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DEAN, NEW JERSEY DELEGATION

Funding for Insurance Plans with Abortion-on-demand

New Obamacare Regulation Violates Hyde Amendment

*Remarks by Rep. Chris Smith (NJ-04)
Press Conference at House Triangle
March 21, 2012*

Abortion is NOT health care. That's what we said over and over again during the debate over the new health care law. There is nothing benign or compassionate about brutally taking the life of an unborn child through dismemberment or chemical poisoning. Yet our pleas fell on deaf ears. The President would like the American public to believe that his health care overhaul does not subsidize and facilitate the preventable tragedy of abortion, but his actions paint quite another picture.

Last week while the House of Representatives was out of session, the mass deception of the Obama 2010 Executive Order was finally exposed.

On March 24, 2010, President Obama said in his Executive Order (#13535) "Ensuring Enforcement and Implementation of Abortion Restrictions in the Patient Protection and Affordable Care Act", "the Act maintains current Hyde Amendment restrictions governing abortion policy and extends those restrictions to the newly created health insurance exchanges." The President's Executive Order said that, but now we know for certain that what it does and the new rule announced last week is entirely different.

At its core the Hyde amendment has TWO parts. It prohibits funding for abortion AND funding for insurance plans that include abortion. This is the fundamental reality of longstanding federal law: **taxpayer dollars DO NOT subsidize abortion plans that include elective abortion.**

Now, under Obamacare, taxpayers subsidies in the form of refundable, advanceable credits paid directly to the insurance company will subsidize insurance plans offered on the exchange that include abortion on demand—even late term abortion. Obamacare further breaks with longstanding law by establishing a new abortion surcharge and secrecy clause.

Bottom line, the Executive Order and new rule implements the same accounting gimmick, abortion surcharge and secrecy clause that was in the original text of the bill. We knew it at the time, and the final

“exchange” rule confirms once again that the President was suggesting one thing while doing precisely the opposite.

Obamacare creates an unprecedented labyrinth of accounting gimmicks designed to hide the truth that the massive new health care program breaks with longstanding federal laws like the Hyde amendment and the Smith amendment.

In 1983 I successfully offered an amendment to prohibit taxpayer funding for abortion in the federal employee health benefits program. My amendment, in effect today, ensures that, like the Hyde Amendment, there is no funding for abortion or “the administrative expenses in connection with any health plan” that provides “benefits or coverage for abortion.”

Under this scheme, premium payers will pay President Obama’s abortion surcharge of—maybe more, but at least—one dollar per month. This separate charge will go directly into an abortion-on-demand fund established by Obamacare. Requiring the segregation of funds into allocation accounts—a mere bookkeeping exercise is a cheap political trick designed to circumvent longstanding prohibitions on taxpayer funding of abortion like the Hyde amendment and the Smith amendment.

The rule also contains a secrecy clause specifying that the abortion surcharge cannot be itemized in marketing materials, and may “only” be disclosed “as a part of the summary of benefits and coverage explanation, at the time of enrollment.” This secrecy clause requires insurance companies to bury the abortion surcharge in the summary of benefits so Americans shopping for an insurance plan on the exchange won’t know about the abortion surcharge until they sign up for coverage—and even then they could easily miss the fine print. Undoubtedly many enrollees will be shocked when they get a bill for the Obama abortion surcharge. Once enrolled, even pro-life Americans will be forced to pay for other people’s abortions.

There is no funding for insurance plans that cover abortion and there are no accounting gimmicks in the Hyde amendment or the Smith Amendment. And, there is NO abortion surcharge and there is NO secrecy clause. Both of these longstanding policies explicitly prohibit coverage for abortion in the federal programs they cover, but President Obama refused to apply the same policy to Obamacare.

That’s why the House has passed THREE bills to overturn this attack on longstanding policies:

- On January 19, 2011, the House passed H.R. 2, to repeal Obamacare by a bipartisan vote of 245-189. The President threatened a veto and the Senate defeated a similar provision by a partisan vote of 47-53.
- On May 4, 2011, the House passed Smith’s bill, H.R. 3, the “No Taxpayer Funding for Abortion Act” by a bipartisan vote of 251-175. The President threatened a veto and the Senate has taken no action.
- On October 13, 2011, the House passed H.R. 358, the “Protect Life Act” by a bipartisan vote of 251-172. The President threatened a veto and the Senate has taken no action.

Abortion isn’t health care. We live in an age of ultrasound imaging—the ultimate window to the womb. We are in the midst of a fetal health care revolution, an explosion of benign innovative interventions designed to diagnose, treat and cure disease or illness any unborn child may be suffering. Obamacare should do them no harm. Tragically, it does the worst harm of all. It kills children and makes others complicit in abortion.