



United States Conference of Catholic Bishops

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September 8, 2015

Dear Senator:

We are writing to urge your support for the Health Care Conscience Rights Act (S. 1919), introduced in August by Senator James Lankford (R-OK) with 14 co-sponsors..

It is increasingly obvious that Congress needs to act to protect conscientious objection to the taking of innocent human life. Last year California's Department of Managed Health Care began demanding that all health plans under its jurisdiction include elective abortions, including late-term abortions. This mandate has no exemption for religious or moral objections, and is being enforced against religious universities, schools and even churches. Similar proposals have emerged in Washington and other states.

California's action clearly violates federal law. The Weldon amendment, approved by Congress every year since 2004 as part of the Labor/HHS appropriations bill, forbids governmental bodies receiving federal funds to discriminate against those who decline to take part in abortion or abortion coverage. Unfortunately, the Weldon amendment may be ineffective in such cases. Its only stated penalty is the withdrawal of all Labor/HHS funds from a governmental body – a penalty California officials believe is subject to legal challenge and is too sweeping to be invoked. Weldon also lacks a “private right of action” allowing victims to go to court and seek a more modest and effective remedy.

The “Abortion Non-Discrimination” section of S. 1919 would solve this grave problem by giving the Weldon amendment a firmer legal basis. It merges Weldon with an older law against forced involvement in abortion training, the Coats-Snowe amendment of 1996 (42 USC 238n), and allows victims of discrimination a private right of action. This should not be a controversial matter. President Obama has expressed support for both these laws (*76 Fed. Register* 9968, 9973-4 [Feb. 23, 2011]), and assigned their current enforcement to the HHS Office of Civil Rights -- acknowledging that the choice *not* to be involved in destroying unborn children is a civil right. We hope Congress will agree that people whose civil rights on this point are violated have a right to go to court.

S. 1919 also incorporates a long-overdue conscience clause into the Affordable Care Act. This “Respecting Conscience Rights in Health Coverage” provision allows those who purchase, provide and sponsor health coverage under the ACA to opt out of abortion or other specific items that violate their moral and religious convictions, and allows them the same private right of action cited above. It in no way affects longstanding federal or state laws promoting coverage for maternity care, mental health care or other needs. It relates only to the new nationwide mandates created by the ACA itself, most notably its

mandate for covering contraception, sterilization and early abortifacient drugs that has prompted such controversy and federal litigation in recent years. Under this provision, health plans that exclude specific items on conscience grounds can be required to enhance their coverage in other areas to remain actuarially equivalent to (that is, have the same market value as) plans that include those items.

Congress should act to reaffirm a principle that has long enjoyed broad bipartisan support: Government should not force anyone to stop offering or covering much-needed legitimate health care because they cannot in conscience participate in destroying a developing human life or violate their conscience in other ways. We strongly urge you to support and co-sponsor the Health Care Conscience Rights Act.

Sincerely,



Most Reverend William E. Lori
Archbishop of Baltimore
Chairman, USCCB Ad Hoc Committee
for Religious Liberty



Seán Cardinal O'Malley
Archbishop of Boston
Chairman, USCCB Committee on
Pro-Life Activities