

(202) 626-8820

June 8, 2021

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

Dear Senator,

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

National Right to Life urges you to oppose the bill and reserves the right to include Senate votes on H.R. 7 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, if an employer provides health coverage for male-specific items, a person could make a claim that an employer’s failure to provide health coverage for abortion is discriminatory.

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

Respectfully submitted,



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