

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

**Opening Statement of Rep. Henry A. Waxman**  
**Ranking Member, Committee on Energy and Commerce**  
**Full Committee Markup**  
**February 15, 2011**

Mr. Chairman, it is with mixed views that I come to this initial legislative markup of the Energy and Commerce Committee of the 112<sup>th</sup> Congress.

On the one hand, I am pleased that we are taking up three small, but important public health bills – on veterinary medicine, impoverished diseases, and emergency dental responders – that both the Committee and the House acted on in the 111<sup>th</sup> Congress. These bills are bipartisan and deserve our support today.

I am also pleased that we have worked together on the oversight plan.

On the other hand, I very much regret that we are also considering – as our first real legislative effort this year – a bill that is not only unnecessary and unjustified, but also extreme and contentious in its approach.

Procedurally, this bill is flawed because its constitutional basis – a requirement set forth in the Republicans' own House rules – has not been identified. This is a serious flaw for a bill that injects the federal government into the most personal decisions of women and families.

But more than that, H.R. 358 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.

H.R. 358, authored by Representative Pitts, goes far beyond this. It will shut down all or virtually all private coverage of abortion services.

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 a full-throttled attack on abortion. It will take away a women's right to choose by effectively eliminating coverage for these necessary medical services.

This legislation should 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.

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.