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**Catholic Benefits Association challenges new rules
for transgender surgery and abortion**

Castle Rock, CO – Today, the Catholic Benefits Association and the Diocese of Fargo filed a lawsuit challenging federal rules that require Catholic hospitals and healthcare providers to perform gender transition procedures and abortions contrary to their own medical judgment and Catholic values. The new rules also require Catholic dioceses, religious orders, and other Catholic employers to cover gender transition surgeries and their group insurers to cover surgical abortions in their health plans. These rules are part of a multi-agency effort to redefine the term “sex” in federal antidiscrimination laws.

“For decades, Congress and the courts have understood the term ‘sex’ in federal law to mean biological sex – male and female,” explained Archbishop William Lori, Chairman of the Catholic Benefits Association (CBA). “By redefining ‘sex’ to mean both ‘gender identity’ and ‘termination of pregnancy,’ the Obama administration is not only trying to sidestep Congress and impose radical new healthcare mandates on hospitals and employers, it is creating a moral problem for Catholic employers that must be addressed.”

Pope Francis has reiterated Catholic teaching on both the sanctity of life for all—including the unborn—and on the theories stating that gender is mutable or fluid. Such “gender theory,” the Pope said last year, “does not recognize the order of creation.”

The lawsuit takes aim at regulations issued earlier this year by the Department of Health and Human Services requiring Catholic healthcare providers to ignore their own medical judgment and perform gender transition surgeries. Among the newly mandated procedures are a penectomy (removal of penis), metoidioplasty (creation of penis, using clitoris), vaginectomy (removal of vagina), and vulvectomy (removal of vulva).

“HHS’s own experts agree that these procedures can harm patients with gender dysphoria in ways that are often irreversible,” said Douglas Wilson, the CBA’s CEO, who spent decades in healthcare administration before joining the CBA last year. “So, even as HHS is requiring doctors to perform these surgeries, it has chosen not to mandate coverage of the same procedures in Medicare and Medicaid. This is blatant hypocrisy coupled with shoddy science.”

“Catholic hospitals provide compassionate care to everyone, regardless of status. Patients experiencing gender dysphoria deserve no less,” Wilson said. “The prime ethic of any healthcare provider is *do no harm*. These regulations do the opposite.”

Similar rules issued by HHS and the Equal Employment Opportunity Commission (EEOC) require employers to cover gender transition surgeries in their group health plans. None of the HHS or EEOC rules has a religious exemption or a grandfathered plan exemption. This means that institutions across the Catholic spectrum--dioceses, religious institutes, private schools, colleges, hospitals, and closely held businesses--are required to perform or pay for medical procedures that directly contradict Catholic teachings.

“This continued assault on religious freedom by the Obama administration is mystifying,” remarked Martin Nussbaum of Lewis Roca Rothgerber Christie LLP, CBA’s General Counsel, who is also representing the CBA in the lawsuit. “Even assuming the government has a sound basis for these rules – and it doesn’t – it can accomplish its objectives in other ways. HHS and EEOC shouldn’t be conscripting the Catholic Church to advance their political agenda.”

In the lawsuit, the CBA seeks to invalidate HHS regulations issued under Section 1557 of the Affordable Care Act and EEOC rules purporting to interpret Title VII of the Civil Rights Act of 1964. The plaintiffs assert violations of the Administrative Procedure Act, the Religious Freedom Restoration Act, the First Amendment, and other federal laws. The lawsuit was filed in federal district court in North Dakota.

The Catholic Benefits Association is a group of employers committed to providing life-affirming health coverage consistent with Catholic teaching. Directed by seven archbishops and four laypersons, it consists of over 880 Catholic employers (including hospitals, colleges, religious orders, businesses, and over 60 archdioceses and dioceses,) plus over 5,000 parishes, together covering over 90,000 employees and their families.

Lewis Roca Rothgerber Christie LLP is a law firm with offices throughout the West and Southwest. The attorneys in its Religious Institutions Group serve denominations, dioceses, and other ministries.