



Alliance *for*  
Conscience  
Rights

March 24, 2016

The Honorable John C. Fleming, M.D.  
United States House of Representatives  
2182 Rayburn House Office Building  
Washington, DC 20515

Dear Dr. Fleming,

As the director of the Alliance for Conscience Rights, I write in strong support of your bill, H.R. 4828, the Conscience Protection Act of 2016. As you know, the Alliance for Conscience Rights is a national coalition formed to combat growing governmental discrimination against faith-based health care providers. The Alliance consists of five health systems that operate over 200 hospitals, along with hundreds more facilities providing senior care, physician clinics, long-term and assisted living, palliative and hospice care, home health, supportive housing, and education services.

As your bill notes, religious health care providers are facing ongoing discrimination in California due to the California Department of Managed Health Care's (DMHC) August 2014 mandate that requires private market health care plans to cover all abortions as a "basic health care service" – forcing thousands of faith-based California employers to have their employee health plans amended to include elective abortion coverage, in violation of their moral convictions. The DMHC's action constitutes a direct violation of the federal Weldon Amendment, which Congress first enacted in 2002 to protect hospitals and insurers from governmental discrimination on the basis that they choose not to cover, provide or pay for abortion.

The victims of California's unlawful governmental discrimination are currently afforded only one method of recourse, filing a complaint with the Department of Health and Human Services' Office for Civil Rights (OCR). This has proved futile. Numerous California faith-based groups filed complaints with the OCR in the wake of the DMHC's mandate, but have yet to receive any information on the status or timing of the agency's investigation. And, as you note in your bill, repeated inquiries by members of Congress have similarly been ignored. Meanwhile, the state's discrimination has continued unabated for over year-and-a-half. This situation would not be tolerated in any other area of federal civil rights law.

The Conscience Protection Act of 2016 will remedy this type of governmental discrimination by providing its victims with an additional enforcement mechanism to current federal protections – the ability to defend themselves in federal court, through a private right of action, against state mandates to cover, pay for or provide abortion. Equally as important, H.R. 4828 will deter other

states from following California's lead, whereas currently, states have learned that they can violate federal conscience protections with impunity because the federal agency charged with upholding the them has declined to do so.

The ongoing unlawful discrimination by California – and other states' threats to enact similar laws – are threatening the future existence of faith-based health care providers by compelling them to violate their deepest moral convictions. This bill provides critical protection to these health care providers, so that they can continue to serve their patients and communities, especially those who are struggling the most, free from government compulsion to violate the beliefs that are at the very core of their mission.

The Alliance for Conscience Rights is pleased to support the Conscience Protection Act of 2016, and will urge your House colleagues to join H.R. 4828 as cosponsors. Thank you for your longstanding leadership on behalf of one of our nation's most fundamental civil rights, and for introduction of this much needed bill in the House of Representatives.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. J. Cox", is written over a light blue rectangular background.

William J. Cox  
Director  
Alliance for Conscience Rights