

# PASS HEALTH CARE REFORM! STOP STUPAK!



## QUESTIONS AND ANSWERS ON THE STUPAK AMENDMENT

### **Q. WHAT IS THE STUPAK AMENDMENT?**

A. When the members of the House of Representatives passed their historic health reform bill on Saturday, November 7, they also approved the Stupak amendment, which, if enacted, would ban private and public health insurance that covers abortion care for millions of women.

The Stupak ban would prohibit any coverage of abortion in the new “exchange,” or marketplace, established by health reform. This ban would apply to both the proposed public option and to private health insurance plans sold in the exchange. The ban would apply if a private plan enrolled even one person who was receiving federal affordability credits to pay her or his premiums. Moreover, Stupak would not allow insurers to sell plans that cover abortion to customers who are paying without a subsidy, if even just one person with a federal subsidy were to purchase the same plan. So, if a plan wanted to offer coverage in the exchange to both groups of individuals, it would have to offer two different plans: one with abortion coverage for women without subsidies, and one without abortion coverage for women with subsidies. Without a doubt, the effect of the Stupak amendment is to ban abortion coverage across the entire exchange, for women who receive subsidies and for women who are paying 100 percent of their premiums with their own money.

### **Q. WHAT IS THE EXCHANGE?**

A. The new health insurance “exchange” or marketplace is intended to provide a new source of affordable, quality coverage for two significant portions of the population. First, the exchange would offer private health plans and a public

option to many of the 46 million uninsured Americans, and many of those newly insured will qualify for affordability credits.

The exchange would also offer coverage to millions of Americans who work for themselves or for small businesses — in the first year, that would include businesses with 25 employees or less; in the second year, it would include businesses with 50 employees or less; and after that, the definition would include businesses with 100 employees or less.

Depending on their income level, individuals from these two populations would receive subsidies on a sliding scale to purchase private insurance through the exchange. In the House bill, individuals with incomes up to 400 percent of the federal poverty level (\$88,000 for a family of four) would receive subsidies to help purchase health insurance. However, not everyone in the exchange would benefit from subsidized coverage — those who earn more than the limit for subsidies would not qualify.

### **Q. WHO WOULD BE COVERED IN THE EXCHANGE?**

A. Most immediately, the “exchange” or marketplace would be the locus of coverage for many of the 17 million women ages 18–64 who are uninsured. It would also be a source of coverage for many of the 5.7 million women who are now purchasing health insurance in the individual market — these are women who are not now receiving health coverage through an employer. Most often these women are self-employed, underemployed, or unemployed. Small employers would also likely purchase health insurance through the exchange, where they could find more affordable options.

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## **Q. WHAT IS THE PUBLIC OPTION?**

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A. The federal government would create and capitalize a public health insurance plan to compete with private health insurance plans in the “exchange” or marketplace created by reform. The insurance offered by the public option would be financed entirely by private premiums. In theory, the public option, a not-for-profit entity, would drive down health insurance costs.

## **Q. A RECENT GUTTMACHER INSTITUTE SURVEY FOUND THAT ONLY 13 PERCENT OF ALL WOMEN WHO HAD AN ABORTION IN 2001 USED HEALTH INSURANCE TO PAY FOR THESE PROCEDURES. IF THAT IS THE CASE, WHY ARE YOU MAKING SUCH A FUSS OVER THE AVAILABILITY OF COVERAGE FOR ABORTION SERVICES UNDER HEALTH CARE REFORM?**

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A. First and foremost, the authors of the Guttmacher Institute study explain that the 13 percent figure is not accurate. The study that generated this percentage included all women who obtained an abortion in 2001, including those on Medicaid and those without insurance. The figure doesn’t account for women who may have paid out of pocket for their abortions and then sought reimbursement from health insurance later. The authors of the Guttmacher Institute study explain that if the study included only women with insurance coverage, the percentage of those who used their insurance to cover the procedure would be dramatically higher.

That said, some women fear using their benefits because of the stigma foisted on them by opponents of abortion, and the Stupak amendment would only make the situation worse.

Finally, percentages aside, the fact is that most private plans cover abortion care now, and women shouldn’t lose the coverage they have as a result of

reform. Women need to know they always have the coverage they need and deserve.

## **Q. WHAT IS THE CAPPS COMPROMISE?**

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A. The Capps compromise is a fair and reasonable compromise worked out by pro-choice and anti-choice members of Congress to ensure that no federal funding would be used to pay for abortions while also ensuring that women do not lose the benefits they currently have. While we are opposed to the notion that abortion should be singled out under health care reform, we would be willing to accept this provision if it would mean ensuring affordable, quality care for all Americans. But a ban on abortion like the one proposed by Rep. Stupak would go too far.

## **Q. HOW DOES THE STUPAK AMENDMENT DIFFER FROM THE CAPPS AMENDMENT?**

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A. The Stupak amendment would essentially ban all abortion coverage in the “exchange” or marketplace established by reform. The Stupak ban would deny women the right to choose a plan that covers abortion. Stupak would force millions of women to lose private coverage for abortion care, and millions more would be prohibited from buying it even with their own money. Simply put, women’s access to private coverage for abortion would be severely restricted by the Stupak ban, if it becomes the law of the land.

## **Q. CRITICS CLAIM THAT THE CAPPS AMENDMENT BASICALLY CONTAINED AN ACCOUNTING PROCEDURE THAT COVERED UP THE FACT THAT IT WOULD STILL ALLOW USE OF FEDERAL FUNDS FOR ABORTION. IS THAT A FAIR ASSESSMENT OF THE CAPPS AMENDMENT?**

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A. Under Capps, no federal funds would be used for abortion. The funds would be segregated from private dollars.

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## **Q. THE VOTE FOR THE STUPAK AMENDMENT WASN'T EVEN CLOSE. HOW DO YOU EXPECT TO GET THE AMENDMENT STRIPPED WHEN STUPAK WAS PASSED BY A 40-VOTE MARGIN?**

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A. Members of the House are just beginning to realize the true impact of the Stupak amendment. They are beginning to realize that it goes far beyond the status quo and that it would take away benefits that women currently have. Rep. DeGette, who heads up the pro-choice caucus, has already begun signing up members who will oppose final passage of the bill if the Stupak language is not stripped from the final bill.

Moreover, the debate now turns to the Senate where cooler heads often prevail. A number of senators have publicly stated that there is not enough support for Stupak on the Senate floor.

## **Q. WHAT ARE THE RISKS OF A STUPAK-LIKE AMENDMENT BEING INTRODUCED IN THE SENATE?**

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A. Amendments similar to the Stupak language were offered in both Senate committees that issued health care reform bills. All of these amendments were rejected in committee. If Majority Leader Reid melds a bill from the bills approved by the Senate HELP and Finance Committees, the final bill will not be introduced with Stupak-like language. If anti-abortion forces want to introduce such an amendment from the floor, they would need to have 60 votes, which would be a significant challenge for them. Sen. Baucus and others have indicated that it would be nearly impossible for anti-abortion forces to find 60 votes.

## **Q. WHO'S BEHIND THE STUPAK AMENDMENT?**

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A. The most public backer of this amendment was the U.S. Conference of Catholic Bishops, which refused to support the pro-choice/anti-choice Capps compromise and insisted on using health care reform as a means to pursue its goal of making abortion illegal. During the last hours of the debate, Rep. Stupak and his supporters, including the bishops, threaten to scuttle the entire bill to achieve their goals.