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FIFTH DISTRICT, WISCONSIN

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January 7, 2009

Ms. Donna Katen-Bahensky
President & CEO
University of Wisconsin Hospitals and Clinics
600 Highland Ave.
Madison, WI 53792

Fax: 608-821-4103

Dear Ms. Katen-Bahensky:

We are writing to express our concerns regarding the University of Wisconsin Hospitals and Clinics (UWHC) plan to create a full-service second trimester abortion practice at the Madison Surgery Center in Madison, Wisconsin. It is our understanding that a substantial number of Madison Surgery Center employees have expressed concerns that they may be compelled to aid or participate in providing abortion services.

As you are likely aware, Congress has protected the rights of physicians and other health care professionals by passing two non-discrimination laws and annually renewing an appropriations rider that protects the rights, including conscience rights, of health care professionals in programs or facilities conducted or supported by federal funds (U.S.C. § 238n, 42 U.S.C. § 300a-7, and the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, 121 Stat. 1844, § 508). Additionally, Department of Health and Human Services regulations prohibit a multitude of federal funding to entities that violate the conscience rights of pro-life employees.

We believe there is a danger that employees will not be fully informed of, or respected in, their right to refuse to participate even indirectly in abortions, as federal and state law guarantees. While we understand that there is an opt-out policy, we are requesting information detailing the steps UWHC is taking to inform employees of this policy. Additionally, we would like UWHC to provide reassurance that employees refusing to recommend, aid, or perform abortions, are made aware that any adverse action taken against them is a violation of state and federal law.

Not only are there clear provisions in three separate laws protecting federally-funded health care providers' right of conscience, but doing otherwise undermines the most fundamental moral underpinning of freedom of expression and action. We strongly urge UWHC to consider alternative plans before moving forward. We look forward to your response on ways UWHC plans to protect these vital rights.

Yours respectfully,

F. James Sensenbrenner Jr.
Member of Congress

Paul Ryan
Member of Congress