



Secretariat of Pro-Life Activities

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July 29, 2009

TO: Members of the House Energy and Commerce Committee

Dear Representative:

As you consider the “America’s Affordable Health Choices Act” (H.R. 3200), I urge you to consider the overall priorities and concerns presented by the U.S. Conference of Catholic Bishops in Bishop William Murphy’s July 17 letter to all members of Congress (www.usccb.org/sdwp/national/2009-07-17-murphy-letter-congress.pdf). The bishops’ conference views health care as a basic right belonging to all human beings, from conception to natural death. We therefore have long supported universal health care reform that respects human life and dignity, provides access for all with a special concern for immigrants and the poor, preserves pluralism with respect for rights of conscience, and restrains costs while sharing them equitably.

In this particular letter I am writing specifically about our fundamental requirement that health care legislation respect human life and rights of conscience. Much-needed reform must not become a vehicle for promoting an “abortion rights” agenda or reversing longstanding current policies against federal abortion mandates and funding. In this sense we urge you to make this legislation “abortion neutral” by preserving longstanding federal policies that prevent government promotion of abortion and respect conscience rights.

In this regard several features of H.R. 3200, as introduced on July 14, need to be addressed:

1. The legislation delegates to the Secretary of Health and Human Services the power to make abortion a **basic or essential benefit** in all health plans, or in the “public plan” created by the legislation. This would be a radical change: Federal law has long excluded most abortions from federal employees’ health benefits plans and places no requirement on private plans, most of which also decline to cover elective abortions.
2. Because some federal funds are authorized and appropriated by this legislation without passing through the Labor/HHS appropriations bill, they are not covered by the Hyde amendment and other provisions that have prevented direct **federal funding of abortion** for over three decades. The legislation needs its own provision against abortion funding to ensure consistency with the policy in all other federal health programs.
3. Provisions such as those requiring timely access to all benefits covered by qualified health plans could be used by courts to **override and invalidate state laws regulating abortion**, such as laws to ensure women’s safety and informed consent and to

promote parental involvement when minors consider abortion. These laws are modest, widely supported, and constitutionally sound, but they could fall before a new federal mandate to maximize "access" to abortion. It should be made clear in the legislation that such laws will not be preempted.

4. Several federal laws have long protected the **conscience rights** of health care providers. These laws prevent governmental bodies from discriminating against individual and institutional health care providers that decline involvement in abortion, and respect the moral and religious convictions of health professionals on abortion and other procedures in programs funded under the Public Health Service Act and other federal laws (see www.usccb.org/prolife/issues/abortion/crmay08.pdf). President Obama recently stated that he accepts these current laws and will do nothing to weaken them. Congress should make the same pledge, by ensuring that this legislation will maintain protection for conscience rights.

As long-time supporters of genuine health care reform, the United States Conference of Catholic Bishops is working to ensure that needed health reform is not undermined by abandoning longstanding and widely supported policies against abortion funding and mandates and in favor of conscience protection.

During committee consideration, Reps. Bart Stupak (D-MI) and Joseph Pitts (R-PA) plan to offer amendments to address these problems in H.R. 3200 as introduced. I strongly urge you to support their efforts. By your actions on these issues, you have the ability to help reform our health care system in a way that will truly serve the poor and needy and uphold the dignity of all.

Sincerely,



Cardinal Justin Rigali
Archbishop of Philadelphia
Chairman
USCCB Committee on Pro-Life Activities