

# **\*\* FACT CHECK \*\***

## **Current Federal Laws Protecting Conscience Rights Mirror “Respect for Rights of Conscience Act”**

The phrase “religious beliefs or moral conviction” – or a minor variation of that phrase – appears repeatedly in existing U.S. law. This is based on a 1965 Supreme Court Case, *United States v. Seger*, which involves a conscientious objector to the military draft. The Court determined that U.S. law cannot discriminate between religious beliefs and moral conviction due to the Constitution’s prohibition on established religion.

**Since 1973, at least 10 public laws have been enacted containing identical or nearly identical conscience protection language as the Respect for Rights of Conscience Act:**

- 1. *Public Health Service Act (the “Church amendment”) (1973)*:** Protects organizations that receive federal funds in various health programs from being forced to participate in abortion and sterilization procedures, if they object based on religious beliefs or moral convictions.
- 2. *Legal Services Corporation limitation (1974)*:** Prohibits Legal Services Corporation funds from being used to compel involvement in abortion if a person or organization objects to the procedure, using the religious beliefs or moral convictions test.
- 3. *Foreign aid funding limitation (1986)*:** Prohibits discrimination against foreign aid grant applicants who offer natural family planning on the basis of religious beliefs or moral convictions. (Annual appropriations rider.)
- 4. *Refusal to participate in executions or in prosecutions of capital crimes (1994)*:** Protects employees from being forced to participate in federal executions or prosecutions, if that employee objects based on religious beliefs or moral convictions.
- 5. *Vaccinations for aliens (1996)*:** Protects aliens who object to vaccinations on account of religious beliefs or moral convictions.
- 6. *Medicare and Medicaid counseling and referral (1997)*:** Prohibits construing the Medicare statute to require either program’s managed care plans to provide counseling and referral services to which they have an objection based on religious beliefs or moral convictions.
- 7. *Federal Employees’ Health Benefits Plan Regulation (1998)*:** Protects providers delivering care under the FEHBP from being required to discuss treatment options to which they have an objection based on religious beliefs or moral convictions.
- 8. *Contraceptive coverage for federal employees (1999)*:** Exempts certain health plans from a contraceptive coverage mandate in the FEHBP, and prohibits health plans in this program from discriminating against individuals who object to prescribing or providing contraceptives based on religious beliefs or moral convictions. (Annual appropriations rider).
- 9. *DC contraceptive mandate (2000)*:** Protects those with religious beliefs and moral convictions from any DC contraceptive mandate. (Annual appropriations rider).
- 10. *United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act (2003)*:** Protects organizations that receive foreign aid funds to prevent and treat HIV/AIDS from being forced to participate in prevention methods or treatments they object to based on religious beliefs or moral convictions.