

**Opening Statement of Republican Leader Michael C. Burgess, M.D.
Subcommittee on Health
“Protecting Women’s Access to Reproductive Health Care”
February 12, 2020**

As Prepared for Delivery

Thank you, Madam Chair. today’s hearing is an unfortunate indication of where the Democratic party is headed. While the policy concerns surrounding abortion and a right to life are not new, a bill such as H.R. 2975, with over 200 members of the Democratic party in support, is unprecedented. This bill transcends pro-life and pro-choice.

The question of abortion, sometimes reduced to yet another political issue to debate, is personal for me. My belief in the right to life has influenced my professional career for much longer than my time in Congress. In fact, it’s been a lifetime. Before being elected to represent the 26th District of Texas, I spent almost three decades practicing as an OB/GYN in North Texas. My medical career was rooted in my pro-life practice and the belief that all life has meaningful potential.

In the span of my obstetrics career, I delivered more than 3,000 babies. Not only did I have the joy of seeing these babies when they were delivered, but throughout my career I witnessed great advances in the technology that allowed doctors and parents to see these children developing in the womb. For those of us who have watched a baby

squirm and kick during a sonogram, there is no question about the sanctity of life.

While my work has changed through the years – I now spend late nights delivering policy rather than babies – my dedication to pro-life medicine remains steadfast.

Ironically, this bill is called the Women’s Health Protection Act of 2019, even though, if this bill became law, it would put women’s health and safety at risk. The heavy-handed language used in this bill puts women at risk.

By codifying that there may be no restrictions or prohibitions on particular abortion procedure prior to viability, women may be placed at risk of a number of potential harms associated with certain abortion procedures such as infection, bleeding, or uterine perforation, without the ability to be regulated for safety purposes.

Not only does this bill raise questions about the Democrats’ concern for women’s health and safety, it also raises questions about the regard for the U.S. Constitution. The Supreme Court established the viability test in *Roe v. Wade* in 1971. This standard says that once a baby

reaches the point of “viability,” a state may regulate or prohibit abortions.

In *Roe v. Wade*, Justice Blackmun’s opinion states that viability is usually placed at about seven months – or 28 weeks – but may occur earlier, even at 24 weeks. In 1973, a viable baby being born at 24 weeks was something to hope for in the future.

The youngest baby I delivered was at 23 weeks. Last week, at the State of the Union, President Trump recognized a young girl and her mother in the crowd. This young girl, Ellie Schneider, was born severely premature at 21 weeks. Ellie is one of the youngest babies to survive in the US and she is now a happy and healthy two-year-old. As an OB/GYN it is incredible to see the medical advances saving the lives of mothers and babies.

As the viability of a baby occurs earlier with the help of medical innovation, the *Roe v. Wade* standard inherently extends the rights of states to regulate earlier in a pregnancy term. A bill like this seeks to override and dismiss the viability standard set by the Supreme Court in the wake of medical advances that are saving babies lives.

This bill would codify into law that access to an abortion is *essential* to women's health. This is contrary to the US Constitution, which is very clear when it guarantees a right to life.

The federal government should work to overcome the factors that lead to abortions and should support well-crafted legislative proposals that directly address these factors. That is not this bill.

I am a physician, but most Members of Congress are not. For me, this bill crosses a line into dictating the practice of medicine, which is uncomfortable and threatening to health care practitioners and hospitals across the country.

I yield back.