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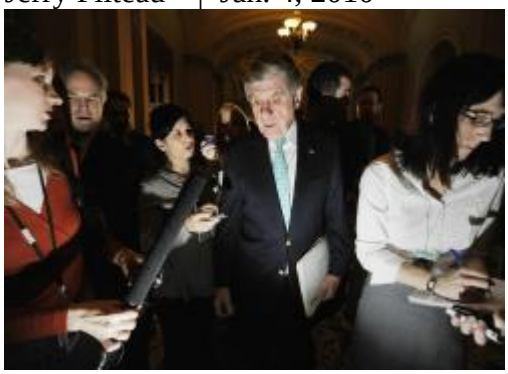
Abortion still major issue facing US health care reform

Jerry Filteau | Jan. 4, 2010



Sen. Ben Nelson, D-Neb., is trailed by reporters as he talks about a compromise for his vote on health care legislation at the U.S. Capitol Dec. 19 in Washington. (CNS/Reuters/Jonathan Ernst)

WASHINGTON -- Senate-House divide over abortion is one of the key obstacles still to be overcome if the United States is to take its next major step toward reforming its health care system.

Health care reform was far from a done deal as 2009 drew to a close. If it passes, it stands to rank with the 20th century?s legislation on child labor, minimum wage, Social Security, Medicare and Medicaid among the major socioeconomic changes in federal support for and protection of the nation?s lower and middle classes.

The versions of health care legislation approved by the House of Representatives Nov. 8 and the Senate Dec. 24 both passed by the narrowest of margins, however. Resolution of the differences between the two bills could be crucial to whether either chamber retains the majority needed to pass whatever compromise bill is hammered out in conference.

On coverage of abortion in health care plans that receive federal funding, one of the key differences, the U.S. Catholic bishops have weighed in strongly. They called the Senate version inadequate and said only the House version fully preserves the absolute separation of federal funding from elective abortion currently observed in all other federal health programs through the Hyde amendment.

The House version, which includes a ?public option,? or government-run insurance program for those without insurance from a private provider, would ban elective abortions under the public option and in any private plans offered through a national exchange that can be purchased by government-subsidized customers.

To achieve the 60-vote majority needed to prevent a filibuster, the Senate had to eliminate the public option, making the question of abortion coverage in that area moot. By a 54-45 vote the Senate rejected an amendment by Sen. Ben Nelson, D-Neb., that would have mirrored the House language barring elective abortion coverage from all exchange plans that accept federally subsidized customers.

In compromise language subsequently worked out by Nelson, Senate Majority Leader Harry M. Reid, D-Nev., and Sen. Robert Casey Jr., D-Pa., the final Senate bill lets each state decide whether to ban the use of federal

subsidies for insurance plans that include elective abortion coverage. In those states that allow abortion coverage to be included in federally subsidized plans, customers who purchase a plan that includes abortion coverage would have to pay for it with a separate check from their own funds, not with a federal subsidy. Pro-choice senators succeeded in blocking a Casey proposal that would have permitted customers to opt out of the abortion coverage if they purchased a plan that included such coverage.

When those provisions were introduced to the final Senate bill Dec. 19 in the form of a manager?s amendment by the majority leader, the heads of three committees of the U.S. Conference of Catholic Bishops said they did not go far enough.

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

?The amendment,? they said, ?includes some improvements over Sen. Casey?s proposal, including adoption tax credits and assistance for pregnant women, but differs from that proposal in other ways: It does not seem to allow purchasers who exercise freedom of choice or of conscience to ?opt out? of abortion coverage in federally subsidized health plans that include such coverage. Instead it will require purchasers of such plans to pay a distinct fee or surcharge which is extracted solely to help pay for other people?s abortions.?

The New York Times generated new controversy over the abortion question Dec. 26 with a story reporting ?an apparent split? between the Catholic Health Association and the bishops? conference over the Senate bill.

Sr. Carol Keehan, a Daughter of Charity and president and CEO of the Catholic Health Association, sharply disputed the *Times* report. ?There is not a shred of disagreement between the [association] and the bishops,? she told Catholic News Service Dec. 28.

?We believe there is a great possibility and probability that in conference committee we can work toward a solution that will prevent federal funding of abortion,? she said. The Catholic Health Association represents more than 600 Catholic hospitals and hundreds of other health care facilities, the largest nonprofit health care network in the country.

The *Times* report was based on the fact that while Casey and others were negotiating compromise language after the Senate had rejected the House language on abortion funding, Keehan issued a statement Dec. 17 saying, ?We are encouraged by recent deliberations and the outline Sen. Casey is developing. It is our understanding that the language now being written would prohibit federal funding of abortion, ensure provider conscience protection and fund programs to provide supportive care to some of the most vulnerable pregnant women in our society.

?Especially now that a public health insurance option is no longer on the table,? she added, ?we are increasingly confident that Sen. Casey?s language can achieve the objective of no federal funding of abortion.?

The *Times* contrasted that with a bishops? conference news release the following day calling Casey?s proposed compromise ?morally unacceptable.?

In fact, the negotiations over Casey?s proposals and how to incorporate them into the manager?s amendment were still under way at the time of both statements, so there was no contradiction between Keehan?s expressed hope that the Senate amendment would ?achieve the objective of no federal funding of abortion? and the judgment of the bishops? conference that it wasn?t there yet.

In an earlier interview with *NCR* Keehan said the Catholic Health Association is committed to working for

health care reform ?that is truly abortion-neutral? by maintaining the longtime policy of no federal funding for elective abortions.

The current House language achieves that, she told *NCR*, but negotiations could lead to different language that achieves the same goal. ?There are plenty of ways to get this done,? she said.

Sr. Marlene Weisenbeck, president of the Leadership Conference of Women Religious, had also expressed support Dec. 18 for Casey?s efforts ?to propose language that will achieve needed financial assistance for pregnant women without federal funding for abortion.?

Weisenbeck, who is also community leader of the Franciscan Sisters of Perpetual Adoration, said the Leadership Conference of Women Religious ?strongly supports health care legislation that will expand coverage to most people in the U.S. and will protect human life at all stages.?

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