



Congress of the United States
House of Representatives
Washington, DC 20515

July 16, 2008

The Honorable Michael Leavitt
Secretary
Department of Health and Human Services
200 Independence Ave, SW
Washington, D.C. 20201

Dear Secretary Leavitt,

In 2004, Congress approved language included in the FY05 Labor, Health and Human Services Appropriations bill protecting the right of health care entities, including hospitals and insurance providers, to refuse to perform or refer for abortions. Specifically, the language, often referred to as the Hyde-Weldon provision, states:

None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

As you know, this language has been included in four consecutive appropriations bills and was intended to provide much-needed protection against documented state and local efforts, in Alaska, New Mexico, New Jersey and elsewhere, to force hospitals and other healthcare providers to perform abortions. Unfortunately, due to the absence of federal regulations guiding the implementation and enforcement of the Hyde-Weldon provision, many of these institutions remain vulnerable.

We strongly urge you to initiate and complete the rule-making process implementing these conscience-protecting safeguards as soon as possible. Failure to implement the language leaves institutions and governments under a cloud of ambiguity regarding its application and enforcement, particularly in the face of regulations that have been interpreted as being in conflict with the Congressionally approved language.

It is our understanding that the delay in implementing Hyde-Weldon was in part due to ongoing legal challenges to the language. While we would have preferred that regulations be issued notwithstanding the litigation, now that all legal challenges have been dismissed, we trust that

HHS has had ample opportunity to thoroughly examine the scope of the policies that need to be altered in order to fully comply with the law.

This week, the *New York Times* reported that regulations regarding the series of conscience-protection laws enacted by Congress over the years have been drafted and include broad protections for the rights of conscience for medical professionals and institutions.¹ If these reports are accurate, we applaud you for drafting regulations that require institutions to proactively certify that they will not discriminate against those exercising their rights of conscience in refusing to participate or refer for abortion.

Thank you for your attention to this urgent matter.

Sincerely,



Dave Weldon, M.D.
Member of Congress



Bart Stupak
Member of Congress



Lincoln Davis
Member of Congress



Chris Smith
Member of Congress

T. Max Cross (AZ-11)

Bill Sali ID-1

John Mokey

Paul C Brown GA10

Mary Fallin OK-5

Mike Pence (IN-6)

John T. Doolittle

Bob D'Amato

Paul Ryan

Tim Claborn

¹ Abortion Proposal Sets Condition on Aid. July 15, 2008. *The New York Times*
<http://www.nytimes.com/2008/07/15/washington/15rule.html?scp=1&sq=Abortion%20Proposal%20Sets%20Condit ion%20on%20Aid&st=cse>

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