



United States Conference of Catholic Bishops

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February 8, 2017

Dear Senator:

We are writing as chairmen of the U.S. Conference of Catholic Bishops' Committee on Pro-Life Activities and Ad Hoc Committee for Religious Liberty to urge your co-sponsorship and support for essential legislation protecting the fundamental rights of health care providers.

Senator James Lankford has introduced the **Conscience Protection Act of 2017** (S. 301) to ensure that those providing much-needed health care and health coverage can continue to do so without being forced by government to help destroy innocent unborn children. S. 301 is identical to the Conscience Protection Act of 2016 (S. 304) that passed the House on July 13, 2016 on a bi-partisan vote of 245-182.

The need for clarification of federal law cannot be doubted. While existing federal laws already protect conscientious objection to abortion in theory, this protection has not proved effective in practice. These laws can only be enforced by complaint to the Office for Civil Rights at the Department of Health and Human Services (HHS), which—despite repeated violations—has refused to fully enforce these laws.

For example, on June 21, 2016, the HHS Office for Civil Rights declared that the State of California may continue forcing all health plans under its jurisdiction to cover elective abortions—in violation of the plain text of the Weldon amendment. Violations of the Weldon amendment are also taking place in other states, such as New York and Washington.

Even HHS itself has discriminated against those who cannot in conscience facilitate abortions, as when in 2011 it implemented a new “strong preference” for grantees willing to refer human trafficking victims solely to health care providers who favor abortion. And while the Hyde/Weldon amendment to the annual Labor/HHS appropriations acts has forbidden such governmental discrimination since 2004, state officials have violated that amendment with impunity and claimed that any effort to enforce it would be subject to legal challenge.

The Conscience Protection Act will address the deficiencies that block effective enforcement of existing laws, most notably by establishing a private right of action allowing victims of discrimination to defend their own rights in court.

While Catholic and other religious health care providers are especially at risk from coercive abortion policies, we should recall that rejection of abortion is an integral part of the Hippocratic oath that for many centuries has helped define medicine as a

profession, an ethical vocation dedicated to the life and well-being of one's patients. Today the great majority of ob/gyns remain unwilling to perform abortions. Even the U.S. Supreme Court, which legalized abortion nationwide, has admitted that abortion's role in destroying unborn life makes it "inherently different from other medical procedures" and said the government may help "encourag[e] childbirth" over abortion. *Harris v. McRae*, 448 U.S. 297, 325 (1980). When government instead mandates involvement in abortion as a condition for being allowed to provide life-affirming health care services, it not only undermines the widely acknowledged civil rights of health care providers but also limits access to good health care for American women and men.

In short, whether you approach this issue out of respect for defenseless human life, for religious liberty, for "freedom of choice" on abortion, or for the well-being of our health care system, we urge you to support and co-sponsor the Conscience Protection Act and help ensure its approval by Congress this year.

Sincerely,



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



Timothy Michael Cardinal Dolan
Archbishop of New York
Chairman, USCCB Committee on
Pro-Life Activities