

July 12, 2016

Re: Oppose the Conscience Protection Act of 2016 (S. 304)

Dear Representative:

The undersigned organizations oppose the Conscience Protection Act (S. 304) and urge you to vote “NO” when the bill comes to the House floor, expected on Wednesday, July 13. The Conscience Protection Act would allow employers, insurance companies, and hospitals to discriminate against women seeking reproductive health care, seriously undermining women’s ability to obtain safe, legal abortion care.

The Conscience Protection Act would significantly expand and make permanent the so-called “Weldon Amendment,” an annual appropriations rider that is intended to restrict women’s access to abortion care.<sup>1</sup> Opponents of safe, legal abortion around the country have invoked the Weldon Amendment in attempts to block pro-women’s health policies at the federal, state, and local levels by pressuring policymakers with the potential loss of critical federal health and education dollars.<sup>2</sup> These dollars fund programs like health research, job training, community service, and education. Some have even invoked the Weldon Amendment to argue that hospitals could refuse to provide an abortion in emergencies, even when a woman’s life is at risk.<sup>3</sup>

The Conscience Protection Act would allow even more discrimination against women seeking health care by creating a new right for health care entities—defined broadly to include insurance companies, employers and others well outside a normal understanding of the phrase—to refuse to engage in an extremely broad range of activities related to abortion care. The Act would not only interfere with a woman’s ability to access comprehensive health insurance coverage that enables her to make personal medical decisions with those she trusts, but it would also put a woman’s health at serious risk in emergency situations. For example, a hospital could rely on the Conscience Protection Act to turn away a woman in a serious emergency situation who needs an abortion or even to refuse to provide a woman information about her treatment options.<sup>4</sup>

It would also open the door to frivolous lawsuits by creating a new private right of action that would allow almost anyone opposed to a policy that ensures abortion access to sue in federal

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<sup>1</sup> The Weldon Amendment bars Labor-HHS funds from going to any federal, state or local program that subjects a health care entity to “discrimination” based on that entity’s refusal to provide, pay for, cover, or refer for abortions.

<sup>2</sup> When California clarified in 2014 that a longstanding state law governing group health insurance required coverage of abortion as a basic health service, opponents filed complaints with the HHS Office for Civil Rights (OCR), claiming a Weldon violation and asking them to strip the state of its federal health and education funding. David Savage, *Obama’s health advisors reject ‘right of conscience’ challenge to California’s required abortion coverage*, L.A. TIMES, June 21, 2016, <http://www.latimes.com/nation/la-fi-california-abortion-insurance-20160621-snap-story.html>.

In Illinois, opponents of safe, legal abortion attacked a bill in the state legislature that put modest protections in place for women denied abortion care by requiring that they receive standard of care information about treatment options. That bill did not violate Weldon amendment, but opponents threatened the loss of substantial federal funding in an attempt to scare legislators into voting against it. Phil Kadner, *Kadner: Key legal change lets patients make sound medical decisions*, CHICAGO TRIBUNE, July 14, 2016, <http://www.chicagotribune.com/suburbs/daily-southtown/news/ct-sta-kadner-best-medical-advice-st-0715-20150714-story.html>

<sup>3</sup> Motion to Dismiss of Defendant-Intervenors, *Am. Civil Liberties Union v. Trinity Health Corp.*, No. 15-cv-12611 (E.D. Mich. March 14, 2016) (Defendant Trinity Health Care invoking Weldon as a defense to a claim regarding its repeated and systemic failure to provide women suffering pregnancy complications with appropriate emergency abortions as required by federal law).

<sup>4</sup> The Conscience Protection Act would allow any “health care entity” to refuse to “facilitate,” “make arrangements for,” or “otherwise participate in” abortion care.

court in order to block that policy. This would make it harder for states, localities and the federal government, threatened with the prospect of defending against lawsuits from opponents, to implement policies that ensure women's access to abortion and protect women from substandard care.

Access to comprehensive reproductive health care, including safe and legal abortion, is critical to ensuring that women are able maintain the freedom to make decisions about their health care in order to lead full, healthy lives and maintain economic stability for themselves and their families. The health and well-being of too many women is jeopardized by obstacles and barriers impacting their ability to make fully-informed and appropriate medical decisions. This discriminatory legislation further undermines women's access to constitutionally-protected health care services while purporting to protect religious liberty. It must be rejected outright. We urge you to oppose the Conscience Protection Act.

Sincerely,

AbortionClinics.Org  
Advocates for Youth  
American Association of University Women (AAUW)  
American Civil Liberties Union  
American College of Nurse-Midwives  
American Congress of Obstetricians and Gynecologists  
Association of Reproductive Health Professionals (ARHP)  
Center for Inquiry  
Center for Reproductive Rights  
Feminist Majority Foundation  
Human Rights Campaign  
Institute for Science and Human Values  
Medical Students for Choice  
MergerWatch  
NARAL Pro-Choice America  
National Abortion Federation  
National Center for Lesbian Rights  
National Family Planning & Reproductive Health Association  
National Health Law Program  
National Latina Institute for Reproductive Health  
National Network of Abortion Funds  
National Organization for Women  
National Partnership for Women & Families  
National Women's Health Network  
National Women's Law Center  
People For the American Way  
Physicians for Reproductive Health  
Planned Parenthood Federation of America  
Population Connection Action Fund  
Population Institute

Reproductive Health Technologies Project  
Secular Coalition for America  
Secular Policy Institute  
Sexuality Information and Education Council of the U.S. (SIECUS)  
The National LGBTQ Task Force Action Fund  
URGE: Unite for Reproductive & Gender Equity