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April 13, 2021

(202) 626-8820

RE: In Opposition to the Paycheck Fairness Act (H.R.7)

Dear Representative,

This week, the House will consider the Paycheck Fairness Act (H.R. 7). While the legislation is meant to address potential discrimination regarding the gender pay gap, the legislation was amended to contain language that could be construed to require employers to cover elective abortion in their healthcare benefits.

Because of this change, National Right to Life urges you to oppose the bill and reserves the right to include a House roll call on this measure in our scorecard of key pro-life votes of the 117th Congress.

H.R. 7 states that it constitutes discrimination to provide disparate wages based on sex, and the legislation creates more opportunities to seek remedies for those challenging compensation. The Equal Employment Opportunity Commission (EEOC) has defined equal pay under the Fair Labor Standards Act and the Equal Pay Act of 1963 to include all forms of compensation, including healthcare benefits.

H.R. 7 makes definitional changes to “sex” to include “pregnancy, childbirth, or a related medical condition.” It is well established that abortion will be regarded as a “related medical condition.” See 29 C.F.R. pt. 1604 App. (1986) and *Doe v. CARS Protection Plus, Inc.*, 527 F.3d 358 (3d Cir. 2008).

Historically, when Congress has addressed discrimination based on sex, rules of construction have been added to prevent requiring funding of abortion. Since there is no rule of construction that would make this legislation abortion-neutral, it is likely that H.R. 7 could be used to sue employers for a lack of elective abortion coverage.

Under H.R. 7, a person could make a claim that an employer’s failure to provide health coverage for abortion is discriminatory if an employer provides health coverage for male-specific items.

For the reasons above, National Right to Life opposes the current version of H.R. 7 and reserves the right to include a House roll call on this measure in our scorecard of key pro-life votes of the 117th Congress.

Should you have any questions, please contact us via e-mail at jpopik@nrlc.org.

Defending Life in America Since 1968

Thank you for your consideration of NRLC's position on this matter.

Respectfully submitted,



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President



David N. O'Steen, Ph.D.
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