



February 25, 2021

Dear Senator,

I write to advise you that Susan B. Anthony List, on behalf of our more than 900,000 members, strongly opposes and will score against the confirmation of radically pro-abortion Xavier Becerra as Secretary of the Department of Health and Human Services. Mr. Becerra has proven himself to be an enemy to every pro-life policy and law, putting the unborn, women, and girls in danger for the sake of an unapologetic, pro-abortion agenda.

During Mr. Becerra's hearings before the Senate HELP and Finance Committees this week, he refused to answer straightforward questions regarding his extreme positions on abortion and conscience. He would not accept responsibility for California's actions against the Little Sisters of the Poor, and entirely mischaracterized the purpose and details of *California v. Little Sisters of the Poor*. He asked senators to trust that should he be confirmed as Secretary of Health and Human Services, he would uphold the law, despite his years-long track record of taking pro-life laws to court and even violating standing pro-life laws.

Over the last four years as Attorney General of the state of California, Mr. Becerra led the way in opposing the pro-life victories attained by Congress and the prior administration. He sued the Trump administration in a failed attempt to stop the implementation of the Title X Protect Life Rule that directed family planning funds to go to entities that were not involved in abortion.¹ The Protect Life Rule successfully defunded Planned Parenthood of more than \$50 million. President Biden has ordered a review of the Protect Life Rule, setting in motion a rulemaking process that would restore funding to Planned Parenthood. If Mr. Becerra were confirmed, he would spearhead this process.

The Secretary of Health and Human Services is responsible for enforcing laws such as longstanding conscience protections on the Labor, Health, and Human Services appropriations legislation. Mr. Becerra has already shown he will do no such thing. When HHS announced enforcement of the Weldon amendment in California in response to California's abortion mandate, Mr. Becerra sued the federal government, ironically calling enforcement of the law "illegal."² He also sued the Little Sisters of the Poor,³ in an effort to force them to pay for contraception and abortifacient drug coverage on their insurance plans, despite their religious

¹ California Attorney General Press [Release](#) on Title X. Mar. 4, 2019.

² *Kaiser Health News*. Feb. 24, 2020. [Link](#).

³ *Catholic News Agency*. Jun. 4, 2019. [Link](#).

objections to doing so, and despite the Supreme Court having already ruled in their favor in a separate case.

Pro-life members of Congress sent a bicameral letter⁴ to former HHS Secretary Azar asking that the administration finalize the “Patient Protection and Affordable Care Act; Exchange Program Integrity” rule, to bring transparency to the fact that Obamacare insurance plans often include abortion coverage but hide the abortion surcharges from many who would object to paying for such services. After HHS finalized the rule, Mr. Becerra quickly sued to block the separate payments rule, calling it “another...attack on women and reproductive rights.”⁵

At the beginning of the COVID-19 pandemic, pro-life Members of Congress successfully urged the administration⁶ to protect women and girls from the harms of chemical abortion by upholding the FDA Risk Evaluation and Mitigation Strategy (REMS) protocols that require the dispensing of chemical abortion drugs in person by a certified physician. Simultaneously, Mr. Becerra led the effort on behalf of pro-abortion state Attorneys General to exploit the pandemic as an excuse to make chemical abortion available through the mail, which would have dire consequences for women and girls, facing the higher rates of serious complication that accompany chemical abortion as compared to surgical abortion.⁷

Members of Congress also urged the prior administration to continue funding ethical science in the search for a vaccine for COVID-19, and to continue its posture of refusing to fund research involving the broken bodies of aborted babies.⁸ Again, Mr. Becerra led a letter with pro-abortion state Attorneys General asking the administration to fund research involving human fetal tissue.⁹ His claim that “no alternatives to human fetal tissue...have been shown to be as powerful in conducting these important studies” has been proven false, since neither Pfizer nor Moderna used fetal cell lines in the development of their COVID-19 vaccines.

