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Archbishop asks House to extend conscience provision to HHS mandate

by Catholic News Service

Washington — The chairman of the U.S. bishops' Ad Hoc Committee for Religious Liberty has urged the House of Representatives to extend long-standing federal conscience protections to the Affordable Care Act's new coverage mandates for private health plans.

Archbishop William Lori of Baltimore made the request in a letter Friday to members of the House.

Saying the tradition of conscience rights in health care "has long enjoyed bipartisan consensus, but is now under greatly increased pressure," Lori asked in his letter to attach the conscience provision to upcoming appropriation bills for the departments of Labor and Health and Human Services.

"I urge Congress to address this problem when it considers proposals for continued funding of the federal government in the weeks to come," he said.

"While the mandate for coverage of abortion-causing drugs, contraceptives and sterilization is hailed by some as a victory for women's freedom, it permits no free choice by a female employee to decline such coverage for herself or her minor children, even if it violates her moral and religious convictions," Lori added.

He detailed precedents dating back 40 years on conscience rights in health care:

- The Church Amendment of 1973 to shield individual and institutional health care providers from forced involvement in abortion or sterilization.
- A 1974 alteration to protect conscientious objection to other health services.
- An opt-out from coverage of "abortion or other services" for those with a moral or religious

objection in former Sen. Daniel Moynihan's failed 1994 health care reform bill.

- A congressional exemption in 1999 for both insurers and federal employees with religious objections to contraceptive coverage in health benefits.
- A 2000 appropriations provision instructing the District of Columbia to exempt those with moral or religious objections if it wished to approve a contraceptive mandate for its citizens.

The 1999 and 2000 provisions have been renewed annually since.

"It can hardly be said that all these presidents and Congresses, of both parties, had been waging a war on women," Lori said.

"I have seen no evidence that such laws, showing respect for Americans' conscientious beliefs, have done any harm to women or to their advancement in society. What seems to be at issue instead is a new, more grudging attitude in recent years toward citizens whose faith or moral principles are not in accord with the views of the current governing power."

Lori also asked for a protection in current appropriations talks that clarifies current nondiscrimination laws to improve protection of individuals and institutions that decline involvement in abortion, allowing the victims of discrimination to vindicate their rights in court.

The amendment "places the Hyde/Weldon amendment, approved every year since 2004 as part of the Labor-HHS (Health and Human Services) appropriations bill, on a firmer legal basis by merging it with an older law against forced involvement in abortion training, the Coats-Snowe amendment of 1996," he said.

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"The Obama administration has said it supports both these laws and President Obama has signed Hyde-Weldon into law several times since 2008," Lori added. "We assume no one in Congress opposes the idea that people whose civil rights have been violated have a right to go to court. So this provision should be accepted without serious controversy."

In his letter, Lori also noted that in the new proposed rules issued by HHS Feb. 1 on the contraceptive mandate, the administration's definition of an exempt "religious employer" is briefer than its original four-part definition, "but the administration itself says it does not 'expand the universe' of those who are exempt."

He noted that under the new proposal, insurers, individuals and families, nonprofit or for-profit organizations that are not explicitly religious, and third-party administrators who object to the contraceptive mandate on moral grounds will have it "imposed on them without any recourse."

"I fear that the federal government's respect for believers and people of conscience no longer measures up to the treatment Americans have a right to expect from their elected representatives," he said.

"It is most discouraging that this coercive element remains unchanged in the new notice of proposed rulemaking," he said.

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