



Office of the President

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Cardinal-designate Timothy M. Dolan
Archbishop of New York
President

February 10, 2012

Dear Brother Bishops,

As you have heard, today President Obama announced an upcoming change in the federal rule requiring most private health plans in the U.S. to include coverage for contraception, sterilization and some drugs that can induce abortions.

The Administration's stated intent is to protect a broader class of religious employers from being forced to pay directly for objectionable coverage or to list it in the plans they offer their own employees. But it does not meet our standard of respecting the religious liberty and moral convictions of all stakeholders in the health coverage transaction. Therefore we remain committed to rigorous legislative guarantees of religious freedom.

We remain fully committed to the defense of our religious liberty and we strongly protest the violation of our freedom of religion that has not been addressed. We continue to work for the repeal of the mandate. We have grave reservations that the government is intruding in the definition of who is and who is not a religious employer. Upon further study we are very concerned that serious issues still remain and we have found numerous problems which we will raise in this letter.

We heard of the change this morning. President Obama called our USCCB president, Cardinal-Designate Dolan, to tell him that significant changes would be made in the final federal rule in an effort to accommodate our concerns about the religious freedom of our institutions. He outlined these changes, and said the Administration would be in further dialogue with religious organizations to work out the questions that remain unanswered. He said White House officials were willing to meet with us to discuss the issue further. Later in the morning, senior White House staff came to our Conference headquarters to do so and to answer questions. Shortly after the announcement by President Obama, Conference staff held a conference call with staff from Catholic Relief Services, Catholic Charities, USA, Catholic Health Association, the University of Notre Dame and the Association of Catholic Colleges and Universities.

At present our understanding of the new final rule, at least part of which is expected to appear in the Federal Register next week, is as follows.

1. The Administration has indicated it is retaining the narrow, four-pronged exemption for "religious employers" such as churches and houses of worship. There is a serious concern that the four-pronged exemption would become a precedent for other regulations. However, it will also offer a new policy covering "non-exempt" religious organizations such as charities and hospitals. Our concern remains strong that the government is creating its own definitions of who is "religious enough" for full protection. Secular employers must provide coverage for contraception, sterilization and abortion inducing drugs.

2. Non-exempt religious organizations that object to these services may offer a health plan without them – that is, they do not list the services in their plan and they do not pay directly for them. But the insurance issuer selling this plan must offer to add these services for each of the organization’s employees free of charge (that is, no additional premium and no co-pay or out-of-pocket expenses). We are told that this is not to be seen as a “rider” – rather, these items will simply be covered, but without the employer endorsing or directly providing them. However, it remains unclear as to how insurers will be compensated for the cost of these items, with some commentators suggesting that such compensation will ultimately be derived from the premiums paid by the religious employer. This lack of clarity is a grave concern.
3. These latter (religious but non-exempt) employers will have a year (up to August 2013) to work out final details of this, with a further rule to be issued by the Administration before the end of that period. The advantage is that we can take part in this dialogue; the down side is that we may not know the final actual details of some aspects of the policy until well into the New Year.
4. All insurers without exception are covered by the mandate to provide these services without charge. At this point it does not seem that a religiously affiliated health plan (e.g., one run by a Catholic health system) can be offered to the general public and exclude the objectionable services, since most of the public is supposed to have these services included by their insurers automatically.
5. We are presented with a serious dilemma regarding self-insured plans, where a religious organization is both employer and insurer, and regarding student health plans offered by religious colleges and universities. It appears that such plans will be required to offer the objectionable coverage.
6. It seems clear there is no exemption for Catholic and other individuals who work for secular employers; for such individuals who own or operate a business; or for employers who have a moral (not religious) objection to some procedures such as the abortifacient drug Ella. This presents a grave moral problem that must be addressed, and it is unclear whether this combination of policies creates a mandate for contraception, sterilization and abortion inducing drugs covering more of the U.S. population than originally proposed.

The indication from the Administration that this process will be worked out into the coming year is of grave concern. Prolonging the process of the protection of religious liberty over multiple months is not beneficial or effective for the clear principle of religious liberty and freedom from coercion. In particular, the clear assertion of religious liberty is a matter of justice for our employees.

As you can see we have a great deal of work ahead of us. We need to study the proposal quickly, carefully and with all legitimate viewpoints represented in order to come to firmer conclusions. The Catholic Church has been the leading voice for religious freedom and moral conviction on this issue, and we want to commend all the bishops for the good work that has been done to bring this urgent issue to the very peak of public awareness. Our task is far from over. We remain fully determined to work strenuously with our many partners in service to the full exercise of the right to religious liberty in our country.

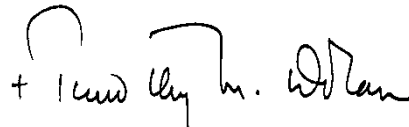
Our brother bishops permit us to repeat the principles that are guiding us:

First, there is the respect for religious liberty. No government has the right to intrude into the affairs of the Church, much less coerce, the Church faithful individuals to engage in or cooperate in any way with immoral practices.

Second, it is the place of the Church, not of government to define its religious identity and ministry.

Third, we continue to oppose the underlying policy of a government mandate for purchase or promotion of contraception, sterilization or abortion inducing drugs.

Thank you, brothers, for your commitment to work with everyone concerned about religious freedom in our society and to advance our principled goals. We will continue to keep you informed as we study this issue and learn more about this policy and our opportunities for its correction. We heartily welcome your observations and continued prayers and support.



Cardinal-designate Timothy M. Dolan
Archbishop of New York
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