

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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**Statement of Rep. Henry A. Waxman**  
**Ranking Member, Committee on Energy and Commerce**  
**Markup on “H.R. \_\_\_\_, a bill to amend the Patient Protection and Affordable Care Act**  
**to modify special rules relating to coverage of abortion services under such Act”**  
**Subcommittee on Health**  
**February 11, 2011**

Mr. Chairman, I regret that this legislation is the subject of the first legislative markup of the Subcommittee on Health. This is the last thing we should be debating in this Subcommittee today.

This legislation is untimely, unnecessary, and unjustified.

The bill before us today is an attack on one of the most hard-fought but delicately balanced provisions of the Affordable Care Act – those related to abortion.

Those provisions – authored by Senator Nelson, whose pro-life record speaks for itself – clearly and unequivocally:

- prohibit the use of federal funds for abortion;
- keep state and federal abortion-related law in place; and
- ensure that those whose conscience dictates against abortion are protected and not discriminated against.

Mr. Pitts’s legislation – the subject of today’s markup – goes far beyond this. By restricting insurance plans flexibility regarding abortion coverage, the Pitts bill will result in a virtual shut-down of private coverage of this service.

The bill also takes away the Affordable Care Act’s limited anti-discrimination protection for those providers whose conscience dictates that women should have access to abortion – a legal and medically appropriate service.

And, among its most disturbing provisions, the Pitts bill would upend the Affordable Care Act's requirement that health care providers remain obligated to provide emergency services as required under EMTALA.

Taken as a whole, the bill is nothing more than a full-throttled attack on abortion – at worst, to take away a women's right to choose, or at best, to make it meaningless.

This legislation will not become law: It is not what the American people want.

November's election was a mandate for jobs and economic growth. It was not a mandate to erode the rights of choice that are protected by the Constitution.

Mr. Pitts knows that. And this Subcommittee knows that.

In my view, the abortion provisions included in the Affordable Care Act are far too restrictive. But I know first-hand how difficult this issue was in negotiating a final health reform package, and so I have been willing to stand by them.

But I do not want to turn the clock back any further.

Abortion should be treated as we treat any other legal, medically appropriate service. This should be the standard of review for this bill.