February 1, 2024

The Honorable Joe Biden  
President of the United States  

Dear President Biden:

We, the undersigned organizations that support reproductive health, rights, and justice, write to urge you to ensure that the harmful Weldon Amendment is not included in your Fiscal Year (FY) 2025 budget. The Weldon Amendment is a poison pill budget rider that, for far too long, has misused religion to intimidate states that seek to protect abortion care by threatening critical federal health funding. The Weldon Amendment also emboldens health care entities to deny patients abortion care and coverage, prioritizing health care providers’ personal beliefs over patient care. As states grapple with the fallout from the erroneous and devastating Dobbs v. Jackson Women’s Health Organization decision, we must safeguard protections for people who need abortion care and eliminate policies that allow or encourage denials of abortion care. To that end, your Administration must strike the Weldon Amendment from your annual budget.

Since FY 2005, Weldon has been attached to the Hyde Amendment1 in the annual Labor, Health and Human Services, Education, and Related Agencies bill. The Weldon Amendment is deceptively written to prohibit “discrimination” against health care entities—including hospitals and health insurance plans, as well as individual nurses and doctors—that refuse to provide, cover, pay for, or refer for abortion. The Weldon Amendment is so pernicious because it has been used to threaten policymakers with the loss of critical federal health dollars for advancing policies that protect and expand abortion care and coverage at the federal, state, and local levels. For example, in December 2020 – during a pandemic – the Trump Administration attempted to strip California of $800 million in federal Medicaid funding annually because state law ensures residents have insurance coverage of abortion.2

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The Weldon Amendment also encourages health care providers to leave patients without the care they need, allowing individuals and entities to put their personal beliefs ahead of patient care. There are no provisions in the Weldon Amendment to protect patient access to abortion services. At a minimum, this causes confusion about the application of other federal laws that protect patient access to care. By its own terms, then, the Weldon Amendment poses tremendous injury to patients.

The Weldon Amendment also has been used by hostile administrations to expand refusals of care: both the Bush Administration and the Trump Administration issued rules that relied on Weldon and other refusal of care laws to allow virtually any entity involved in health care to deny patients care and even information about care. Fortunately, many harmful provisions of these policies were blocked and reversed, including during the Obama Administration, by federal courts, and now by your Administration with the recent rule, “Safeguarding the Rights of Conscience as Protected by Federal Statutes.” But efforts to expand the reach of the Weldon Amendment continue; most recently, anti-abortion lawmakers in the House attempted to create a private right of action that would allow virtually anyone to bring a case in federal court for an “actual or threatened violation” of the Weldon Amendment. We must eliminate the Weldon Amendment permanently to ensure that dangerous policies expanding its reach are not enacted in the future.

The need to eliminate the harmful Weldon Amendment is critical in this moment, as more states rush to ban abortion, leaving millions of people across the country without abortion access and forcing them to travel out of state to seek care. In this ongoing reproductive health care crisis, it is critical that states have the ability to protect their residents and those coming to their state by enacting policies that expand abortion access. The Weldon Amendment hampers these efforts. At the same time, the impact of refusals of care has only worsened following the Dobbs decision, as reports of patients being turned away for essential medical care and urgent medical

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3 Other federal laws, such as EMTALA and Section 1557 of the ACA still apply. Yet, Weldon’s lack of patient protections has caused confusion and emboldens health care entities to refuse care despite the requirements of these and other federal laws.

4 The reach of these proposed rules could have meant a rape survivor could be denied emergency birth control, a transgender person could be denied gender-affirming care, or a pregnant person could be denied information and counseling on their pregnancy options. See Ensuring That Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in Violation of Federal Law, 73 Fed. Reg. 78,071 (December 19, 2008) (codified at 45 C.F.R. § 88); Protecting Statutory Conscience Rights in Health Care; Delegations of Authority, 84 Fed. Reg. 23,170 (May 21, 2019) (codified at 45 C.F.R. § 88).


interventions continue to arise. Eliminating Weldon will help remove any confusion or purposeful obfuscation about the application of other federal laws and empower states where abortion is still legal to protect and expand access to care.

