

## H.J. Res. 43—A joint resolution disapproving the action of the District of Columbia Council in approving the Reproductive Health Non-Discrimination Amendment Act of 2014 (Black, R-TN)

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**FLOOR SCHEDULE:** MAY 1, 2015 UNDER A CLOSED RULE THAT PROVIDES FOR ONE HOUR OF DEBATE.

**TOPLINE SUMMARY:** [H.J. Res. 43](#) would disapprove of the District of Columbia-passed [Reproductive Health Non-Discrimination Amendment Act of 2014](#).

**CONSERVATIVE CONCERNS:** There are no substantive conservative concerns. In fact, this legislation would protect the First Amendment rights to religious freedom of DC-based employers.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No. The DC Home Rule Act delegates significant legislative autonomy to the DC City Council. As a check on these new powers, the Home Rule Act provides a legislative mechanism for Congress and the president to overturn DC-passed laws. As such, Congressional action on this resolution of disapproval falls squarely within Congress’s responsibility over the seat of federal government.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**DETAILED SUMMARY AND ANALYSIS:** In January, DC Mayor Bowser signed the Reproductive Health Non-Discrimination Amendment Act (RHNDAA). This measure would, in part, ban employers from making personnel decisions based on an individual’s decisions relating to abortion and other reproductive health issues. This measure would discriminate against pro-life employers by potentially forcing them to hire and retain individuals who advocate for policies that run counter to the employer’s mission.

Many DC-based employers have said that RHNDAA’s effects could be significant and far reaching. According to a letter by the [National Right to Life](#), “Under the RHNDAA, using any “decision . . . related to” abortion to inform decisions about hiring, firing, or benefits (among other things) would expose our organization both to enforcement actions by the District government bureaucracy, and to private lawsuits (some of which would likely be engendered by “sting” operations by pro-abortion advocates).

**COST:** The [Congressional Budget Office](#) (CBO) estimates that H. J. Res. 43 would not impact the federal budget.

In addition, CBO estimates that H. J. Res. 43 would impose an intergovernmental mandate on the District of Columbia. However, this intergovernmental mandate would not result in additional spending or loss of revenues.

Furthermore, under RHNDAA, an employee of a values-based organization would be compelled to retain an employee who also publically advocates for organizations such as Planned Parenthood. Since RHNDAA would [amend DC law](#) covering an employer's "receipt of benefits under fringe benefit programs," Christian schools and pro-life organizations could be required to cover "reproductive health decisions" in their healthcare plans.

Under the [DC Home Rule Act](#), a copy of each act passed by DC and signed by the mayor must be sent to the Speaker of the House and the President of the Senate by the Chairman of the DC City Council. The law would take effect upon the expiration of a specific congressional review period, which varies based on the type of law DC has enacted. In this instance, the RHNDAA would take effect on May 4, 2015, after a 30-day layover period. Passage and transmittal of a joint resolution of disapproval to the president must occur prior to the expiration of the layover period in order to invalidate the DC-passed law.

**OUTSIDE GROUPS SUPPORT:**

- [Susan B. Anthony List](#)
- [March for Life Action](#)
- [DC Catholic Conference](#)
- [Catholic University](#)
- [Archdiocese of Washington](#)
- [Americans United for Life and Americans United for Life Action](#)
- [Liberty Counsel Action](#)
- [American Association of Christian Schools](#)
- [Alliance Defending Freedom](#)
- [Association of Christian Schools International](#)
- US Council of Catholic Bishops [letter 1](#) and [letter 2](#)
- [Concerned Women for America](#) will score in favor of it and will include it in their annual scorecard.
- [National Right to Life](#) intends to include the roll call vote in their scorecard of key pro-life votes of the 114th Congress.
- [Heritage Action](#) will include it as a key vote on their legislative scorecard.
- [Family Research Council](#) will score in favor of this vote.

**COMMITTEE ACTION:** This joint resolution was introduced by Representative Black on April 13, 2015, and referred to the House Committee on Oversight and Government Reform. On April 21, 2015, the committee held a [mark-up](#) and the joint resolution passed by a vote of [20-16](#).

**ADMINISTRATION POSITION:** No statement of administration policy is available at this time.

**CONSTITUTIONAL AUTHORITY:** According to the sponsor, Congress has the power to enact this legislation pursuant to the following: "Article I, Section 8, Clause 1 Congress shall have power . . . To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings."

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