

Abortion

Other Federal Refusal Clauses

For decades, federal law has given individuals and institutions rights to refuse to provide abortion and sterilization services. Today, there are four primary federal refusal clauses. Below are short summaries of each refusal clause.

The Church Amendment

- Enacted by Congress in the 1970s in response to debates about whether the receipt of federal funds requires recipients to provide abortion or sterilization services. The Church Amendment provides that:
- The receipt of federal funding under certain laws does not require any individual to perform or assist in sterilization or abortion procedures if those procedures are contrary to the individual's religious or moral beliefs;
- The receipt of such funding does not require entities to make their facilities or personnel available for sterilization or abortion procedures if those procedures are contrary to the religious or moral beliefs of the entity or individual; and
- Health care personnel employed by certain federally funded programs and facilities may not be required to perform or assist in the performance of sterilization or abortion services to which they object based on their religious or moral beliefs.

Coats Amendment (1996)

- Congress adopted the Coats Amendment in response to a decision by the accrediting body for graduate medical education to require OB-GYN residency programs to provide abortion training.
- Adopted in 1996, the Coats Amendment prohibits federal, state, and local governments from "discriminating" against entities that refuse to provide or require training in abortion or individuals who refuse to be trained to provide abortions.

Weldon Amendment (2004)

- Each year beginning in 2004, Congress has attached the Weldon amendment to the appropriations measure that funds the federal Departments of Labor, Health and Human Services, and Education.
- The Weldon Amendment prohibits federal agencies and programs and state and local governments that receive money under the bill from "discriminating" against individuals, health care facilities, insurance plans, and other entities because they refuse to provide, pay for, provide coverage of, or refer for abortions.

Affordable Care Act (2010)

- The Affordable Care Act expands refusal clause protections by prohibiting health care plans in the new state-based health insurance exchanges from "discriminating" against health care facilities and providers because of unwillingness to provide, pay for, provide coverage of, or refer for abortions. In addition, President Obama issued an Executive Order reaffirming all existing federal refusal protections.