

Congress of the United States
Washington, DC 20515

Wednesday, February 27, 2013

The Honorable John Boehner
Speaker
U.S. House of Representatives
H-232, the Capitol
Washington, DC 20515

The Honorable Eric Cantor
Majority Leader
U.S. House of Representatives
H-329, The Capitol
Washington, DC 20515

The Honorable Hal Rogers
Chairman
Committee on Appropriations
H-307, The Capitol
Washington, DC 20515

The Honorable Jack Kingston
Chairman
Subcommittee on Labor, Health and
Human Services, Education and
Related Agencies
2358-B Rayburn House Office Building
Washington, DC 20515

Dear Speaker Boehner, Majority Leader Cantor, Chairman Rogers and Chairman Kingston:

As fellow Members of Congress committed to protecting the individual's rights of conscience, we are writing to bring to your attention egregious violations of long-standing civil rights and religious freedoms by the current Administration. We respectfully request that you ensure that adequate protections for these fundamental liberties are codified in U.S. law as the Appropriations Committee drafts legislation to fund the federal government through the remainder of the current fiscal year, FY2013.

Specifically, we are asking that the Appropriations Committee include full conscience protections consistent with sections 537 and 538 of the House draft FY2013 Labor, Health and Human Services Appropriations bill. Section 537 includes protections regarding insurance coverage as it relates to recent conscience violations being carried out under the authorities granted as part of the Patient Protection and Affordable Care Act (PPACA). In addition, section 538 addresses health care providers that may refuse to provide, train, or refer for abortion services, to ensure that recipients of state, local, or federal government funds do not discriminate against any health care entity or worker for abiding by their conscience.

A growing number of cases show that such discrimination is an issue that needs Congressional attention. For example, Cathy DeCarlo, a nurse at Mt. Sinai Hospital in New York, was forced to take part in the gruesome dismemberment of a 22-week-old unborn child. Nurses have also been told by Vanderbilt University and by a state-run medical center in New York that they must assist in abortions that violate their deeply-held convictions. Such reckless actions against the sanctity of an individual or health care entity's moral code are seen time and time again.

More than 130 plaintiffs have filed suit against the unconstitutional HHS mandate, first issued on August 3, 2011, which requires that insurance plans include "all Food and Drug Administration approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity." For example, Hobby Lobby and religious book-seller Mardel, Inc., which are owned by the same Christian family, are suing to block this part of the federal health care law that requires employee health care plans to provide insurance coverage for the morning-after pill and similar abortifacient drugs. Hobby Lobby's failure to comply with the HHS mandate could result in fines of up to \$1.3 million per day.

Earlier this month, HHS released a notice of proposed rule-making (NPRM) regarding their so-called "accommodation" for those objecting to the HHS mandate. Rather than addressing the conscience concerns of religious objectors, the NPRM only further demonstrates that the Administration does not plan to exempt them from the mandate. The so-called "accommodation" provides no remedy for individuals and small business owners, such as Hobby Lobby, and falls far short of addressing the concerns of religious non-profits and charities. The NPRM demonstrates that the mandate will continue to place a heavy moral and financial burden on religious and non-religious affiliated employers that seek to provide quality health coverage consistent with their beliefs.

This attack on religious freedom demands immediate congressional action. Nothing short of a full exemption for both non-profit and for-profit entities will satisfy the demands of the Constitution and common sense. In recent years, the Administration has committed unprecedented attacks against the religious freedoms guaranteed in the Constitution, all under the guise of "access to health care." Congress cannot ignore the relentless assault on the First Amendment right to religious freedom, and must act before the PPACA provisions are fully enacted in August of this year.

Thank you for considering this request. We look forward to working with you to ensure that these vital protections are restored in law as a permanent part of the U.S. Code.

Sincerely,


DIANE BLACK
Member of Congress


JOHN FLEMING M.D.
Member of Congress





Nicky Hartzer
Martha Roley

Jim Wynn
Marsha Blackburn
Michelle Bachman

Lynn Jenkins
Jackie Walorski

Conrad Ruppel
Shane Ross
Kristi Noem