

Doubling down on contraception coverage

By [Daniel Schultz](#)

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In case you missed it last Friday, the Obama administration quietly issued a [proposed update to regulations coming out of the Affordable Care Act](#), popularly known as "Obamacare."

The verbiage is a bit dense, but here's the upshot: the ACA requires health plans to provide contraceptive coverage to all insured members. Some religious organizations and even a few for-profit companies objected to this requirement, citing religious beliefs.

Fine, said the administration. If you don't provide it, we'll make sure it's covered anyway—at no cost to you or the insured member.

That wasn't enough to satisfy everyone, and from the conversation it emerged that the ACA doesn't define what constitutes a "religious organization" clearly enough. So now the administration is closing the gap.

At first glance, it might seem that it's *broadening* the definition. Before, to be exempted from the requirement, an organization had to meet these three criteria, among others:

1. have the inculcation of religious values as its purpose;
2. primarily employ persons who share its religious tenets; and
3. primarily serve persons who share its religious tenets.

The practical effect of this was that a Catholic congregation or diocese, for example, would be considered exempt, but a Catholic university, hospital or social services organization probably would not. Worse, if a local church had an outreach ministry, or employed a significant number of non-believers, it might be asked to provide coverage.

The small Catholic college where I work has only a minority of students who practice the faith, which is not uncommon. Yet it is a Catholic school, founded and supported by nuns. It would violate their conscience to be asked to provide contraceptive

services, especially on campus. They deserve the same exemption the diocese gets.

In a commonsense fix, the new rules correct this, offering the religious exemption to more groups than had it before. Yet in a sense the administration is also doubling down on the contraception mandate. This is true for two reasons.

First, the new rules stipulate that only nonprofit organizations are eligible. [Hobby Lobby](#), among others, can go soak their head.

Second, the rules affirm the standard that if the religious organization won't pay for contraception, the feds will.

The latter puts the Catholic bishops, in particular, in a bind. They'll either have to accept the reality that [the vast majority of Catholics](#) use something other than natural family planning, whether the clerics like it or not. Or they'll have to object to general tax dollars going to pay for the ACA. The bishops might do [just that](#): one of the reasons you see [lawsuits popping up here and there across the nation](#) is that if they can get conflicting rulings, these can then be appealed up to the Supreme Court.

But even in the Roberts court, packed as it is with conservative Catholics, this is going to be a hard sell. If you don't believe me, try withholding the portion of your tax bill that goes to the Pentagon and see what happens.