



## Secretariat of Pro-Life Activities

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December 7, 2011

Dear Member of Congress:

Congress may soon consider a package of as many as nine appropriations bills to fund federal programs for Fiscal Year 2012. The Catholic bishops' conference has already written a number of letters urging you to oppose drastic cuts in desperately needed poverty-focused programs at home and abroad (see <http://usccb.org/about/domestic-social-development/index.cfm> and <http://usccb.org/about/international-justice-and-peace/index.cfm>). I again commend these letters to your attention.

I am writing today because, even as Congress works to preserve life-affirming programs, it must also ensure that government itself does not create new threats to innocent human life. That is why I wrote last month to urge that new proposed funding for abortion and abortion-promoting organizations be removed from the Senate version of the Financial Services and State/Foreign Operations bills, and that these funds be redirected to the genuine needs of the poor (see <http://usccb.org/issues-and-action/human-life-and-dignity/abortion/upload/hr-2354-letter.pdf>).

However, it has also become apparent in recent months that there is an urgent need for clearer protection for the conscience rights of health care providers who respect unborn human life. The principle that no health care provider should be penalized for not taking part in abortion has long enjoyed a strong consensus in Congress, which is reflected in the Hyde/Weldon amendment approved as part of Labor/HHS appropriations bills each year since 2004. Yet Hyde/Weldon as currently written does not seem an adequate safeguard. It lacks a private right of action allowing those who are discriminated against to vindicate their rights in federal court; its language is unclear on whether its requirements apply to a subunit of a state or local government when that subunit does not itself directly receive federal funds; and the amendment's only implied remedy against offending governmental bodies, denial of all funding under the entire Labor/HHS/Education appropriations bill, is so broad that it has been criticized as both legally questionable and unusable in practice.

Hence, in California, officials in the state Department of Managed Health Care are insisting that Catholic health systems must provide abortion coverage for their employees – arguing that their particular department is not covered by the Hyde/Weldon policy, and in any case that no federal official will dare to deny California all its Labor/HHS funding. A major state-run hospital in New Jersey has told 12 nurses that they have no right to sue after being punished for refusing to assist in abortions, because federal conscience laws do not clearly recognize a right for them to go to court. The U.S. Department of Health and Human Services has inserted new language into grant proposals for serving the victims of human trafficking, so that potential grantees who do not facilitate elective abortions can be excluded from such

programs despite their exemplary record in serving such victims – and HHS officials testified last week under oath that in practicing such discrimination they have been assured by HHS attorneys they are violating no law. The Administration has assigned HHS's Office for Civil Rights as the sole enforcer of conscience protections under Hyde/Weldon, yet it seems HHS has become one of the agents of discrimination against which Americans must be protected.

For these reasons the House draft of the Labor/HHS appropriations bill has incorporated the text of the Abortion Non-Discrimination Act (H.R. 361/S. 165), which enjoys bipartisan support in both House and Senate. This legislation will address loopholes and deficiencies in the current Hyde/Weldon amendment. I commend the appropriators and House leaders who decided to include this provision. Please work with them to ensure that any final appropriations package this year includes this urgently needed improvement in protecting rights of conscience.

Sincerely,

*Cardinal Daniel DiNardo*

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