Mr. Becerra targeted pregnancy centers in California, whose free speech and ability to carry out their lifesaving mission were at risk under California’s so-called Reproductive FACT Act. Pro-life members of Congress submitted an amicus brief¹⁰ in support of the pregnancy centers in the *NIFLA v. Becerra* case. Ultimately, Mr. Becerra’s case failed when the Supreme Court ruled that California could not impose government-compelled speech on pregnancy centers. Mr. Becerra has joined other amicus briefs against pro-life laws in various states, including opposing a bill in Missouri that would protect unborn children with Down Syndrome from being targeted for abortion.¹¹

As Attorney General of California, Mr. Becerra took over where former AG Kamala Harris left off, in prosecuting undercover journalists David Daleiden and Sandra Merritt after their investigations uncovered unethical and likely illegal practices of the sale of aborted baby body parts by Planned Parenthood¹². The Senate Judiciary Committee and the House Select Panel on

⁴ Congressional [Letter](#) to Secretary Azar on rule finalization. Jul. 1, 2019.

⁵ California Attorney General Press [Release](#) on HHS lawsuit. Jan. 30, 2020.

⁶ Congressional [Letter](#) to FDA on chemical abortion. Apr. 14, 2020.

⁷ Becerra [Letter](#) to FDA on chemical abortion. Mar. 30, 2020.

⁸ Congressional [Letter](#) to President Trump on fetal tissue research. Apr. 14, 2020.

⁹ Becerra [Letter](#) to President Trump on fetal tissue research. Mar. 26, 2020.

¹⁰ Congressional Amici Curiae [Brief](#), *NIFLA v. Becerra*. Jan. 16, 2018.

¹¹ *The Hill*. Jan. 28, 2020. [Link](#).

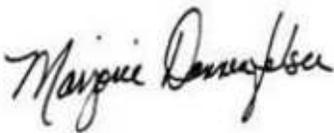
¹² California Attorney General Press [Release](#) on prosecutions. Mar. 28, 2017.

Infant Lives had published extensive reports and made criminal referrals to the Department of Justice based on their own investigations following those of the undercover journalists. Instead of investigating potential criminal practices at Planned Parenthood, AG Becerra prosecuted the undercover journalists.

During his tenure in Congress, Mr. Becerra voted against the Born-Alive Abortion Survivors Protection Act,¹³ the Pain-Capable Unborn Child Protection Act,¹⁴ the No Taxpayer Funding for Abortion and Abortion Insurance Full Disclosure Act,¹⁵ the Prenatal Non-Discrimination Act (PRENDA),¹⁶ the Unborn Victims of Violence Act,¹⁷ and more. He even went so far as to vote against the Partial-Birth Abortion Ban,¹⁸ which banned a gruesome procedure in which a baby is partially delivered and then killed.

It is difficult to imagine someone who has spent more time opposing pro-life laws and efforts on every front than Xavier Becerra. Giving Mr. Becerra the reins at Health and Human Services would be catastrophic for countless unborn children and their mothers. He also has no regard for religious or conscientious objections to paying for or participating in abortion services. We understand that a president has the right to his cabinet, but Mr. Becerra has proven himself to be an enemy of the health of women and the unborn. He cannot be trusted to champion Americans' health and is not qualified to serve as Secretary of Health and Human Services. Susan B. Anthony List opposes the confirmation of Xavier Becerra as Secretary of Health and Human Services. Votes related to his confirmation will be reflected on members' profiles on our legislative scorecard.

Sincerely,



Marjorie Dannenfelser
President
Susan B. Anthony List

¹³ Roll call: Born-Alive Abortion Survivors Protection Act, [2015](#).

¹⁴ Roll call: Pain-Capable Unborn Child Protection Act, [2013](#), [2015](#).

¹⁵ Roll call: No Taxpayer Funding for Abortion Act, [2011](#), [2014](#), [2015](#).

¹⁶ Roll call: Prenatal Non-Discrimination Act, [2012](#).

¹⁷ Roll call: Unborn Victims of Violence Act, [1999](#), [2001](#), [2004](#).

¹⁸ Roll call: Partial-Birth Abortion Ban Act, [1996](#), [1997](#), [2000](#), [2002](#), [2003](#).