



United States Conference of Catholic Bishops

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MEMORANDUM

To: Diocesan Communications Directors

From: Committee for Religious Liberty

Date: September 20, 2022

Re: **Flyer on Section 1557 Regulation for Distribution in Parishes**

The USCCB's Committee for Religious Liberty has been monitoring the status of a number of new and forthcoming federal regulations that pose a threat to religious freedom. Among those is a recently issued proposed regulation from the U.S. Department of Health and Human Services (HHS), which would interpret Section 1557, the nondiscrimination provision of the Affordable Care Act, to prohibit discrimination on the basis of sexual orientation and gender identity. The clearest and most direct consequence of HHS's proposed Section 1557 rule is that it would be considered discrimination for a health care worker to categorically object to performing gender transition procedures, regardless of whether that objection is a matter of religious belief or clinical judgment. The proposed regulation also appears to suggest that HHS may ultimately determine that Section 1557 imposes similar requirements with regard to abortion.

Although the proposed regulation would invite health care workers or organizations to notify HHS of their view that existing legal protections for conscience and religious freedom exempt them from particular requirements, the regulations offer no guarantee that HHS would ever agree that anyone has the right to follow their beliefs or convictions. In fact, HHS is currently fighting court rulings that held that HHS violated religious freedom laws the last time they tried to impose this mandate.

The Committee for Religious Liberty is urging concerned members of the public to file comments with HHS opposing these harmful aspects of the proposed regulation. To that end, attached is a flyer suitable for distribution at masses, which provides basic information about the proposed regulation and instructions about how parishioners can make their voices heard. The period for filing comments closes on October 3, so in order to be effective, the flyers would need to be distributed no later than the weekend of October 2.

More information about this and other regulations of concern is available at [usccb.org/do-no-harm](https://www.usccb.org/do-no-harm). Please let me know if you have any questions.



Act Now! **Tell the Federal Government to Do No Harm to Catholic Health Care Ministries**

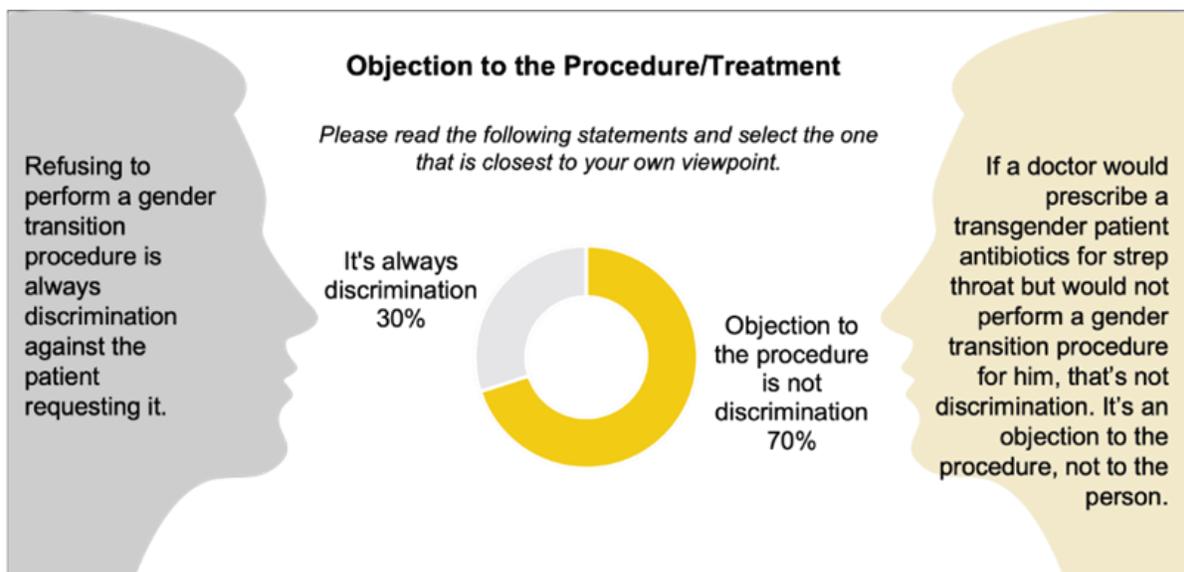
The Church's ministries of healing, education, and social services bear witness to Jesus Christ and build up the common good. Church institutions are not mere providers of social services. They are expressions of Christian ministry dedicated to human flourishing. We serve all people, without regard to race, sex, religion, or any other status, because God has imbued every person with inherent human dignity. Most Americans understand that mission-driven organizations should be free to operate in accordance with their missions. But a recent rule proposed by the U.S. Department of Health and Human Services (HHS) would prevent Catholic hospitals, clinics, assisted living facilities, and health care workers from carrying out their work. **HHS needs to hear your opinion by October 3rd!** Visit www.usccb.org/do-no-harm to learn more.

