Congress of the United States
Washington, DC 20515

March 15, 2012

The Honorable Kathleen Sebelius
Secretary, U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

Dear Secretary Sebelius,

On February 13, 2012, the Washington State House approved legislation requiring all insurance companies to provide coverage for abortion services if they also provide coverage for prenatal care. The Reproductive Parity Act, HB 2330, approved by the House, and its companion bill, SB 6185, approved by a Senate committee, would have far reaching and alarming consequences. Of most importance is the fact that either bill, if enacted as currently drafted, would be a direct violation of the Hyde/Weldon amendment, federal law which protects providers, in this case insurance companies and health plans, against discrimination.

We noted your February 5, 2012, USA Today editorial which stated in part that, "...the president and this administration continue to support existing conscience protections." This is certainly consistent with the President's remarks at a 2009 speech before a joint session of Congress in which he said that, "federal conscience laws will remain in place." We would encourage you, Madame Secretary, to send a strong message to Washington State that enacting legislation in violation of the Hyde/Weldon amendment will jeopardize federal funds to the state.

The Hyde/Weldon amendment expressly preserves the conscience rights of institutional and individual health care entities, including health insurance plans, against discrimination "on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions." Any state that does not abide by this amendment, which has been in effect since 2004 and was most recently included in the Consolidated Appropriations Act of 2012, risks losing all federally appropriated funds through the Departments of Labor, Health and Human Services, and Education. The State of Washington, or any other state for that matter, that receives federal funds is prohibited from mandating that insurance plans cover abortion or from requiring that providers refer for such services.

It is essential that the administration clearly convey to any state advancing legislation that would impede statutory conscience protections, that doing so would be in direct violation of federal law. It is certainly our hope that you will fulfill your solemn responsibility to uphold the Constitution and enforce current federal law—including the Hyde/Weldon amendment.

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Thank you for your attention to this matter and we look forward to the favor of a reply.

Sincerely,

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Member of Congress

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