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2 November 2009

Prot. No. 740/1/09

The Honorable
Senator Charles E. Shumer
New York State Senator
757 Third Avenue, Suite 17-02
New York, NY 10017

Dear Senator Shumer:

The Catholic Bishops of this country have a long record of active support for health care reform. The Church across the nation is deeply involved in every aspect of health care. We provide health care to millions. We purchase health care for tens of thousands of our employees. We pick up the pieces of a failing health care system in our emergency rooms, shelters and parishes. And we teach about health care as a basic human right, integral to our defense of human life. We know the need for reform.

However, we must insist that health care reform must protect the life, dignity, and health of all. We cannot support a bill that conflicts with our deeply held moral commitment to the protection of all life, from conception to natural death. We look to the Congress to carry out the President's public commitments on abortion funding and conscience protection. Despite some claims to the contrary, the current bills fail to do this, especially in the area of mandated funding for abortion.

The Hyde amendment and similar provisions govern every federal health care program (e.g., Medicaid, Medicare, Children's Health Care (SCHIP), the Federal Health Employee Health Benefits program, military and Native American health programs). These laws, which prevent federal funding of elective abortion **and** of health plans that cover such abortions, have been in place for decades and are widely supported.

We welcomed the President's public commitment to exclude federal funding of abortion from his health care plan, and we want to help Congress carry it out. However, no current bill in House or Senate fully reflects this status quo or includes a provision like the Hyde amendment.

Some have said the “Capps Amendment,” now part of one House and one Senate bill, is a solution to these problems. However, it allows the Secretary of Health and Human Services to mandate federally funded abortions throughout any public option (government-sponsored health plan) offered nationwide. The government will fund private plans that cover elective abortion, and mandate that each purchaser pay an “abortion surcharge” to pay directly for elective abortions in these plans. For the first time, the federal government will require pro-life Americans to pay directly for other people’s abortions. This is not the status quo and actually makes things worse.

Our goals are limited and restrained. We do not see health care reform as a means for advancing an anti-abortion agenda. Rather, we insist that reform not become a vehicle for government required payments for abortion or abortion mandates. All we seek is that current law be clearly reflected in reform. We cannot stand by while long standing protections are swept away and replaced by unprecedented government involvement in the destruction of innocent human life.

On conscience rights, we especially need your help. This should not be a divisive matter. The President committed to preserving current conscience laws in this legislation, and Senator Kennedy pledged his support for these laws in his final letter to the Pope. Some current bills include some protections in the area of abortion, but all are still far from reflecting current law. For example, no bill incorporates the law that since 1973 has protected health care providers in other federal health programs from being forced to provide abortions and sterilizations against their moral and religious convictions (“Church amendment”); and no bill exempts religiously affiliated plans from a federal mandate for providing contraceptive coverage, as the Federal Employees Health Benefits Program does. Can we count on your help in addressing this?

Likewise, we are concerned that immigrants, especially legal immigrants, would be left worse off as a result of unwise and punitive provisions that could end up in health reform. We seek your help to safeguard the health of immigrants, their children and all of society.

We seek to maintain an adequate safety net for those who remain uncovered and to eliminate the five-year waiting period banning immigrants lawfully residing in the United States from enrolling in Medicaid. We also need your leadership in resisting efforts to impose barriers (e.g., waiting period to obtain subsidies) on immigrants seeking to obtain private health care coverage.

In conclusion, the Catholic Bishops have long supported health care coverage for all and do not want to have to oppose legislation which emerges in Congress and is supported by the Administration, but we will have no choice but to do so if our essential moral criteria are not met. We are specifically asking you to help remedy this fundamental problem threatening health care reform.

We strongly urge you to support amendment(s) to clearly incorporate existing policies on abortion funding and mandates and on conscience protections into the Senate Legislation, to insure that no one is required to pay for or participate in abortion.

We are eager to work with you and others to resolve these fundamental issues and to help bring about genuine health care reform which protects the life and dignity of all. Can we count on your support of these essential steps? How can we work together to accomplish our mutual goals?

Sincerely yours,

+Gregory John Mansour
Bishop of the Eparchy of Saint Maron

