

**September 30, 2020**

RE: Updated Heroes Act (House Amendment to the Senate Amendment to H.R. 925)

Dear Representative:

The National Right to Life Committee (NRLC), the federation of state right-to-life organizations, urges you to oppose the House Amendment to the Senate Amendment to H.R. 925, also known as the Heroes Act.

National Right to Life intends to include any roll call on the House Amendment to the Senate Amendment to H.R. 925 in our scorecard of key pro-life votes of the 116th Congress.

The House Amendment to the Senate Amendment to H.R. 925 (herein Heroes 2.0) contains numerous provisions aimed at propping up the abortion industry as well as potentially funneling millions of dollars into programs without Hyde Amendment protections. The list of offensive provisions below is by no means exhaustive, but is meant to highlight several egregious items.

Namely, in Sec. 801 “Non-Discrimination”, the legislation states that “Notwithstanding any provision of a covered law ..., no person otherwise eligible shall be excluded from participation in, denied the benefits of, or subjected to discrimination in the administration of, programs and services receiving funding under a covered law ..., based on any factor that is not merit-based, such as age, disability, sex (including sexual orientation, gender identity, and pregnancy, childbirth, and related medical conditions), race, color, national origin, immigration status, or religion.”

Heroes 2.0 specifically states that “sex” includes “pregnancy, childbirth, and related medical conditions.” 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).

This provision could be interpreted to nullify any protections provided by the Hyde Amendment in this legislation. It also would apply retroactively to previously enacted legislation dealing with Covid-19.

Heroes 2.0 directs \$238 billion in funding to assist state governments and \$179 billion into local governments in order to address the fiscal impacts from the public health emergency caused by Covid-19. Additionally, there are billions of dollars intended to go to health providers. The language of Heroes 2.0 would open the door to legal challenges that will amount to this: pregnancy-related medical conditions (including abortion) could not be treated less favorably than other physical conditions, so any provision, including funding, that treats abortion differently than other procedures constitutes discrimination.

Moreover, Heroes 2.0 will apply retroactively to previous Covid-19 relief packages. A specific list of former provisions this non-discrimination language will apply to is enumerated in the legislation. They include items like billions in health provider funds, over one billion dollars for community health centers, and so on.

There are some changes to the Paycheck Protection Program (PPP) worth noting as well. Most notably, it allows nonprofits with more than 500 employees to receive PPP loans if they have experienced a 25% decline in gross receipts due to the impact of COVID-19. Under Heroes 2.0, Planned Parenthood, which posted \$240 million in “excess revenue” last year alone, would likely be eligible to receive additional millions in low interest loans.

***National Right to Life urges you to oppose the House Amendment to the Senate Amendment to H.R. 925, or Heroes Act, and intends to include votes related to this legislation in our scorecard of key right-to-life votes of the 116th Congress.***

Should you have any questions, please contact us at (202) 378-8863, or via e-mail at [jpopik@nrlc.org](mailto:jpopik@nrlc.org). Thank you for your consideration of NRLC's position on this important legislation.

Sincerely,



Carol Tobias  
President



David N. O'Steen, Ph.D.  
Executive Director



Jennifer Popik, J.D.  
Legislative Director