



Department of Justice, Peace and Human Development Office of Domestic Social Development

Religious Liberty and the HHS Mandate February 2012

ISSUE

On January 20, the Obama Administration issued a rule in the health care reform law that free contraception, sterilization and some abortion-inducing drugs must be a part of every health plan in the nation. This sweeping mandate includes an unacceptably narrow “religious exception” that would not exempt Catholic charities, hospitals, shelters, schools, and colleges from the mandate because they serve and employ people who are not Catholic. The Church’s ministries will be forced by law (with major fines for non-compliance) to provide and pay for “services” that clearly violate Catholic teaching and conscience. Through this rule, the government has decided what is... and is not ...the “religious” mission of the Church. This intrusion of the government violates the First Amendment and is an unprecedented and dangerous interference in the internal affairs of religious institutions.

The “religious exception” might cover a parish secretary, but not our charities, shelters, hospitals and schools. It is so narrow Jesus would not qualify since he healed people who were not members of his religious community. In fact, our faith calls us to serve “the least of these” (Matt. 25) because of their need, not their creed. We serve the hungry, the homeless, the sick and poor children not because they are Catholic, but because we are. The government’s effort to narrowly define “religious” threatens all people of faith. It also undermines the common good because it undermines our capacity to join with others to serve those in need across our nation and around the world.

BACKGROUND

In August 2011, HHS issued a list of “preventive services for women” to be mandated in almost all private health plans under the new health care law, the Patient Protection and Affordable Care Act (PPACA). The mandated services include sterilization, all FDA-approved birth control (such as the IUD, Depo-Provera, ‘morning-after’ pills, and the abortion-inducing drug Ella), and “education and counseling” to promote these among all “women of reproductive capacity.” HHS’s interim final rule allowed only a very narrow exemption for a “religious employer.” This exception would exclude as not “religious” Catholic and other ministries which serve or employ people who are not members of their faith. The January 20, 2012 announcement makes this interim rule final.

The rule is set to take effect August 1, 2012. Non-profit religious employers that do not now provide such coverage, and are not exempt under the rule’s extremely narrow definition of religious employer, will be given until August 1, 2013 to comply.

USCCB POSITION

For decades, the bishops have consistently insisted that access to decent health care is a basic safeguard of human life and an affirmation of human dignity from conception until natural death. Health care reform legislation and implementation requires among other essentials, the adequate protection of conscience rights. The HHS mandate fundamentally fails this test.

The United States Conference of Catholic Bishops, Catholic Charities USA, Catholic Health Association, Catholic Relief Services, Association of Catholic Colleges and Universities and many other Catholic leaders, other religious leaders and secular leaders have united in opposition to this unjust mandate as a threat to conscience and a violation of religious liberty.

This unwise and unjust mandate should concern not only Catholics, but all Americans. This edict says mandating free contraception, sterilization, and even some abortifacients is more important than the First Amendment, religious liberty and the consciences of Americans. It is a dangerous precedent that concerns many who do not share our teaching on contraception, but value religious ministries that serve the poor or believe that government does not have the power to decide what is religious and what is not.

The mandate tries to force Catholic institutions to do what they cannot do. The mandate would compel Catholic institutions to either pay for contraception and sterilization in violation of the church's moral teaching, or to discontinue our employee and student health care plans in violation of the church's social teaching. The mandate places the Catholic organizations and institutions in the impossible position of having to defy Church teaching.

The mandate also sets a terrible precedent of the federal government deciding what is religious... and determining that serving or employing persons not of your faith makes your ministries not religious. This shows a massive misunderstanding of both religious faith and the First Amendment.

ACTION

Urge your Senators and Representative to co-sponsor and support the Respect for Rights of Conscience Act (H.R. 1179, S. 1467) and help enact it into law (or thank them if they already have co-sponsored the bill). If passed into law, this bill would set aside the Obama administration's mandate and its violations of conscience, damage to religious liberty and threats to our Catholic ministries.

To read the full text of the legislation and to learn if your Members of Congress have co-sponsored the Respect for Rights of Conscience Act, go to thomas.loc.gov.

For more information

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