

September XX, 2013

The Honorable John Boehner
Speaker of the House
H-232, the Capitol
Washington, DC 20515

Dear Speaker Boehner:

As fellow pro-life Members of Congress committed to protecting the right to life, religious freedom, and the rights of conscience, we would like to thank you for your past support and again respectfully request that you ensure that adequate protections for these fundamental liberties are included in legislation that will be signed into law before January 1, 2014. Specifically, we are asking that you incorporate H.R. 940, the Health Care Conscience Rights Act, along with a cessation of federal dollars for abortions into the continuing resolution or on legislation addressing the debt ceiling.

The provisions of H.R. 940 would amend the Affordable Care Act (ACA) to ensure that the federal government cannot require individuals, charities, or businesses to buy insurance coverage that includes items or services against which they have deeply held moral or religious objections. It would also ensure that the federal government, and any state or local government receiving federal financial assistance does not discriminate against any health care entity or worker for abiding by their conscience and refusing to provide, train, or refer for abortion services. The Health Care Conscience Rights Act would ensure a private right of action for victims facing discriminatory practices.

A growing number of court cases assert a pattern of federal discrimination against religious freedoms enshrined in and protected by the First Amendment. In fact, more than 200 plaintiffs have filed suit against the unconstitutional HHS mandate. First issued on August 3, 2011 the HHS Mandate requires that insurance plans include "all Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity."

Most recently, a federal appeals court ruled on September 17, 2013 that Michigan-based Autocam Corporation does not have legal standing to seek an exemption from providing certain drug coverage now required under Obamacare. This ruling is despite the fact that the HHS Mandate violates the deeply held religious beliefs of the Kennedy family, devout members of the Catholic Church and the owners and operators of Autocam Corporation. The Kennedys seek to run their business in full accord with their Christian beliefs including a commitment to provide generous medical benefits to employees. Under Obamacare's HHS Mandate the Kennedys

would be forced to choose between adhering to their Catholic beliefs and paying ruinous fines or violating their conscience.

The egregious anti-religious, anti-life provisions of Obamacare do not end here.

Prior to passage of the Affordable Care Act federal law was explicitly clear that federal funds do not subsidize insurance coverage that includes abortion. However, the new health reform package rolls back decades of abortion policy and instead pays for policies with elective abortion.

Anyone who enrolls in a federally-subsidized health care plan that covers elective abortions will pay a separate “abortion fee” of at least \$1 per month into an abortion slush fund to pay for abortion on demand. In addition, under the secrecy clause, plans that cover abortion are only allowed to disclose the abortion surcharge “as a part of the summary of benefits and coverage explanation, at the time of enrollment.” Many families may choose a plan that covers abortion without realizing it or because that plan is the only one that covers the critical care that their family needs.

In addition, under the ACA, the law directs the Office of Personnel Management (OPM) to contract with and administer several health insurance plans to be made available across the country (referred to as multi-state plans). Until passage of the new health care law, the Director of OPM was forbidden from contracting with plans that pay for elective abortion. Under the new health care law, the opposite is true. The Director of OPM may administer plans that cover elective abortion and even ensure that elective abortion is included in all but one of the plans he or she administers.

For this reason, as the health insurance exchanges go into effect, beginning October 1, 2013, Congress must enact legislation that stops the public funding of abortion coverage in the ACA.

This attack on the pro-life conscience of America demands immediate congressional action. Nothing short of a full exemption for both non-profit and for-profit entities will satisfy the rights guaranteed in the First Amendment, and nothing but a complete prohibition on public funding for abortion coverage will keep the status quo under the Hyde amendment. In recent years, the Obama Administration has committed unprecedented attacks against the unborn and the religious freedoms guaranteed in the Constitution, all under the guise of “access to health care.” Congress cannot ignore this relentless assault on life and the First Amendment.

Sincerely,

Joseph R. Pitts
Member of Congress