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Stage set for Senate abortion showdown on health reform

Jerry Filteau | Dec. 8, 2009

Kristan Hawkins, executive director of Students for Life, voids a mock check during a September protest against including abortion coverage in health care reform. (CNS /Bob Roller)

WASHINGTON ? Sen. Ben Nelson, D-Neb., set the stage for a quick Senate showdown on federal abortion funding in health care reform Dec. 7 by introducing an amendment -- which quickly drew support from the U.S. Catholic bishops -- that would more clearly restrict the use of any public funds for abortion in the reform bill before the Senate.

There were early indications his amendment would be voted on as soon as today, Dec. 8.

The U.S. Catholic bishops quickly expressed support for the amendment and urged senators to adopt it ?to keep in place the longstanding and widely supported federal policy against government funding that includes elective abortions.?

Co-sponsored by Senators Orrin Hatch, R-Utah, and Robert Casey, D-Pa., and six other Republican senators the Nelson-Hatch-Casey amendment would require the Senate version of comprehensive health care reform to retain the same prohibition on federal funding of elective abortions enshrined in U.S. law since 1976 by the Hyde amendment, which governs all other federal health care programs.

The Nelson-Hatch-Casey amendment is based on language successfully attached to the House version of the bill in early November by Rep. Bart Stupak, D-Mich., and it would introduce into the Senate version provisions virtually identical to those already contained in the completed House bill.

Passage of the Stupak amendment energized Planned Parenthood, Catholics for Choice and other pro-choice groups as they sought to counter a stunning defeat from pro-life forces and to demonize the Stupak amendment as an illicit church-state collusion to deny women their constitutionally guaranteed rights to abortion.

Pro-choice groups have issued full-page newspaper ads and launched major new fundraising and membership campaigns since Nov. 7 to depict the amendment as a church-instigated new attack on women?s abortion rights ? even though all it does is reaffirm current federal policies against public funding of abortion in the new legislation.

Opponents of the Nelson-Hatch-Casey amendment argued that the Senate bill already contains sufficient safeguards against federal funding of abortion.

In a Dec. 7 letter to all senators [1], leaders of the U.S. Conference of Catholic Bishops sharply challenged that argument.

?The bill currently before the Senate allows the HHS [Health and Human Services] Secretary to mandate abortion coverage throughout the government-run ?community health insurance option,' ? the bishops said. ?It also provides [public] funding for other plans that cover unlimited abortions and creates an unprecedented mandatory ?abortion surcharge? in such plans that will require pro-life purchasers to pay directly and explicitly for other people?s abortions.?

In other words, unless the Hyde amendment prohibitions on federal funding of elective abortions in other federal health care legislation are explicitly included in the new health care reform legislation, the effects of the Hyde amendment in those other programs could be reversed by regulatory decisions.

In their letter the bishops emphasized that adopting the proposed amendment on federal funding restrictions in the new health care reform would not prevent any American from having an abortion or even from having such an abortion covered by insurance, so long as the insurance is not provided by or subsidized by federal -- ultimately taxpayer -- funds.

?It does not change the current situation in our country,? they wrote. ?Abortion is legal and available, but no federal dollars can be used to pay for elective abortions or plans that include elective abortions.?

?This plan does not restrict abortion or prevent people from buying insurance covering abortion with their own funds,? they added. ?It simply ensures that where federal funds are involved, people are not required to pay for other people?s abortions.?

Signing the letter were Bishop William F. Murphy of Rockville Centre, N.Y., chairman of the USCCB Committee on Domestic Justice and Human Development; Cardinal Daniel DiNardo of Galveston-Houston, chairman of the Committee on Pro-Life Activities; and Bishop John Wester of Salt Lake City, chairman of the Committee on Migration.

The migration committee has been regularly involved in USCCB interventions on comprehensive health care reform because one of the basic principles of Catholic social teaching behind the U.S. bishops? support for health care reform is that health care is a basic human right, not dependent on the recipient?s economic status, race, creed, or other factors including place of origin.

Politico.com reported the buzz on the Hill was that the Nelson-Hatch-Casey amendment was almost certainly doomed to defeat and would come up for a vote quickly -- possibly even Dec. 8 -- in order to dispose of it.

Several political observers contacted by NCR in recent days have said the election of nearly four dozen pro-life Democrats to the House in the past two election cycles has created an anomaly not seen in recent decades: A House that has both a Democratic and pro-life majority.

The Senate, however, still has a pro-choice majority, and its couple of pro-life Democrats like Nelson and Casey are unlikely to be enough to turn the tide on the Nelson-Hatch-Casey amendment as the pro-life Democratic coalition did on the Stupak amendment in the House.

Further complicating the Senate proceedings is the fact that Nelson threatened to filibuster the entire reform bill

if his amendment is not approved; his vote is crucial to the 60-vote majority needed to break a filibuster, since not a single Republican has yet indicated a willingness to cross party lines and vote for the bill.

Casey, while co-sponsoring the amendment, has indicated that if it should fail he would not join in a filibuster of the main bill.

Along with their letter to senators, the USCCB leaders submitted two fact sheets: one on abortion and conscience problems [2] in the current Senate version of the health care reform bill, and the other describing just what the Nelson-Hatch-Casey amendment does and does not do [3].

[Jerry Filteau is *NCR* Washington correspondent.]

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