

# Washington Letter: Prospects good for pro-life legislative success, but challenges remain

WASHINGTON - With apologies to Charles Dickens, it is the best of times or the worst of times, the spring of hope or the winter of despair.

That depends on whether you think the increased pro-life numbers in the U.S. Congress and the leadership of House Speaker John Boehner portend a greater appreciation for and protection of human life or the rise of “the most powerful anti-choice politician in the country” and a move to “shrink the government to be small enough to fit inside our bedrooms,” as NARAL Pro-Choice America puts it.

The 112th Congress that was sworn in Jan. 5 contains up to four dozen more pro-life House members and four to six more pro-life senators than the Congress that preceded it, according to estimates from organizations on both sides of the abortion question. And the Republican “Pledge to America” outlining the party’s legislative priorities vows to “establish a governmentwide prohibition on taxpayer funding of abortion and subsidies for insurance coverage that includes abortion.”

“This prohibition would ... enact into law what is known as the Hyde amendment as well as ban other instances of federal subsidies for abortion services,” the pledge says. “We will also enact into law conscience protections for health care providers, including doctors, nurses and hospitals.”

But with a president who supports keeping abortion legal in the White House for two more years, what are the chances that the Republicans can deliver on their pledge? Richard Doerflinger, associate director of the U.S. bishops’ Secretariat for Pro-Life Activities, thinks progress will be made.

When the leadership of the House makes a pro-life promise, “it makes a lot of difference practically in getting a vote” on key pieces of legislation, Doerflinger said. In addition, he said, “the president is less likely to veto a bill if he has to veto an

entire package of funding legislation” on another matter.

Ready to be introduced in the new Congress or recently introduced are four pieces of legislation supported by the U.S. Conference of Catholic Bishops:

- The Protect Life Act, which would apply long-standing federal policies on funding and conscience rights related to abortion to the Patient Protection and Affordable Care Act.
- No Taxpayer Funding for Abortion Act, which would make those policies part of permanent federal law rather than requiring them to be inserted into funding legislation each year.
- Abortion Non-Discrimination Act, which would ban governmental discrimination against obstetrics/gynecology residency programs that do not provide abortion training and allow health care providers to sue a discriminating entity.
- Respect for Rights of Conscience Act, which would protect the rights of insurance issuers, providers and purchasers to negotiate a health plan under the new reform law that would exclude items that are against their moral and/or religious convictions, even in the face of new federal “mandated benefits” provisions.

Most of those bills received wide bipartisan support in the last Congress, Doerflinger said, and “they should receive support again even from people who say they are pro-choice” because they guarantee a true choice for those who do not support abortion.

Rep. Chris Smith, R-N.J., co-chairman of the Congressional Pro-Life Caucus with Rep. Dan Lipinski, D-Ill., and a chief sponsor of the No Taxpayer Funding for Abortion Act, said at least 77 of the 93 freshman members of the 112th Congress “are committed to defending the unborn.”

“Dan Lipinski and I have - and will continue to - work hard together to provide needed protection for unborn children and their mothers,” Smith said in a news release.

Another sign of progress for those who support the pro-life cause is the appointment of some House committee chairmen who are known to oppose abortion.

The Health Subcommittee of the House Energy and Commerce Committee, for example, is headed by Rep. Joe Pitts, R-Pa., who co-wrote the Stupak-Pitts amendment to eliminate abortion funding from the health reform legislation. The subcommittee has jurisdiction over private health insurance, Medicaid, the Food and Drug Administration and the National Institutes of Health.

“We need to protect human life from the unborn to the elderly,” Pitts said in December, when his subcommittee appointment was announced. He has described the health reform legislation as “riddled with loopholes that allow taxpayer subsidies for coverage that includes abortion.”

Laurie Rubner, vice president of the Planned Parenthood Federation of America, termed Pitts “as anti-choice as a member of Congress can be.”

Even when no specific legislation has been introduced, heads of committees and subcommittees can raise awareness of particular issues by scheduling oversight hearings.

At the state level there are signs of progress, too.

As a result of the November elections, “the number of states where pro-life legislation stands a realistic chance of enactment has substantially increased,” according to Mary Spaulding Balch, director of state legislation for the National Right to Life Committee.

Her group has proposed model legislation for states based on Nebraska’s Pain-Capable Unborn Child Protection Act, which prohibits abortions after the 20th week of pregnancy because of what Balch called “substantial medical evidence” that unborn children can feel pain.

“While we expect substantial resistance from abortion advocates, we believe most Americans agree in rejecting abortions that cause excruciating pain, and look forward to protective laws being given serious consideration in a significant number of states,” she said.

Other bills likely to receive consideration in some states this year would ensure that women could see ultrasounds of their babies before an abortion and allow state

insurance exchanges to opt out of any abortion coverage under the federal health reform law, Balch said.