



September 28, 2015

Dear Representative:

On behalf of Americans United for Life Action (AUL Action), the legislative arm of Americans United for Life, the legal architects of the prolife movement, I urge you to support H.R. 3435, the *Women's Public Health and Safety Act*, sponsored by Rep. Sean Duffy (R-WI). This bill would explicitly permit a state to exclude abortion providers and facilities where abortions are performed from its Medicaid program. AUL Action will score in favor of this bill in the annual pro-life scorecard.

At least two states, Indiana and Arizona, have enacted laws restricting abortion providers from participating in their Medicaid programs. Medicaid's legislative history clearly demonstrates that states should have the power to exclude providers for *any reason/basis* under its state laws. Also, the First Circuit has held that the language of Medicaid's exclusion provision "was intended to permit a state to exclude an entity from its Medicaid program for *any* reason established by state law."¹

However, narrow interpretations of state authority under the "Free Choice of Provider" provision of Medicaid by the Obama Administration and the Seventh and Ninth Circuits prevented enforcement of the new laws in Indiana and Arizona, and have necessitated federal legislative action. It is time for Congress to clarify that States have the discretion to exclude abortion providers from their Medicaid programs, and H.R. 3435 will provide this clarification.

The public policy bases for excluding abortion providers from Medicaid are clear. First, abortion providers like Planned Parenthood exploit taxpayer funding to increase their profit margin. During its 2014 fiscal year, 40 percent of Planned Parenthood's total revenue came from taxpayer funding—totaling \$528 Million. At the same time, Planned Parenthood logged \$127 million in profits (excess revenue over expenses).

Given that most states have laws restricting the use of public funds for abortions and/or by abortion providers, the colossal subsidization of the abortion industry with Medicaid funding conflicts with the public policy of most states.

¹ *First Medical Health Plan v. Vega-Ramos*, 479 F.3d 46, 53 (1st Cir. 2007) (emphasis in original).

Second and equally important, states have an interest in subsidizing healthcare providers capable of providing comprehensive care to their patients. Clinics like Planned Parenthood are not equipped to handle comprehensive preventive care. As a result, it is better for women to seek birth control and related services commonly provided by abortion providers from more comprehensive healthcare facilities that can address a broad array of health.

Congress has the authority and responsibility to ensure that the Medicaid program is reaching its goals rather than padding the abortion industry's bottom-line. AUL Action calls on Congress to enact H.R. 3495 to ensure that federal tax dollars designated for purposes *other than* abortion are not being exploited by the abortion industry through Medicaid.

AUL Action has long called on Congress to disentangle the American taxpayer from the Abortion Industry. The video footage recently released by the Center for Medical Progress (CMP) capturing Planned Parenthood's top doctors and other personnel discussing its practice of harvesting the body parts of aborted babies for pecuniary gain has shocked the conscience of the nation. Planned Parenthood's abhorrent and potentially illegal practices uncovered by the CMP is further proof that subsidizing abortion providers like Planned Parenthood is an inappropriate use of taxpayer dollars.

States have taken and continue to take important steps to defund abortion providers, and to set program integrity standards to redirect funds from abortion providers to comprehensive healthcare providers, but the Obama Administration is frustrating these efforts. States should be empowered to set standards of eligibility for Medicaid recipients. **Congress must act to make the states' authority to withhold Medicaid funding from abortion providers, like Planned Parenthood, explicit.**

I hope you will support H.R. 3435, the *Women's Public Health and Safety Act*, sponsored by Rep. Sean Duffy (R-WI). The American people should not be forced to subsidize the abortion industry with their tax dollars. Congress must act to empower states to defund the abortion industry through Medicaid. AUL Action will score in favor of this bill and record the vote in the annual pro-life scorecard.

Sincerely,

A handwritten signature in blue ink that reads "Charmaine Yoest". The signature is written in a cursive, flowing style.

Charmaine Yoest, Ph.D.
President & CEO
Americans United for Life Action