Congress of the United States
Washington, DC 20515

March 24, 2016

The Honorable Tom Cole
Chairman
House Appropriations Committee
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
2358-B Rayburn House Office Building
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member
House Appropriations Committee
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairman Cole and Ranking Member DeLauro:

As pro-life Members of Congress committed to protecting the individual's rights of conscience, we write to request inclusion of H.R. 940, the *Health Care Conscience Rights Act*, in the Labor, Health and Human Services, Education, and Related Agencies Subcommittee (Labor-HHS) draft appropriations legislation for fiscal year (FY) 2017. We are grateful for the Subcommittee's past support, and are particularly appreciative that H.R. 940 was included in the final FY16 Labor-HHS bill that passed out of the Committee on Appropriations.

The *Health Care Conscience Rights* Act would repeal Obamacare's HHS mandate, ensuring that the federal government cannot require individuals, religious charities, or businesses to buy insurance coverage that includes items or services against which they have a deeply held moral or religious objection. H.R. 940 would ensure that any state, local or federal government agency that receives federal funds does not discriminate against any health care worker or entity for abiding by their conscience and refusing to provide, train, or refer for abortion services. The *Health Care Conscience Rights Act* also provides victims facing discriminatory actions with a private right of action enabling them to seek redress in a court of law.

The need for conscience protections is acute. In 2014, the U.S. Supreme Court correctly affirmed the religious freedom rights for two family-owned businesses, ruling that the HHS mandate could not force either of the Hahn or Green families to cover drugs and devices to which they had religious and moral objections, through company insurance plans. Even so, this narrow ruling left hundreds of religious and nonprofit plaintiffs, such as the Little Sisters of the Poor, to continue to their legal battles, seeking reprieve from this Administration's relentless attacks on religious liberty. H.R. 940 reaffirms our First Amendment rights by eliminating the unconstitutional Obamacare HHS mandate.

In a brazen move, the California Department for Managed Health Care (DMHC) issued a directive requiring all insurance plans under DMHC authority to immediately cover abortion. This 2014 directive means that California churches, religious charities, employers and individuals have no choice but to pay for abortion coverage in their health plans. California's no exception policy is a flagrant violation of the First Amendment and a direct violation of a longstanding federal policy known as the *Weldon Amendment*. The Administration's unwillingness to enforce the *Weldon Amendment* has emboldened

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California to pass legislation in 2015 requiring pregnancy care centers, life-centered health care providers, to post signs referring for abortions.

There can be no more absolute form of discrimination against pro-life health care providers than eliminating the very existence of life-affirming health plans and mandating that pregnancy care centers send patients to the nearest Planned Parenthood clinic. H.R. 940 codifies the *Weldon Amendment* as permanent law and gives these victims the ability to seek relief in court.

The Administration's unprecedented attacks against the religious freedoms guaranteed in the Constitution must stop. Congress cannot ignore this relentless assault and must act swiftly.

Thank you for considering this request. We look forward to working with you to ensure that these vital protections are restored in law as a permanent part of the U.S. Code.

Sincerely,

JOHN FLEMING, M.D.
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Member of Congress

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Member of Congress

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Member of Congress

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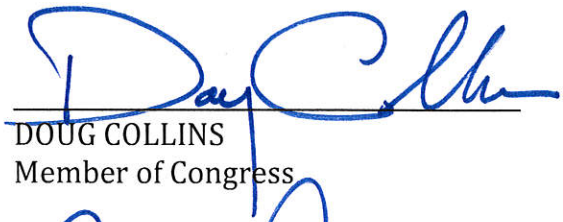

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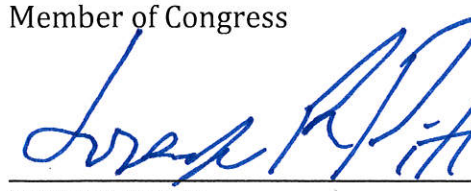

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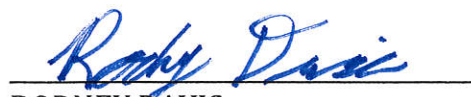

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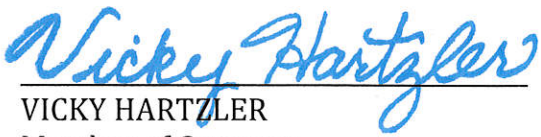

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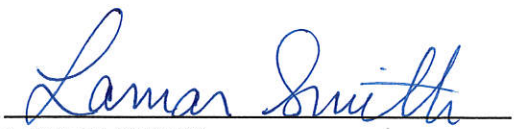

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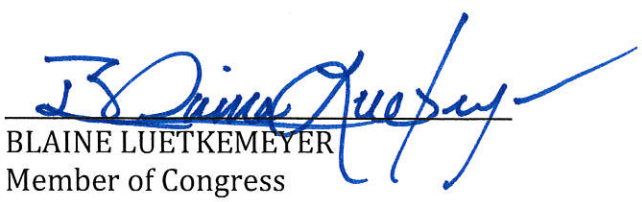

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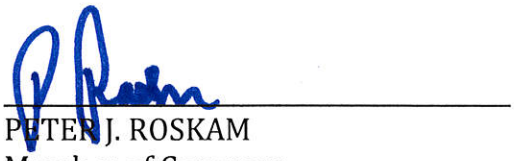

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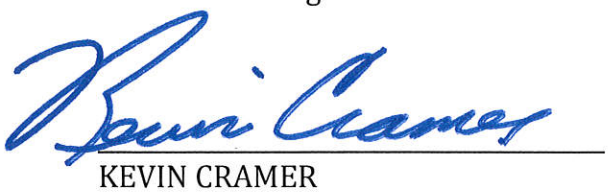

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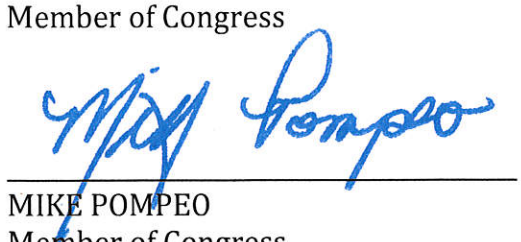

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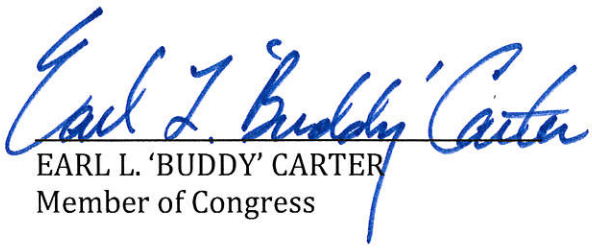

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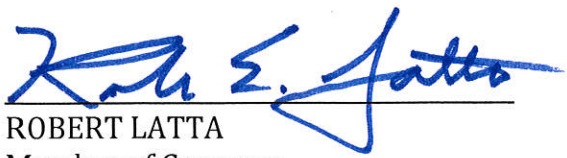

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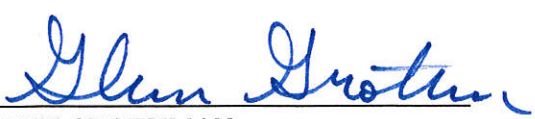

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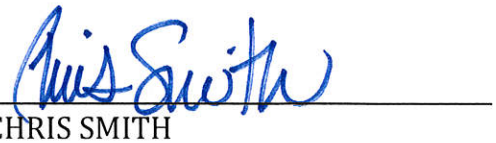

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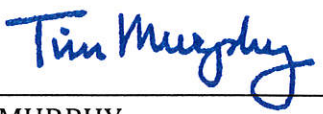

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