

**DEPARTMENT OF INSURANCE**

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May 3, 2011

The Honorable Zoe Lofgren  
1401 Longworth House Office Building  
Washington, DC 20515

SENT VIA FACIMILE

**Re: OPPOSE HR 3 (Smith)**

Dear Congressmember Zoe Lofgren:

As the regulator of health insurance in California, the state with the largest health insurance market in the nation, I write to oppose HR 3 (Smith). Currently, the vast majority (87%) of employer based private health insurance plans cover abortion services. This bill is clearly an attempt to prevent those who purchase private health insurance from continuing to have abortion coverage. This measure is extreme and intrusive and I ask that you vote against it on the House Floor.

Regardless of one's view on this issue, federal funding for abortion services (except in cases of rape, incest and threat to the life of the woman) has been prohibited by the annual adoption of the so-called "Hyde amendment". **HR 3 goes much further** and is an attempt to diminish abortion coverage in the private insurance market, purchased with private funds. It also seeks to **permanently** block low-income women, federal employees and military women from having abortion coverage.

HR 3 is also an attack on the small business community. HR 3 would deny tax credits to small businesses if the health insurance they provide to their employees continues to include abortion coverage. HR 3 would require millions of small businesses to pay taxes on the health-insurance benefits they provide to their employees. This tax increase will not create new jobs or bolster our economy. Instead, it is intended to compel employers to remove abortion coverage from the health insurance policies that their employees currently rely upon or face harsh financial penalties.

The government should not be making it more difficult for women to seek reproductive health care services, particularly when these families and their employers are paying their own monthly premiums. This bill is an attack on access to constitutionally protected health care services and attempt to convince the private insurance market to stop its long-standing practice of covering abortion services. One of the promises of the Patient Protection and Affordable Care Act was

that people would not lose the coverage they have. The Congress should not be in the business of narrowing the health coverage available in the private insurance market.

As has been widely written about, one of the more bizarre and offensive provisions of this bill could force a woman to prove to an IRS agent that she was the victim of rape or incest in order for her tax credit in the Exchange or reimbursement from her medical reimbursement account not to be called into question. As you know, some women choose not to report a sexual assault to law enforcement, and yet under HR 3, they may be asked about their assault by an IRS agent. This is absurd and clearly a violation of the right to privacy.

This bill is an assault on women's rights and I ask that you vote against it when it comes before you for a vote. If you have any questions about this matter, please feel free to call me or my Deputy Commissioner, Janice Rocco at (916) 492-3500. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Dave Jones". The signature is written in a cursive, flowing style with a large initial "D" and "J".

DAVE JONES  
Insurance Commissioner

cc: Senator Dianne Feinstein  
cc: Senator Barbara Boxer