

November 5, 2015

The Honorable Paul D. Ryan
Speaker of the House
H-232, The Capitol
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
S-230, The Capitol
Washington, DC 20510

The Honorable Kevin McCarthy
Majority Leader
H-107, The Capitol
Washington, DC 20515

The Honorable John Cornyn
Majority Whip
S-208, The Capitol
Washington, DC 20510

The Honorable Steve Scalise
Majority Whip
H-329, The Capitol
Washington, DC 20515

Dear Congressional Leaders:

As you begin to consider long-term funding bills for Fiscal Year 2016 and other must-pass legislation, a significant number of pro-life bills with majority support in the House of Representatives have yet to cross the finish line. We write today to express our consensus that the Abortion Non-Discrimination Act (ANDA) presents a unique opportunity for success.

We represent millions of Americans and tens of thousands of health care professionals with a profound concern about abortion. Many of us have worked toward passage of legislation such as the No Taxpayer Funding for Abortion Act, the Pain Capable Unborn Child Protection Act, and proposals to defund Planned Parenthood. Many of us also have deep commitments on other matters that will likely be debated in the weeks to come, including other social issues as well as matters of fiscal policy. We will continue our efforts on these issues. But we all agree on one thing: With both chambers of Congress controlled by a party that stands with us on the need to respect and protect unborn human life, we must not end this year with no advance on this human rights issue signed into law.

The aspect of this issue with the greatest chance for progress this year is that of conscience rights for health care professionals and facilities. Federal laws protecting conscientious objection to abortion have been approved for decades by Congresses and Presidents of both parties. Even many “pro-choice” Americans realize that the logic of their position requires them to respect a choice *not* to be involved in abortion. Yet it is increasingly clear that the current laws offer far less protection in practice than in theory.

For example, the state of California last year began demanding that all health plans under the jurisdiction of the state's Department of Managed Health Care -- even those purchased by churches and other religious organizations -- cover elective abortions for any reason, including late-term abortions and those performed for reasons of "sex selection." No exemption of any kind is allowed. This policy flagrantly violates the Weldon amendment, which has been part of the annual Labor/HHS appropriations laws for over a decade. Yet the HHS Office for Civil Rights has not acted on the complaints that were filed against this coercive mandate over a year ago, despite Congress's demand for swift action in its report language accompanying the final Labor/HHS appropriations law for FY 2015. Moreover, an attempt by that agency to enforce Weldon could revive a legal challenge to this law by California and other states, based on the law's broad denial of all Labor/HHS funds to a governmental body that violates it. And Weldon and other federal conscience laws do not authorize a "private right of action" allowing the victims of discrimination to sue on their own behalf, and allowing courts to take measured action to end this discrimination.

Such loopholes in current laws are addressed by the Abortion Non-Discrimination Act (ANDA), which for the last three years has been part of the House's Labor/HHS appropriations bills (see H.R. 3020, secs. 530 (d) and (e)). This proposal takes the core policy of Weldon -- protecting those who decline to perform, pay for, refer for, or provide coverage for abortion -- and incorporates it into the Coats/Snowe amendment, a permanent conscience rights law that has forbidden government-coerced abortion training for nearly two decades (42 U.S.C. § 238n). ANDA clarifies the protections of Weldon, and adds a private right of action to enforce this law, Coats/Snowe, and the even older Church amendment of 1973. This will help nurses and other health professionals like Cathy De Carlo, threatened with loss of their careers and livelihoods if they do not assist in abortions, whose cases have sometimes languished for years at the HHS Office for Civil Rights.

Notably, there have been no serious efforts in Congress to repeal or weaken these current laws for many years, and President Obama and his Department of Health and Human Services have voiced active support for all of them. All we need to agree on is that these widely supported laws should be effective and have a workable and timely means of enforcement.

This would mean almost no change in the substantive policy of Congress; but it would be an enormous step forward in assuring Americans who serve the sick and needy that they can do so without being forced by government to violate their most deeply held convictions on respect for innocent human life. To most of us, the effort to defund the abortion industry giant Planned Parenthood is of great importance. But it is also imperative to ensure that the abortion industry's allies in government do not expel from our health care system those who *cannot* in good conscience provide and pay for abortions.

We urge you to give a high priority to the passage into law of the Abortion Non-Discrimination Act in this year's final funding legislation.

Sincerely,

United States Conference of Catholic Bishops

Christian Medical Association

Knights of Columbus

Catholic Medical Association

National Council of Catholic Women

March for Life Education and Defense Fund

American College of Pediatricians

American Association of Pro-Life Obstetricians and Gynecologists

Americans United for Life Action

National Association of Evangelicals

Family Research Council

Association of American Physicians and Surgeons

National Catholic Bioethics Center

Susan B. Anthony List

Franciscan Alliance

Sacred Heart Mercy Health Care Centers (Michigan and Minnesota)

Institute for Youth Development

National Association of Pro-Life Nurses

Divine Mercy Care/Tepeyac Family Center

The National Association of Catholic Nurses – U.S.A.

Christ Medicus Foundation

Southern Baptist Ethics & Religious Liberty Commission

The Catholic Benefits Association