

Catholic bishops, Becket Fund slam newest HHS contraception mandate rules

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(RNS) The Obama administration has once again modified the rules on employers and workers' access to free contraception, but some religious voices are no happier.

On Friday (August 22), the Department of Health and Human Services released the new regulations for the mandate requiring employers to provide insurance coverage that gives workers free access to 20 forms of contraception. The new rules are meant to comply with a recent Supreme Court ruling.

The original mandate, issued in 2012, exempted strictly religious organizations such as churches but did not exempt faith-based nonprofits such as hospitals, charities and schools. Neither was there any exemption for private for-profit business owners who object to some or all forms of artificial birth control.

This spring, in a case brought by owners of the Hobby Lobby craft stores and the owners of a woodcraft company, the U.S. Supreme Court ruled that small, family-held for-profit companies must also be exempted.

Another set of lawsuits, representing religious nonprofits such as the Little Sisters of the Poor and several faith-based universities and charities, has yet to be argued. The Little Sisters object to a requirement that they sign a form from HHS releasing them from instructing an insurer to cover contraception. The nuns hold that no matter which process or paperwork is required, they cannot facilitate any insurer providing contraception to their employees. In their view, that would be cooperating with an evil—artificial contraception and abortion—which are forbidden by their faith.

Almost as soon as the new rules were issued Friday, the Becket Fund for Religious Liberty, which represented Hobby Lobby's case, called them inadequate.

Lori Windham, senior counsel for the Becket Fund, said in a statement that no matter how many times (and this is the eighth time) the mandate is rewritten, the basic problem is the narrowness of the exemption itself. She said the government maintains its “original, hardline stance that only ‘houses of worship’ that hire and serve fellow believers deserve religious freedom.”

The only groups that are exempted fully and automatically remain those religious bodies that serve the religious needs of people of their faith, not the faith-based groups that serve a wide population regardless of religion.

The U.S. Conference of Catholic Bishops’ response was equally stern.

Archbishop Joseph E. Kurtz of Louisville, Kentucky, president of the U.S. Conference of Catholic Bishops, said, in a statement posted on the USCCB Facebook page, the bishops would study the rules in depth but were disappointed at first look.

Kurtz said “the regulations would not broaden the ‘religious employer’ exemption to encompass all employers with sincerely held religious objections to the mandate. Instead, the regulations would only modify the ‘accommodation,’ under which the mandate still applies and still requires provision of the objectionable coverage.”

And because accommodations in the new rule were only offered to the small privately held companies that were covered by the Hobby Lobby ruling, Kurtz said, “the proposed regulations would effectively reduce, rather than expand, the scope of religious freedom.”