had approved his agency's proposal for implementing the new program in Pennsylvania. "The state will receive \$160 million to set up the program, which will provide coverage to as many as 5,600 people between now and 2014," according to the release. "The plan's benefit package will include preventive care, physician services, diagnostic testing, hospitalization, mental health services, prescription medications and much more, with subsidized premiums of \$283 a month."

Examination of [the detailed Pennsylvania plan](#), reveals that the "much more" will include insurance coverage of any legal abortion.

The section on abortion (see page 14) asserts that "elective abortions are not covered." However, that statement proves to be a red herring, because the operative language does not define "elective." Rather, the proposal specifies that the coverage "includes only abortions and contraceptives that satisfy the requirements

of" several specific statutes, the most pertinent of which is 18 Pa. C.S. § 3204, which says that an abortion is legal in Pennsylvania (consistent with *Roe v. Wade*) if a single physician believes that it is "necessary" based on "all factors (physical, emotional, psychological, familial and the woman's age) relevant to the well-being of the woman." Indeed, the cited statute provides only a single circumstance in which an abortion prior to 24 weeks is NOT permitted under the Pennsylvania statute: "No abortion which is sought solely because of the sex of the unborn child shall be deemed a necessary abortion."

As a result, **"Under the Rendell-Sebelius plan, federal funds will subsidize coverage of abortion performed for any reason, except sex selection,"** said NRLC's Johnson. **"The Pennsylvania proposal conspicuously lacks language that would prevent funding of abortions performed as a method of birth control or for any other reason, except sex selection -- and the Obama Administration has now approved this."**

A group of Democratic members of the U.S. House of Representatives who initially withheld support from the federal health care bill, because of concerns about pro-abortion effects, cited President Obama's March 24 executive order in justifying their votes to pass the bill over objections from NRLC and other pro-life groups, which argued that the executive order did not contain effective barriers to federal subsidies for abortion. As USA Today reported on March 25, "Both sides in the abortion debate came to a rare agreement on Wednesday: The executive order on abortion signed by President Obama, they said, was basically meaningless. 'A transparent political fig leaf,' according to the National Right to Life Committee's Douglas Johnson. 'A symbolic gesture,' said Planned Parenthood President Cecile Richards."