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August 2, 2010

Mr. Lawrence Newman
1022 Rose Circle
Park Hills, Kentucky 41011-1925

Dear Mr. Newman:

Thank you for contacting me regarding the Employment Non-Discrimination Act. Hearing from Kentuckians like you helps me represent our Commonwealth in the United States Senate.

In your correspondence, you expressed your views regarding the Employment Non-Discrimination Act (ENDA). In June 2009, Representative Frank introduced in the U.S. House of Representatives two versions of the Employment Non-Discrimination Act (H.R. 2981 and H.R. 3017). A similar bill, S. 1584, was introduced in the U.S. Senate by Senator Merkley on August 5, 2009. ENDA seeks to prohibit employment practices involving actions based on the sexual orientation or gender identity of an employee. Some states already have laws prohibiting such actions, but no federal law prohibits the practice.

Supporters of such legislation claim that it would remove the issue of sexual orientation from the workplace and extend employment discrimination protection to gays, lesbians, and transgender individuals. Opponents suggest that although ENDA seeks to remove consideration of sexual orientation from the workplace, it may have the opposite result by causing employers to overtly consider the sexual orientation of all workers in order to defend themselves from possible accusations of discrimination against one or two workers. Such a result would impose significant regulatory burdens and costs on small businesses and could harm the very groups of people the legislation seeks to protect.

ENDA A THREAT
TO RELIGION??

Please know that I fully support the enforcement of existing federal anti-discrimination statutes and that I believe that all employers should comply with state and federal anti-discrimination law. I am concerned however that legislation such as ENDA may extend federal law to infringe the deeply held religious beliefs of some employers and employees. The First Amendment of the U.S. Constitution protects the rights of all Americans to practice the religion of their choice. I also believe caution must be used when Congress tries to impose new rules and regulations on our country's small business owners, particularly in such challenging economic times.

Again, thank you for contacting me. Should ENDA, or similar legislation, be debated by the full U.S. Senate during the 111th Congress, please know I will keep your thoughts in mind. In the meantime, I hope you will continue to keep me informed of issues important to you.

Sincerely,

MITCH McCONNELL
UNITED STATES SENATOR

MM/jm