

United States Senate

WASHINGTON, DC 20510

February 28, 2012

Dear Republican Colleague:

The past few weeks have been filled with animated discussion on the threat to religious liberty created by the Obama Administration's health care mandate. During the February work period, many of you heard first-hand from constituents who are rightfully concerned about this egregious violation of religious freedom and who share our Founders' views regarding the importance of protecting Americans' First Amendment rights.

As we draw closer to a floor vote on the "Respect for Rights of Conscience Act" amendment, I wanted to call your attention to several key points in this debate:

- **The Respect for Rights of Conscience Act merely restores the long-standing conscience protections that ObamaCare took away.** We all know the health care bill was a broad assault on America's freedoms, and that is why the protection from that assault must be broad-based. The language in this amendment stands on exactly the same legal footing as decades of federal conscience protections in health care. In fact, the late Senator Ted Kennedy included a strikingly similar conscience protection for faith-based health plans in his 1997 proposal, the Health Insurance Bill of Rights, and conscience protection language accomplishing the same purpose was included as part of the draft 1994 legislation based on the recommendations from the Task Force on National Health Care Reform, headed by then-First Lady Hillary Clinton. Partisan politics don't belong in this critical debate, and blatant attempts to frighten and mislead Americans about this bipartisan bill are simply shameful.
- **President Obama's announcement on February 10, 2012 does nothing to change the serious threat to religious liberty created by new government mandates under ObamaCare.** While the Administration claims that this so-called "accommodation" fixes the problem, the Department of Health and Human Services (HHS) issued the exact same Preventive Services Rule that initially caused serious concern from groups nationwide – such as the U.S. Conference of Catholic Bishops – dating back to *last August*. The Administration promises "future regulations" to implement the accommodation for non-profit religious institutions, but this will be done outside the scope of public accountability, and the "change" does not even begin to address discrimination against self-insured religious institutions like the Catholic Archdiocese of Washington or for-profit religious employers. What the President does not appear to understand is that just because you come up with an accounting gimmick and pretend like religious institutions are wrong, does not mean that you've satisfied the fundamental constitutional freedoms that all Americans are guaranteed.
- **The Preventive Services Rule violates the *Religious Freedom Restoration Act of 1993 (RFRA)*.** As Senator Rob Portman clearly outlined in his February 6th letter, the HHS mandate violates RFRA because it punishes employers who decline to participate in coverage of certain medical services that run counter to their faith-based values. The mandate infringes on an individual's right to engage in the free exercise of religion for *bona fide* religious reasons, creates a substantial burden on that protected exercise, and does not achieve HHS's regulatory goals in the "least restrictive means" available. To date, seven states and six faith-based institutions have filed suit over the mandate, including Ave Maria University, Belmont Abbey College, Colorado Christian University, and Geneva College.

I hope you will take the time to review the attached document, which lists existing protections in federal law that contain language identical or nearly identical to my amendment. I appreciate your attention to this critical issue and hope you will continue to join me in the fight to protect the First Amendment rights of all Americans.

Sincere regards,


Roy Blunt