

Good morning.

I am Doug Wilson, CEO of the Catholic Benefits Association. We work on behalf to our 73 Catholic Dioceses, 1200 church affiliated organizations (Colleges and Universities, Hospitals, Religious Orders, Charities, ministries and privately owned Catholic businesses). Our work is primarily focused on defending the Constitutional and legal rights of Catholics in the areas of benefits and healthcare.

We are intimately familiar Section 1557 of the Affordable Care Act as well as the rules from 2016 and 2020 intended to implement it. We are also familiar with promises from the current administration to replace those rules with another which we refer to as the 2022 Rule.

Around June of this year HHS, in a federal court filing, HHS disclosed a 73 page memorandum from The Leadership Conference (a group of thirty sexual rights activist organizations). That memorandum specifically singled out the Catholic bishops of the United States for promulgating Ethical and Religious Directives for Catholic

healthcare and Catholic hospitals for following those directives. That memorandum was quite specific. It said:

“Catholic hospitals determine the scope of health care services they will provide based on the Ethical and Religious Directives (ERDs). The ERDs are issued and enforced by the U.S. Conference of Catholic Bishops and explicitly prohibit the provision of certain reproductive health services, including contraception, sterilization, abortion, infertility services, and end of life care supporting death with dignity.”

That memorandum then recommended that HHS interpret Section 1557 of the Affordable Care Act as requiring all healthcare providers, insurers, and third-party administrators and, by implication, employers with health plans, to *cover* each and every one of these procedures in their employee health plans (except, so far, physician-assisted suicide).

It also recommended that HHS require all competent healthcare providers, including Catholic hospitals, to *perform or provide* those services.

Going even further, the memorandum recommended that HHS not include within its forthcoming regulation any religious exemption whatsoever for Catholic employers and healthcare providers or for others conscientiously opposed to such services.

HHS has nowhere repudiated the Leadership Conference's explicit targeting of Catholic values and Catholic institutions. Instead, HHS has held out The Leadership Conference memorandum in a brief it filed in federal court and promised to publish an advanced notice of proposed rulemaking no later than April 2022 that will be "based on the concerns" in this memorandum. Furthermore, HHS has promised that "it is far from theoretical" that HHS will address the concerns raised in that memorandum in that regulation.

And so, we are compelled to ask:

Will HHS repudiate The Leadership Conference's proposed targeting of Catholic institutions?

Will HHS respect, protect, and defend the right of Catholic healthcare institutions to conduct their healing ministries consistent with their Catholic values?

Will HHS provide a broad and meaningful religious exemption from any plan coverage mandate and from any performance mandate of the procedures and services listed above?

From America's earliest days, Catholics and Catholic Healthcare, have led the way in providing the best possible healthcare to all Americans. 1 in 6 hospital beds in the United States is Catholic. Tens of millions of individual Catholic healthcare workers, in both Catholic and secular settings, go to work every day with the best interests of our people in their hearts.

Our current healthcare crisis clearly demonstrates that we must have every available bed and every provider working at their capacity to meet the needs of all Americans.

In crafting its new 2022 1557 regulation, it is imperative that HHS do nothing which would impede the ability of those institutions and those workers to continue their history of service, in the highest tradition of the healing ministry for all.