

LIFE AND CONSCIENCE ISSUES IN THE HEALTH CARE REFORM BILLS: A COMPARISON

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1/12/10

Issue	House bill, HR 3962	Senate bill, HR 3590	Comments
Permanent ban on federal funding of elective abortion?	Yes Sec. 265 (a)	No Sec. 1303 (b)(1)	Senate bill provides multi-year authorization and appropriation of funds for subsidies, but its abortion policy tracks annual changes in an appropriations rider
Bans federal funding of health plans that cover these abortions?	Yes Sec. 265 (a)	No Sec. 1303 (b)(2)	Only the House bill conforms to longstanding policy in all other major federal health programs in this regard; Senate bill “segregates” federal funds so they can support overall plans that include abortions
Purchasers on the Exchange have complete choice of health plans without being forced to pay for elective abortions?	Yes Sec. 265 (b), (c)	No Secs. 1303 (b)(2)(B), 1334 (a)(6)	In House bill, elective abortion coverage is optional for subsidized purchasers; Senate bill allows all but one plan in each state exchange to cover abortions, and forces each purchaser of these plans to write a separate check each month to pay for other enrollees’ abortions
Complete protection against government mandates for plans to cover elective abortions?	Yes Sec. 222 (e)	No Sec. 1303 (b)(1)	Senate bill protects only against a mandate for including such abortions under “essential health benefits”; loophole allows such mandates to take other forms
Keeps government bodies funded by this Act from discriminating against pro-life health care providers?	Yes Sec. 259	No	Senate bill lacks the nondiscrimination policy approved by the House, modeled closely on the Weldon amendment included in the Labor/HHS appropriations bill since 2004
Keeps health plans in Exchange from discriminating against pro-life health care providers?	Yes Sec. 304 (d)	Yes Sec. 1303 (b)(4)	Substantively identical language in both bills
Preserves state laws on abortion and conscience protection?	Partially Sec. 258 (a)	Partially Secs. 1303 (a) and 1303 (c)(1)	Protects against preemption of state laws on abortion funding/coverage and procedural requirements; does not mention laws on conscience, or laws restricting abortion
Preserves federal laws on abortion and conscience protection?	Partially Sec. 258 (b)(1)	Partially Sec. 1303 (c)(2)	Preserves federal laws on conscience and nondiscrimination; does not mention laws restricting abortion or abortion funding/coverage
Protects conscience rights in other contexts (e.g., sterilization)?	No	Only in the context of assisted suicide (Sec. 1553)	Neither bill includes language respecting moral or religious objections to other procedures by health plans or employers, even by religious institutions
Funds new life-affirming services for pregnant and parenting women?	No	Yes Secs. 10211-10214, 10909	Increased adoption assistance, and aid for pregnant and parenting teens, college students, and victims of domestic violence (taken from Pregnant Women Support Act)