Eliminating the Weldon Amendment is not only critical as a matter of policy, it is also popular with voters. This was evident even before the Dobbs decision—a July 2021 poll in battleground congressional districts found that 6 in 10 voters oppose allowing health care providers to refuse treatment to a woman seeking an abortion because of religious or moral beliefs. More recently, in a June 2022 poll of likely 2022 voters, the majority opposed the idea that institutions, including insurance companies (66% of respondents), employers (63%), and hospitals (59%), should be able to refuse abortion care based on personal or religious beliefs. Nearly two-thirds recognized that refusal of care laws put patients’ health and lives in danger.

Eliminating the Weldon Amendment is crucial for patients and states and important to the public. Fortunately, both the House and Senate in FY 2022 and 2023 made historic progress by removing the harmful Weldon and Hyde Amendments from their Labor, Health and Human Services, and Education appropriations bills. Your Administration must similarly demonstrate its commitment to protect abortion rights and serve the will of the people by eliminating the Weldon Amendment.

Sincerely,

Advocates for Youth
AIDS United
ALEPH: Alliance for Jewish Renewal
All* Above All Action Fund
American Atheists
American Civil Liberties Union
American Federation of State County and Municipal Employees
American Federation of Teachers
American Humanist Association

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7 Kate Zernike, Medical Impact of Roe Reversal Goes Well Beyond Abortion Clinics, Doctors Say, N.Y. TIMES (Sept. 10, 2022), https://www.nytimes.com/2022/09/10/us-abortion-bans-medical-care-women.html (“Several high-profile cases of women denied abortion care have captured headlines and set doctors on edge. But doctors say these extreme cases are not isolated; hospitals are routinely refusing or delaying care.”)  
8 Hart Research Associates & Vision Strategy and Insights, Polling of 801 registered voters in battleground congressional districts from July 7-12, 2021, on file with the National Women’s Law Center.  
9 GQR, Mixed mode survey among one thousand registered voters nationally from June 22-30, 2022 including Black, Latino, and AAPI over samples of 100 respondents each, on file with the National Women’s Law Center.
American Society for Reproductive Medicine
American-Arab Anti-Discrimination Committee (ADC)
Bend the Arc: Jewish Action
Catholics for Choice
Center for Biological Diversity
Center for Freethought Equality
Center for Popular Democracy Action
Center for Reproductive Rights
Clearinghouse on Women's Issues
CommonDefense.us
Congregation Kneseth Israel
Congregation Tehillah
Consumer Action
EMAA Project
Equality California
Feminist Majority
Freedom From Religion Foundation
Friends of the Earth US
Guttmacher Institute
Hadassah, The Women's Zionist Organization of America, Inc.
Hispanic Federation
Human Rights Campaign
If/When/How: Lawyering for Reproductive Justice
Impact Fund
In Our Own Voice: National Black Women's Reproductive Justice Agenda
Indivisible
Ipas
Jewish Alliance for Law and Social Action
Jewish Labor Committee
Jewish Orthodox Feminist Alliance
Jewish Women International (JWI)
Jews for a Secular Democracy
Keshet
League of Women Voters of the United States
Lilith Magazine
Minority Veterans of America
MomsRising
National Abortion Federation
National Asian Pacific American Women's Forum
National Center for Health Research
National Center for Lesbian Rights
National Council of Jewish Women
National Family Planning & Reproductive Health Association
National Health Law Program
National Immigration Law Center
National Institute for Reproductive Health
National Latina Institute for Reproductive Justice
National Network to End Domestic Violence
National Organization for Women
National Partnership for Women & Families
National Women’s Health Network
National Women's Law Center
National Women's Political Caucus
PAI
Partners in Abortion Care
Physicians for Reproductive Health
Planned Parenthood Federation of America
Population Connection Action Fund
Positive Women's Network-USA
Power to Decide
Public Citizen
Public Justice Center
Rachel Carson Council
Reconstructionist Rabbinical Association
Reproductive Freedom for All (formerly NARAL Pro-Choice America)
Reproductive Health Access Project
Rhia Ventures
Service Employees International Union (SEIU)
Service Women’s Action Network
Sexual Violence Prevention Association (SVPA)
SIECUS: Sex Ed for Social Change
Society for Humanistic Judaism
T'ruah: The Rabbinic Call for Human Rights
The Rabbinical Assembly
The Workers Circle
UCSF Bixby Center for Global Reproductive Health
UltraViolet Action
Union for Reform Judaism
URGE: Unite for Reproductive & Gender Equity
Women of Reform Judaism
Women’s Rabbinic Network