



September 9, 2009

The Honorable Nancy Pelosi
Speaker of the United States House of Representatives
H-232, US Capitol
Washington, DC 20515

Dear Mrs. Speaker:

I am writing today on behalf of Americans United for Life Action (AUL Action) regarding the “Health Insurance Reform – Daily Mythbusters” post on your website. At AUL Action, we are deeply concerned about inaccuracies in the “facts” included on that page and respectfully ask that you edit your website to ensure that it reflects the truth about how H.R. 3200 mandates abortion coverage and funding.

On your website, you state that it is a myth that H.R. 3200 “will force taxpayers to pay for abortions.” Instead, you argue that “[t]he latest version of the House bill continues longstanding federal policy” and “preserves the status quo in abortion policy.” You state that “the bill clearly spells out that no federal funds can be used to pay for abortions except in the case of rape, incest, or to save the life of the woman—including that no affordability credits will pay for coverage in private or public insurance.” You back up your claims with links to sources that have similarly interpreted H.R. 3200.

However, the health reform bill before the House alters abortion policy dramatically. H.R. 3200, through the Capps amendment, not only creates a government run public health plan which will likely include abortion as a mandatory minimum benefit pursuant to HHS Secretary Sebelius’ determination, but also imposes the first ever abortion coverage mandate for private insurance plans. This is a radical departure from your above mentioned “status quo in abortion policy.” Never before has a requirement for abortion coverage under both public and private insurance plans been so concretely forced into statute.

The Capps amendment requires that all premium rating areas in the country contain one private plan that offers coverage for all elective abortions. These private plans receive government subsidies (tax dollars) through affordability credits. While the amendment sets up an accounting system that is supposed to ensure that individuals’ premiums, not the affordability credits, actually pay for abortions, nothing can mask the fact that taxpayer money is funding insurance plans that pay for abortion. This system is a far cry from “longstanding federal policy,” which strictly forbids federal funding of abortion except in very limited circumstances.

All three House committees of jurisdiction had the opportunity to pass amendments that would have ensured that abortion coverage and funding was not included in H.R. 3200. For example, the House Energy and Commerce Committee – the very Committee which added the Capps amendment to the bill – considered an amendment by Congressmen Stupak and Pitts which would have ensured that the tradition of not paying for abortion or plans that cover abortion was continued in H.R. 3200. However, that Committee, as well as the Education and Labor Committee and the Ways and Means Committee, rejected these amendments, further demonstrating that the bill includes abortion.

Importantly, history has shown that silence on abortion coverage and funding equals a mandate for abortion coverage and funding. Before the first passage of the Hyde Amendment in 1976, Medicaid covered as many as 300,000 abortions a year. Federal courts have interpreted abortion coverage under Medicaid as mandatory, necessitating an explicit prohibition on coverage (See, e.g., *Planned Parenthood v. Engler*, 73 F.3d 634 (6th Cir. 1996)). However, that prohibition, the Hyde Amendment, applies only to programs funded through the Labor, Health and Human Services appropriations bill, and will not apply to all of H.R. 3200. Without the inclusion of a permanent prohibition in the House bill, Americans cannot be confident that a new Congress or an activist court will not require coverage and taxpayer funding of all elective abortions under the guise of health care reform.

You have a unique opportunity to set the record straight and acknowledge how H.R. 3200 will change abortion coverage in our country. It is time to stop misleading the American people about an issue that deeply matters to so many.

The majority of Americans are pro-life, and over 70% oppose taxpayer-funded abortion. To protect the lives of unborn children and the health and wellbeing of their mothers, health care reform must expressly exclude mandates of any kind for abortion, must not alter prohibitions on federal funding of abortion contained in the Hyde amendment or other provisions of law, and must explicitly ensure that federal funds do not pay for abortion or for plans that cover abortion.

Sincerely,



Charmaine Yoest, Ph.D.
President & CEO
Americans United for Life Action