



New Jersey's Fourth Congressional District

Co-Chair of Bipartisan Congressional Pro-Life Caucus

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The Big Three Obamacare Abortion Lies of the Year

Washington, D.C. — Even as President Obama's now infamous claim, "[i]f you like your plan you can keep it," is being recognized as the "[Lie of the Year](#)" by an independent media watchdog, Rep. Chris Smith (NJ-04), Co-Chair of the Congressional Pro-life Caucus, issued the following statement regarding the "Big Three Obamacare Abortion Lies of the Year."

Big Lie No. 1: "The Act maintains current Hyde Amendment restrictions governing abortion policy and extends those restrictions to newly created health insurance exchanges." ([Obama Executive Order 13535](#))

In the run-up to passage of the Affordable Care Act (ACA)—Obamacare—Americans were repeatedly told and reassured by President Obama himself, including in a speech to a joint session of Congress in October 2009, that "under our plan, no federal dollars will be used to fund abortion..." In an 11th-hour ploy to garner the votes of a remnant of pro-life Congressional Democrats absolutely needed for passage in the House, the President issued an Executive Order that said "the Act maintains current Hyde Amendment restrictions governing abortion policy and extends those restrictions to newly created health insurance exchanges."

At its core, the Hyde Amendment has two parts. It prohibits funding for abortion and funding for any insurance plan that includes abortion except in the case of rape, incest or to save the life of the mother. Yet, many Americans woke up to the launch of the Obamacare exchanges only to discover that they had been misled and deceived.

Rollout of the Obamacare exchanges reveals that many health insurance plans will subsidize abortion-on-demand. For example, the preliminary data suggests that every insurance plan on the Connecticut health care exchanges will pay for abortion-on-demand. In the most recent example, we learned that 103 of the 112 insurance plans for Members of Congress and congressional staff include elective abortion coverage. Only nine plans offered exclude elective abortion. ([Click here to view flyer regarding the nine plans.](#))

It is clear that there are numerous Obamacare plans that include elective abortion and billions of taxpayers' dollars will now be handed out as credits to buy abortion-covering health insurance — a clear violation of the Hyde Amendment's fundamental principle of restricting funds to abortion-subsidizing health insurance plans.

As with Mr. Obama's promise that Americans can keep their current health insurance policy if they like it, implementation in the Obamacare exchanges of massive public funding of abortion coverage undermines the President's credibility and word. As a direct result, hundreds of thousands of unborn babies will painfully die from dismemberment in surgical abortion or from chemical poisoning and forced expulsion from the womb.

Big Lie No. 2: Information about which Obamacare plans cover abortion "is on the website...it is available..." (Health and Human Services Secretary Kathleen Sebelius at a December 11 hearing.)

For months pro-life leaders have sought to get consistent clarity as to which Obamacare plans cover abortion and for months they have found the information nearly impossible to discern in any consistent way. *Consumers deserve to at least know if the Obamacare plan they select includes abortion.* Many Americans object to the destruction of human life and would be appalled to know they are purchasing a plan that includes such a brutal procedure. Yet, Secretary Sebelius remains unwilling to disclose that information even after [telling Rep. John Shimkus \(IL-15\)](#) she would do so at an October 30th appearance before the Energy and Commerce Committee.

Then on December 11, 2013, Secretary Sebelius appeared before the Health Subcommittee of the Energy and Commerce Committee and Rep. Shimkus [questioned her on why she has not provided the list](#). In an apparent backtracking from her October 30th commitment to provide a list, Sebelius told Rep. Shimkus that "every plan lists plan benefits and the one plan benefit that they must list by law is abortion services, so as a shopper goes on, I would highly recommend that they look in the plan benefits section..." When Rep. Shimkus pressed further pointing out that he had examples of summary of benefits documents that do not indicate whether or not abortion is covered, she replied "It is on the website...it is available..."

Unfortunately her assurances ring hollow. Specifically, numerous summaries of benefits and coverage documents which can be viewed through www.healthcare.gov do NOT indicate whether or not abortion is covered. On December 13, 2013 the Charlotte Lozier Institute (CLI) [issued a report](#) demonstrating that this basic information that the Secretary stated is available is not available for many plans in New Jersey, Texas, Wyoming, and Alaska. The Lozier Institute concluded "[f]rom this survey sample of online websites via the federal exchange CLI concludes that clear statements of coverage of elective abortion via the [benefit summaries] and other plan documents are not the rule. If anything, they are the exception."

