Congress of the United States
Washington, DC 20515

April 2, 2014

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

The Honorable Rosa DeLauro
Ranking Member
House Appropriations Committee
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairman Kingston and Ranking Member DeLauro:

As 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 Subcommittee on Labor, Health and Human Services (HHS), Education, and Related Agencies (Subcommittee) drafts legislation to fund the government for fiscal year (FY) 2015.

Specifically, we are asking that the Subcommittee include full conscience protections consistent with sections 537 and 538 of the House draft FY2013 Labor, Health and Human Services Appropriations bill by including the text of H.R. 940, the "Health Care Conscience Rights Act" into the FY2015 Subcommittee draft. This legislation includes protections regarding insurance coverage as it relates to recent conscience violations being carried out under the authorities granted as part of the President's health care law. In addition, it protects 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 requires 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.

More than 300 plaintiffs have filed suit against the unconstitutional HHS Mandate, first issued on August 3, 2011. The mandate 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."

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Hobby Lobby, a retail chain of arts and crafts stores owned by a family of faith, is suing to block this part of the federal health care law. At its core, the company prides itself on a business model of exceptional service and taking care of their employees by offering excellent health care coverage. These principles—rooted and grounded in the Christian faith—include opposition to providing health plans that conflict with valuing human life. Since the HHS Mandate requires employee health care plans to provide insurance coverage for the morning-after pill and similar abortifacient drugs, failure to comply could result in an exorbitant and bankrupting fine of up to $1.3 million per day for Hobby Lobby.

Last year, HHS released a final rule regarding their so-called "accommodation" for some entities objecting to the HHS mandate on religious grounds. Rather than addressing the conscience concerns, the rule only further demonstrates the administration's disregard for religious liberties. 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 administration's actions demonstrate 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.

Hobby Lobby's case, as well as a similar suit by a Mennonite company, Conestoga Wood, was heard by the Supreme Court this spring. Numerous non-profit and religious organizations such as the Little Sisters of the Poor, Notre Dame and Wheaton College have filed lawsuits against the so-called accommodations. However, these cases have not yet reached the High Court.

The HHS mandate forces employers with their moral or religious views to choose between offering employee health insurance that violates those beliefs, or simply eliminating the health insurance benefit altogether. This creates an impossible situation for the employer and could result in loss of health care benefits for hardworking Americans and their families. This attack on religious freedom demands immediate congressional action. Nothing short of a full religious and moral 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 swiftly.

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

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