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Re: Federal Funding of Abortion Providers and Appropriations

There are no words to adequately express the revulsion we all feel over the fact that Planned Parenthood Federation of America (PPFA), the nation's largest abortion chain, annually receives well over \$670.4 million through federal, state, and local government grants and contracts – around 35% of the Planned Parenthood network's annual income.

In September 2023, enactment of a “continuing resolution,” or CR, to fund the federal government (H.R. 5860) until November 17, 2023 provoked a renewed debate about the continued receipt of federal funds by Planned Parenthood. Efforts are ongoing to appropriate money for the rest of the fiscal year (which would fund the government until September 30, 2024). Some of the material published about funding abortion providers incorporates misunderstandings both about the nature of the problem, and about how it can be corrected.

Background on Federal Funding

Congress is “supposed to” pass up to 12 different appropriations bills each year, each containing funding for specific federal agencies and programs, before a federal fiscal year begins on October 1. The House of Representatives work on passing appropriations is ongoing, and they have passed five appropriations bills at the time of this writing, many with new pro-life provisions in addition to established ones. However, due to the efforts of mainly Democrat senators, the Senate is unlikely to agree to the House versions of these bills.

Currently, the federal government is running due to the temporary enactment of a “continuing resolution,” or “CR.” A CR essentially puts government programs on “auto-pilot” until fully developed appropriations legislation is passed.

The current CR has an expiration date of November 17, 2023. This means that if Congress does not pass the appropriations bills by that time (or another CR), the federal government will go into “shutdown.” During a “shutdown,” government functions deemed “essential” continue, but operation of many federal programs and services is suspended or frozen. Payments to many federal contractors stop. Many federal employees are put on furlough and their pay is suspended. Federal government shutdowns have occurred several times over the past couple of decades, and they have proven to be tremendously unpopular with most of the electorate. Regardless of who is actually responsible, overwhelmingly, congressional Republicans are blamed when they occur.

Passage of any appropriations bill – whether a “regular” bill covering only certain agencies, or an omnibus bill, or even a stop-gap CR – requires 60 votes in the Senate. Republicans are currently in the minority, only holding 49 seats. However, not a single Democrat Senator currently supports language to defund Planned Parenthood. This problem is discussed further below.

Why can't Republican leaders simply strike the portion of the budget that contains the money that goes to Planned Parenthood, after which Congress would pass a funding bill with no such offensive language in it?

This point is key: Neither the recent CR (H.R. 5860) nor any other federal spending bills includes any “line item” designating money for Planned Parenthood. There is no earmark, “set aside,” or explicit authorization for Planned Parenthood in any federal funding bill.

What occurs, however, is that Planned Parenthood affiliates are able to tap into funds from various longstanding health programs – programs that also fund many other entities. The greatest amount of federal money to Planned Parenthood flows through so-called “mandatory spending” programs, mostly Medicaid, which is a huge program created by federal law, in which states collaborate. In a 2015 cost estimate, the Congressional Budget Office estimated that PPFA received \$390 million in annual federal and state Medicaid reimbursements, making these reimbursements the largest source of federal support for PPFA.

It works like this: If you have insurance and seek medical help, the medical provider sends a bill to your insurance company for payment or reimbursement for the services you received. In the case of someone who is eligible for Medicaid, the government acts as the insurance company, either directly or through private managed care plans that contract to provide Medicaid services. The Medicaid patient goes to a doctor or medical facility; the provider sends a bill to the government or the government-proxy managed care plan, and in due course receives payment for the services provided. Planned Parenthood affiliates will continue to provide Medicaid-eligible services and receive federal reimbursements for such services, *unless a new federal law can be enacted to explicitly prohibit it.*

So again: there was no Planned Parenthood “line item” to strike in the current funding bills, no place where insertion of a zero would have done the trick. Rather, in order to deny federal funds to PPFA, a NEW LAW must be enacted to specifically block funding, either for PPFA by name, or for abortion providers however described. To pass such a law as part of a funding bill will require 60 votes in the U.S. Senate, but at the moment there are only 47 or 48 votes in favor of such a new law. Numerous pieces of legislation to defund abortion providers have been introduced in every recent Congress, but none has become law.

In years past, while Republicans controlled the Senate, National Right to Life and other pro-life groups have also attempted to enact a block on most federal funding of Planned Parenthood through a shortcut process known as “reconciliation,” but those efforts also have failed so far, because Senate Republicans had only held bare majority in the Senate, and two Republican senators have opposed such a new law.

Why can't a pro-life President simply refuse to sign a government funding bill that does not also contain the language of a new law that would prohibit funding of Planned Parenthood?

A pro-life President could refuse to sign a funding bill, but that would not block funding for Planned Parenthood. The federal government would go into “shutdown,” which places no pressure on Democrats to turn against Planned Parenthood – indeed, the contrary is true, since a “shutdown” always damages the political standing of congressional Republicans. Such a stand-off will do little if anything to disrupt funding of Planned Parenthood, which, as already explained, flows mainly through permanent programs such as Medicaid.

It boils down to this: What is needed to “defund Planned Parenthood” at the federal level, is (at least) a few additional pro-life senators.

While the Senate is unlikely to include any new pro-life provisions, appropriations bills so far have retained all previously enacted pro-life limitation riders, such as the Hyde amendment, the D.C. Hyde (Dornan) amendment, the Helms amendment and others. In the House, various pro-life amendments, such as language that would restore the Trump Administration's Protecting Life in Global Health Assistance Policy (Mexico City Policy), stop the Biden Administration's illegal actions expanding abortions at the VA, stop the Department of Defense from paying for abortion travel, and restore guardrails to the distribution of chemical abortion drugs, are being vigorously opposed by Democrats.

Further, President Biden would almost certainly veto any measure that contains new pro-life policies.

Congressional Activity

Despite the obstacles discussed above, the Republican leadership of the current (118th) House has acted on a number of pro-life measures. Republicans, despite being in the minority, were able to bring one pro-life vote to the floor and stopped another Democrat-led effort. Listed below, you can see a list of key scorecard votes that have occurred in the House and Senate during 2023:

U.S. House of Representatives: 118th Congress

1. H.R. 26 - Born-Alive Abortion Survivors Protection Act (Roll no. 29) (1/11/2023) (Pro-life win in the House.)
2. H.Con. Res. 3 - Resolution condemning attacks on pro-life facilities, groups, and churches (Roll no. 30) (1/11/2023) (Pro-life win in the House.)
3. H.R. 2670 - Jackson Amendment (#5) to NDAA - Funding for Abortion Travel in Military (Roll no. 300) (7/13/2023) (Pro-life win in the House.)
4. H.R. 2670 - Final Passage NDAA -- Funding for Abortion Travel in Military (Roll no. 328) (7/14/2023) (Pro-life win in the House.)

U.S. Senate: 118th Congress

1. S.J.Res.10 - CRA to overturn the Biden Administration rule related to VA abortion funding (4/19/2023) (The measure did not pass.)
2. S.J.Res. 4 - "Equal Rights Amendment" to U.S. Constitution. The ERA language would be construed to establish a federal constitutional "abortion right" more sweeping than even the now-nullified *Roe v. Wade*. (4/27/2023) (The measure needed 60 votes and did not advance.)

For more on these votes visit our Legislative Action Center at:
<https://www.voterveice.net/NRLC/Campaigns/97970/Respond>

Pro-life Legislative Action

As explained above, to achieve enactment of legislation to block federal funding of Planned Parenthood or achieve other major pro-life gains, we need to see the election of at least several additional reliably pro-life senators, and a President willing to sign pro-life legislation.