



United States Conference of Catholic Bishops

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November 17, 2014

Dear Member of Congress:

As the 113th Congress concludes, the Catholic Bishops of the United States will express views and encourage action on a variety of important issues in separate correspondence. We stand ready to work with leaders of both parties to protect poor and vulnerable people, promote human life and dignity, and advance the common good. In this letter we want to underscore the increasingly urgent need for Congress to protect rights of conscience with regard to the taking of innocent human life.

Recently 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 ever 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 solution to this problem is legislation already approved by the House as long ago as 2002, the Abortion Non-Discrimination Act (ANDA). More recently ANDA was made part of the House's draft Labor/HHS appropriations bill for Fiscal Year 2013, but that Act was not taken up and passed by Congress.

ANDA would give 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 no one in Congress holds that people whose civil rights are violated have no right to go to court.

The crisis in California requires Congress to reaffirm a principle that has long enjoyed broad bipartisan support: Government should not force hospitals, doctors, nurses and other providers to stop offering or covering much-needed legitimate health care because they cannot in conscience participate in destroying a developing human life. We strongly urge you to incorporate ANDA into must-pass funding legislation at your earliest possible opportunity.

Sincerely,

A handwritten signature in blue ink that reads "+ William E. Lori".

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

A handwritten signature in blue ink that reads "+ Seán Cardinal O'Malley".

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