



Written by [Luis Miguel](#) on October 13, 2023

White House Tries to Use New Law to Protect Abortion, GOP Fumes

Far from being the end of the abortion debate, the overturning of *Roe v. Wade* intensified it and turned it into a multi-front political battle being waged in both Washington, D.C., and in states across the nation.

Republicans in Congress are now attempting to prevent the Biden administration from interpreting a new law on pregnant workers' rights so as to use federal power to expand access to abortion.

The law in question is the Pregnant Workers Fairness Act (PWFA), which Congress passed in June with bipartisan support and was crafted with the purpose of requiring employers to give reasonable accommodations to employees who are pregnant or recently gave birth. This includes time off and ample breaks for the bathroom, along with comfortable seating.

As the [Washington Examiner](#) reports, Republicans are concerned because the Equal Employment Opportunity Commission, which has been tasked with implementing the law, is using an expansive definition of the legislation's language that safeguards "pregnancy, childbirth, or related medical conditions" so as to include "having or choosing not to have an abortion" — along with birth control, menstruation, lactation, fertility treatments, and miscarriage-related care.

The argument from GOP lawmakers on the House Education and the Workforce Committee is that they never intended for the law to protect or encourage abortion access.

"The fact that there is no reference to abortion means it's not allowed," committee chair Virginia Foxx (R-N.C.) told the *Washington Examiner*. "The EEOC cannot write rules that include abortion. It's crystal clear to me that it was clear in both the House and the Senate."

The outlet further reported:

Tuesday was the last day to file comments on the EEOC's proposed rule to execute the PWFA. More than 10,000 responses were submitted by the public. The EEOC must provide some response to these comments prior to instituting the final version of the rule in late December.

"The goal of the PWFA is to ensure a safe workplace for pregnant mothers and their unborn children," Sen. Bill Cassidy (R-LA) wrote in his public comment letter against the Biden administration's interpretation of the law. "Using it instead to advance abortion access via



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regulation corrupts bipartisan legislating and leaves the Commission open to legal challenges on several grounds.”

Cassidy, who serves as chairman of the Senate Health, Education, Labor, and Pensions Committee, has taken flak from fellow conservatives for not having included language in the legislation to explicitly EEOC from shielding abortion.

Cassidy’s communications director, Ty Bofferding, defended his boss by saying that the law does not defend abortion anywhere within its text, and that the administration’s willingness to interpret it as pro-abortion shows that it would have flouted the rule even if it had been more explicitly anti-abortion.

“Abortion is not a medical condition related to pregnancy; it is the opposite. It terminates the pregnancy, tragically ending the life of an unborn child,” Foxx said in a statement alongside committee Vice Chairwoman Mary Miller (R-Ill.). They wrote in their joint comment on the rule, “Similarly, abortion is not related to childbirth; it ends the possibility of childbirth.”

Andrew Langer, director of CPAC’s Center for Regulatory Freedom, spoke to the *Washington Examiner* and said he fears EEOC will use the rule to force abortion on employers without providing any exceptions.

This comes as early voting is now underway in Ohio, giving state residents the opportunity to approve or reject an amendment that would enshrine a right to abortion in the state.

Both Republicans and Democrats are expending enormous time and resources around the ballot initiative. As [ABC News](#) reports:

Ohio Democrats claimed last week to have been inching toward 100,000 doors knocked and more than 100,000 calls made in the time since their win in the August special election.

... There’s also been significant financial investment in the race. According to numbers from AdImpact released last week, \$12.3 million had been spent or reserved in advertising around the abortion ballot measure, with anti-amendment groups outspending amendment supporters by about \$1.6 million.

The Left has become increasingly brazen in its demand for unlimited abortion access. Last month, several leading medical groups in the fields of obstetrics, gynecology, and family planning joined in an [op-ed](#) in which they explicitly endorse the legalization of unrestricted abortion, including the elimination of all gestational limits.

“Abortion is safe. It improves and saves lives, and it must be available without restrictions, without limitations and without barriers — just as any other critical part of health care,” wrote the authors of the *Washington Post* piece — Christopher Zahn, the chief executive of the American College of Obstetricians and Gynecologists (ACOG) and Jenni Villavicencio, the public affairs director for the Society of Family Planning.

It remains to be seen whether Republicans or the Biden White House will get their way in the spat over the new rule. But the experience serves as a lesson for conservatives: Abuses and betrayals of this nature are inevitable when you pass overreaching legislation encroaching on the rights of private businesses.



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