



## United States Conference of Catholic Bishops

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United States Senate  
Washington, DC 20510

June 18, 2024

Dear Senator:

We are writing as chairmen of the U.S. Conference of Catholic Bishops' Committee on Pro-Life Activities and Committee for Religious Liberty to urge your support for and cosponsorship of the *Conscience Protection Act* (CPA), S.4524. This essential legislation would ensure that people and organizations providing much-needed health care or coverage can continue to do so without being forced to violate their consciences by destroying innocent preborn children.

Not long ago, the whole nation witnessed the selfless heroism of our health care workers. At the same time, the COVID pandemic put the greatest strain in our lifetime on the American health sector, which had already been experiencing workforce shortages. It is lamentable then that we still do not meaningfully protect basic rights of conscience for such professionals, and risk deterring young people from entering the field of medicine, which ultimately harms our patient population.

The need for the CPA is real and has not diminished since the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* – in fact it may be needed now more than ever. Though existing federal laws already protect conscientious objection to abortion in theory, this protection has not proved effective in practice. In the 2019 version of its rule, "Protecting Statutory Conscience Rights in Health Care," for example, the U.S. Department of Health and Human Services (HHS) referred to thousands of comments it had previously received from health care workers facing an environment of discrimination and attempted coercion due to their moral or religious convictions.<sup>1</sup> This included people currently practicing medicine, as well as students who have left the field or changed their specialty due to fears of being coerced or discriminated against. That same year – again, even before the workforce impact of the pandemic – Christian Medical & Dental Associations published a poll finding that over 90% of their thousands of members would "stop practicing medicine" if forced to violate their conscience.<sup>2</sup> Since then, the threats have only gotten worse as the current Administration has aggressively launched pro-abortion policies that may impact nurses in veterans' hospitals, staff at local pharmacies, emergency room doctors, and charitable faith-based employers.

Despite this, courts have found that the laws protecting conscience rights in health care can generally only be enforced by HHS. But health care workers cannot rely on the government to protect their rights of conscience. In 2021, for example, the Department of Justice dismissed a case against the University of Vermont Medical Center, which HHS had found, just a year prior,

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<sup>1</sup> 84 Fed. Reg. 23170, 23175 (May 21, 2019) (enjoined, and later superseded by final rule, "Safeguarding the Rights of Conscience as Protected by Federal Statutes, 89 Fed. Reg. 2078, January 11, 2024).

<sup>2</sup> <https://www.usccb.org/about/pro-life-activities/upload/CMDA-Press-Release.pdf>.

under the previous Administration, to have forced a nurse to participate in an abortion against her religious beliefs. Months later, HHS revoked the authority of its own Office for Civil Rights to investigate violations of the Religious Freedom Restoration Act and the First Amendment altogether or to even ensure compliance within HHS itself.

The *Conscience Protection Act* addresses the lack of enforcement of existing laws, most notably by establishing a private right of action allowing victims of discrimination to defend their own rights in federal court. Lawsuits do not guarantee that every plaintiff wins his or her case, but the ability to seek relief in the courts would at least allow victims to make their case and puts discriminators on notice that rampant disregard for conscience rights must stop, or there will be real costs. The CPA also clarifies current law, such as by articulating that health plans and employer sponsors cannot be forced to pay for abortion, and by authorizing penalties separate from legally unsettled government funding conditions.

Finally, while Catholic and other health care providers of faith are especially at risk from coercive abortion policies, rejection of abortion is an integral part of the Hippocratic Oath itself, a secular and universally acclaimed list of medical principles. Over the centuries, this oath has helped to define medicine as a profession, a healing vocation dedicated to preserving and protecting the life and well-being of one's patients. Today it is still true that the great majority of ob/gyns—regardless of religious affiliation—remain unwilling to perform abortions. Even decades before *Dobbs*, the Supreme Court admitted that abortion's role in destroying preborn life made it "inherently different from other medical procedures."<sup>3</sup> When government, then, mandates involvement in abortion as a condition for being allowed to provide medical services, it not only eliminates the civil rights of health care providers but also contradicts and undermines the entire medical profession by changing its identity from one of healing and help for every patient to one of destruction and death. A bipartisan two-thirds of Americans, including half of self-identified Democrats, understand this and oppose legally requiring health professionals to perform abortions.<sup>4</sup>

Whether you approach this issue out of respect for defenseless human life, freedom, the integrity of the medical profession, or the vitality of the health care sector, we urge you to support and cosponsor S.4524, the *Conscience Protection Act*.

Sincerely,



Most Rev. Michael F. Burbidge  
Bishop of Arlington  
Chairman, Committee for Pro-Life Activities



Most Rev. Kevin C. Rhoades  
Bishop of Fort Wayne-South Bend  
Chairman, Committee for Religious Liberty

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<sup>3</sup> *Harris v. McRae*, 448 U.S. 297, 325 (1980) (finding no requirement under *Roe v. Wade* for states to fund abortion).

<sup>4</sup> <https://www.kofc.org/en/resources/communications/polls/marist-poll-results2024.pdf>.