



March 18, 2010

Dear Member of Congress,

On behalf of Americans United for Life Action (AUL Action), I write to express our strong opposition to the Senate health care reform bill, H.R. 3590. AUL Action is the legislative arm of Americans United for Life, a public interest law firm specializing in constitutional issues based in Washington, DC. AUL Action is supported by Americans who believe in legal protections for all human beings.

AUL Action has an obligation to its supporters to score all votes related to this bill, which would be the largest expansion of abortion since *Roe v. Wade*. We will score a vote on (1) the bill, (2) any legislation modifying the bill, and (3) any rules for consideration of the bill or of legislation modifying the bill.

First, the Senate bill's prohibition on federal funding for abortion is severely insufficient. While the bill prohibits the use of affordability credits to pay for abortions, the prohibition is dependent on the existence of the Hyde Amendment. If the Hyde Amendment were ever eliminated from LHHS appropriations, the prohibition on federal funding for abortions in this bill would be rendered meaningless. Further, the prohibition on federal funding in this bill is not as comprehensive as that found in the Hyde Amendment and the Stupak-Pitts Amendment to the House bill – it applies only to affordability credits; it does not apply to any other funds in the bill.

Without a comprehensive ban on federal funding for abortion, \$7 billion in new funding for Community Health Centers (CHCs) could be used to pay for abortions. There are no restrictions on the provision of abortion services for CHCs in the Federally Qualified Health Center authorizing statute, and the Hyde Amendment would not apply to this funding.

Second, the bill allows insurance plans that cover abortions to receive government subsidies, which is a radical departure from existing law (government subsidies for insurance plans that cover abortions are not allowed under the Hyde Amendment or the Federal Employee Health Benefits Program). Further, while the bill allows states to “opt out” of allowing private plans that include abortion coverage to participate in their exchanges, this “opt out” provision makes abortion coverage normative. In other words, states will have to act to *prevent* subsidies from going to plans that cover abortions in their state, turning on its head the traditional federal approach to abortion.

Third, the bill fails to address our concerns that under the Mikulski amendment to the bill, the Health Resources and Services Administration (HRSA) has the power to require private insurance plans to include abortion coverage under the guise of “preventive care.”

Fourth, The Senate bill provides inadequate conscience protection, because it does not prohibit any government entity or program (federal, state, or local) from discriminating against health care providers that do not want to participate in abortions.

Fifth, the bill presents serious concerns that the federal government could misuse the results of Comparative Effectiveness Research to deny or ration care. Also, the bill fails to prohibit federal funding of assisted suicide, or to define the terms “assisted suicide and “end of life care,” to ensure that federal dollars are not being used to intentionally cause or assist in causing death. Real health care respects life from conception to natural death, and there should also be strong protections for all Americans at the end of life.

The Senate had the opportunity to remove federal funding for elective abortions and insurance plans that include elective abortion coverage from the bill, as the House did. The Nelson-Hatch-Casey amendment, offered on the Senate floor, would have ensured that no federal entity may force private insurance plans to cover abortions, and would have included the same prohibitions on federal funding of elective abortions and insurance plans that cover elective abortions added to H.R. 3962 through the Stupak-Pitts amendment. The Nelson-Hatch-Casey amendment, like the Stupak-Pitts amendment, mirrors the principles on abortion coverage and funding found in existing federal law. However, a majority of Senators chose to table and effectively kill the amendment.

It is critical that all of these issues be resolved before the Senate bill receives a vote in the House. Any vote to advance the Senate bill, whether it is a direct vote on the bill, a vote on a reconciliation bill, or a vote in favor of a rule relating to either, is a vote in favor of federal funding for abortion.

Because of the many provisions in this bill that fail to comprehensively respect innocent human life, we urge you to vote against all efforts to advance the bill.

Sincerely,

A handwritten signature in black ink that reads "Charmaine Yoest". The signature is written in a cursive, flowing style.

Charmaine Yoest, Ph.D.
President & CEO