Big Lie No. 3: "[I]n the Senate bill [which later became law], if you are receiving Federal assistance to buy insurance, and if that plan has any abortion coverage, the insurance company must bill you separately, and you must pay separately from your own personal funds—perhaps a credit card transaction, your separate personal check, or automatic withdrawal from your bank account—for that abortion coverage. Now, let me say that again. You have to write two checks: one for the basic policy and one for the additional coverage for abortion. The latter has to be entirely from personal funds." ([Senator Ben Nelson \(NE\), Dec. 24, 2009](#))

Obamacare further breaks with long-standing law by establishing new abortion surcharges. The new law requires premium payers to be assessed a separate abortion surcharge every month to pay for abortions. Section 1303 clearly states that every premium payer in an abortion-covering plan will contribute a surcharge to an abortion fund to pay for other people's abortions. Senator Nelson wrote this policy so the surcharge would be billed separately (as described in his statement above). However, new [research published by Susan Muskett with the National Right to Life Committee](#) indicates that insurance carriers are not actually billing the surcharge separately—despite the clear letter of the law.

National Right to Life's research provides a detailed outline of the Nelson Amendment and the failure to bill the abortion surcharge separately. Here are some examples of its findings:

- *Gretchen Borchelt, director of state reproductive health policy at the National Women’s Law Center, told the Huffington Post that “we used to talk about it as being two checks that the consumer would have to write because of the segregation requirements, but that’s not the way it’s being implemented.” (Huffington Post, Sept. 3, 2013). Likewise, a spokeswoman for Rhode Island’s Exchange told PolitiFact Rhode Island that “the customer is not billed a separate fee.” (Politifact, Oct. 2, 2013.) As PolitiFact notes, “it turns out to be a hidden fee.”*
- *Despite the explicit statutory language, some state insurance commissioners are advising insurers that the state will not require them to collect the separate payments from enrollees, nor to even issue an itemized bill setting forth the separate costs.*
 - *Maryland’s Insurance Commissioner issued a [bulletin](#) to insurers on July 31, 2013, that requires issuers to have a segregation plan for abortion services, but asserts that “issuers are not required to provide enrollees with separate invoices for non-excepted abortion services and all other services covered under a QHP [Exchange plan], nor to provide enrollees with itemization on a single invoice for non-excepted abortion services and all other services covered under a QHP.”*
 - *New York State’s Department of Financial Services issued [guidance](#) to insurers on September 18, 2013 stating that: “QHP issuers that cover non-excepted abortion services must collect in the premium for each enrollee a payment for non-excepted abortion services. . . . The ACA permits QHP issuers to collect premiums for non-excepted abortion services and all other services in one transfer of funds. . . . QHP issuers will be in compliance with the ACA if they do not itemize non-excepted abortion services on the premium bill and collect both premiums through a single transfer of funds.” (emphasis added).*
 - *Washington State adopted a regulation stating that Exchange plan issuers must segregate funds for elective abortion, but “[t]his rule does not require an issuer to conduct two separate premium transactions with enrollees. [Note, nor does the regulation require an itemized bill]. For purposes of approval by the commissioner, the segregation of premium may occur solely as an accounting transaction.” [[WAC 284-07-540](#)].*

While consumers will be paying an abortion surcharge (something that is not permitted under the Hyde Amendment), they may never know it. Between the failure to disclose abortion coverage at the outset and the failure to bill the surcharge separately, the consumer is left in the dark, unknowingly paying into an abortion fund.

This failure to disclose is a problem indicative of Obamacare plans nationwide and is why I have introduced the “Abortion Insurance Full Disclosure Act” ([H.R. 3279](#)), a bill that requires information regarding either inclusion or exclusion of abortion coverage as well as the existence of an abortion surcharge to be prominently displayed. To rid Obamacare of its massive expansion of abortion-on-demand facilitation and funding, I have also introduced the “No Taxpayers Funding for Abortion Act” ([H.R. 7](#)).

Abortion isn’t health care—it kills babies and harms women. We live in an age of ultrasound imaging—the ultimate window to the womb and the child who resides there. We are in the midst of a fetal health care revolution, an explosion of benign interventions designed to diagnose, treat and cure the youngest patients. Obamacare’s abortion mandate violates federal law and makes taxpayers complicit in the culture of death. This is not reform.

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