



September 17, 2021

Dear Representative,

I write to advise you that Susan B. Anthony List, on behalf of our more than 900,000 members from all 50 states, opposes and will score against H.R. 3755, the deceptively named Women's Health Protection Act, because of its extreme expansion of abortion and brazen elimination of state and federal pro-life laws.

The stated purpose of H.R. 3755, more aptly named the Abortion On Demand Until Birth Act, is “to permit health care providers to provide abortion services without limitations or requirements that single out the provision of abortion services...and make abortion services more difficult to access...” and “to promote access to abortion services” (Section 2(b)). It is remarkable that a bill whose title purports to be concerned with women's health does not in fact include women's health in its stated purpose, but rather focuses exclusively on the ability of abortion providers to end the lives of the unborn for any reason, without restriction.

The Abortion on Demand Until Birth Act includes a detailed list of the kinds of laws that would not be permitted, including informed consent and waiting period laws—policies that have been upheld by the Supreme Court even under *Roe*. The bill would not even permit laws protecting women from the harms of dangerous, do-it-yourself chemical abortion without seeing a doctor first.

While the viability standard imposed on America through *Roe* is being reconsidered by the Supreme Court this upcoming term in the case *Dobbs v. Jackson Women's Health Organization*, the Abortion on Demand Until Birth Act would codify the outdated standard by preventing any “prohibition on abortion at a point or points in time prior to fetal viability, including a prohibition or restriction on a particular abortion procedure” (Sec. 4(a)(8)). This would also block the passage or implementation of bans on painful dismemberment abortions.

The bill goes even further than viability, however, by giving abortion providers the latitude to decide when abortions after the point of viability would be justifiable, essentially allowing abortion up until the point of birth. It accomplishes this by blocking “a prohibition on abortion after fetal viability when, in the good-faith medical judgment of the treating health care provider, continuation of the pregnancy would pose a risk to the pregnant patient's life or health” (Sec. 4(a)(9)). A health exception is a dangerous carveout liberally construed to include such factors as “physical, emotional, psychological, familial, and the woman's age” (*Doe v. Bolton, 1973*). Such sweeping health exceptions have the effect of making abortion available throughout all of pregnancy without any meaningful restriction.

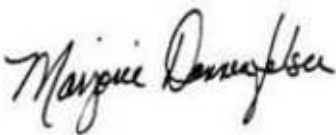
The Abortion on Demand Until Birth Act would also make it impossible to protect unborn children with Down Syndrome or fetal anomaly diagnoses or other characteristics like sex from being targeted for discrimination abortions.

The bill preempts state and federal laws protecting life and conscience—explicitly naming the Religious Freedom Restoration Act as being superseded by this bill (Sec. 5). In case the bill authors were not clear enough in their efforts and intent to make abortion on demand accessible through all nine months of pregnancy with no restrictions, the bill includes a provision directing the courts to “liberally construe” the provisions in the bill “to effectuate the purposes of the Act” (Sec. 7).

The Abortion on Demand Until Birth Act ignores the humanity of the baby and the health of the mother. It targets pro-life states by requiring their laws to be subject to the standards set by this bill, both preventing new laws and preventing enforcement of current laws.

Susan B. Anthony List strongly opposes and will score against H.R. 3755.

Sincerely,

A handwritten signature in black ink that reads "Marjorie Dannenfelser". The signature is written in a cursive, flowing style.

Marjorie Dannenfelser
President
Susan B. Anthony List