



February 15, 2012

**Vote “NO” on the Blunt Amendment (No. 1520) to S. 1813, the Moving Ahead for Progress in the 21st Century Act**

Dear Senator:

On behalf of the American Civil Liberties Union (ACLU), a nonpartisan public interest organization dedicated to protecting the principles of freedom and equality set forth in the Constitution and in our nation’s civil rights laws, and its more than half a million members, countless additional activists and supporters, and 53 affiliates nationwide, we urge you to vote against the Blunt Amendment (No. 1520), to S. 1813, the Moving Ahead for Progress in the 21st Century Act. This amendment not only would roll back access to birth control, but also could eliminate insurance coverage for countless other critical health care services. This would undermine one of the Affordable Care Act’s most fundamental purposes: ensuring that all health insurance plans cover basic health services.

The Blunt Amendment would allow *any* insurer or employer to refuse coverage of *any* health service otherwise required under the Affordable Care Act. Prenatal care, testing for HIV, mental health services, screening for cervical cancer, screening for Type II diabetes, vaccinations—coverage for any or all of these services and countless others could be denied to any person under this radically broad amendment. Indeed, under the Blunt Amendment, if even one individual enrollee has a moral objection to a health care service, his or her insurance company could deny coverage for that service to everyone else covered by that plan. This amendment could jeopardize vital and necessary health care services for an untold number of Americans.

The Blunt Amendment would create gaping exceptions that would swallow the rule governing the preventive services and essential health benefits that must be provided in insurance plans under the Affordable Care Act. Under the amendment, any entity could refuse coverage for any service that is contrary to that business’s “religious beliefs or moral convictions.” The consequences know no limit. For example, a restaurant owner could deny its unmarried employees coverage for screenings for infections that cause cervical cancer out of religious opposition to premarital sex. An insurance company could refuse to provide coverage for HIV testing, or preventive health care related to obesity out of a moral objection. In the name of religion or “morality,” an employer or insurer could refuse to cover numerous other procedures or prescriptions, leading to discrimination and undermining health care.

AMERICAN CIVIL  
LIBERTIES UNION  
WASHINGTON  
LEGISLATIVE OFFICE  
915 15th STREET, NW, 6<sup>TH</sup> FL.  
WASHINGTON, DC 20005  
T/202.544.1681  
F/202.546.0738  
[WWW.ACLU.ORG](http://WWW.ACLU.ORG)

LAURA W. MURPHY  
DIRECTOR

NATIONAL OFFICE  
125 BROAD STREET, 18<sup>TH</sup> FL.  
NEW YORK, NY 10004-2400  
T/212.549.2500

OFFICERS AND DIRECTORS  
SUSAN N. HERMAN  
PRESIDENT

ANTHONY D. ROMERO  
EXECUTIVE DIRECTOR

ROBERT REMAR  
TREASURER

The Blunt Amendment would also create a new, ambiguous private right of action, for this already ambiguous, unprecedented right to use religion as a license to discriminate. The private right of action would extend to even *threatened* violations of the Blunt Amendment, with no definition of what that could mean. Such a standard does not currently exist in civil rights law and to create such a standard would actually serve to facilitate discrimination, rather than prevent it.

The Blunt Amendment purports to be about religious liberty. But the right to exercise one's religion is not without bounds under existing law, and it shouldn't be. Our Constitution has long been understood to require that religious exercise should not interfere with others' rights, safety, or an ordered society.

Instead, the Blunt Amendment would give employers and insurers a license to discriminate, and impose their religious beliefs on employees and policy holders who do not share them. That is not what religious liberty provides. We strongly oppose the Blunt Amendment and urge members of the Senate to vote NO on the amendment when it is heard in connection with S. 1813, the Moving Ahead for Progress in the 21st Century Act.

Should you have any questions, please contact Sarah Lipton-Lubet, (202) 675-2334, [slipton-lubet@dcaclu.org](mailto:slipton-lubet@dcaclu.org), or Dena Sher, (202) 715-0829, [dsher@dcaclu.org](mailto:dsher@dcaclu.org).

Sincerely,



Laura W. Murphy  
Director  
Washington Legislative Office



Sarah Lipton-Lubet  
Policy Counsel



Dena S. Sher  
Legislative Counsel