New Unjust Mandates from HHS

The HHS rule implements the **nondiscrimination** provision of the Affordable Care Act, Section 1557. It protects people from discrimination on the basis of their sex in health care. But HHS interprets Section 1557 to impose new mandates about gender identity. According to the new rule, it would be considered discrimination for a health care worker or Catholic hospital to object outright to performing gender transition procedures, regardless of whether that objection is a matter of religious belief or clinical judgment. The proposed rule also suggests that the government may refuse to honor the right of health care workers and providers not to perform or participate in abortions. The proposed HHS Section 1557 rule could function as both an **abortion mandate** and a **gender transition procedure mandate**.

Objection to gender transition is not discrimination.

All people should be treated in accordance with their God-given dignity, and no individual should be denied health care because of his or her sex. Most people understand that when medical professionals determine gender transition procedures—such as the administration of puberty blocking drugs or surgery to remove healthy body parts—to be harmful, they are making clinical judgments, not discriminating against persons. A study commissioned by the USCCB found that 70% of registered voters recognized that objection to the procedure is not discrimination.

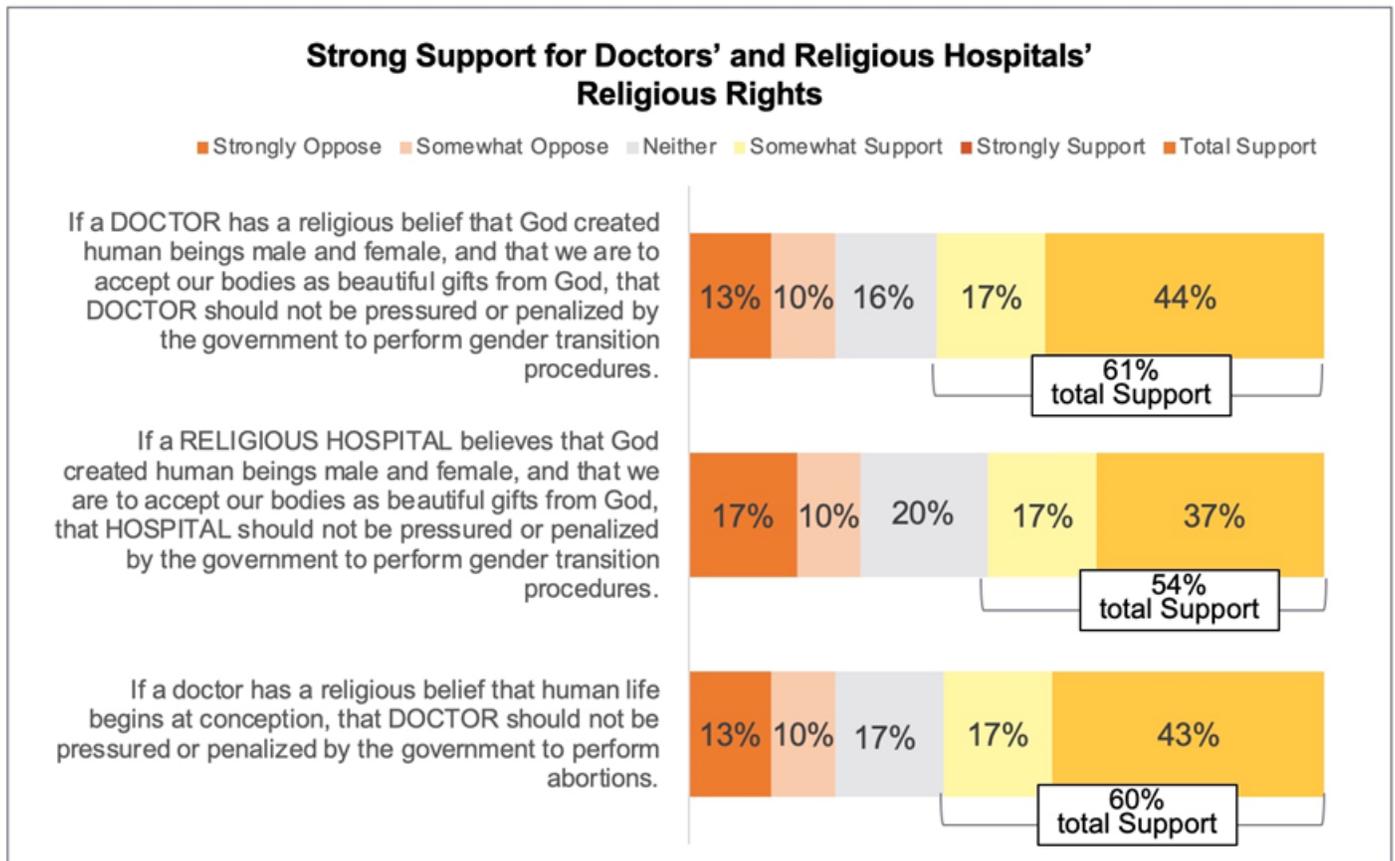


No protections for health care workers to oppose abortion and gender transition procedures.

Although the proposed regulations say that HHS will consider whether conscience and religious freedom laws apply, the regulations offer no assurance that HHS will ever agree that anyone has the right to follow their beliefs or convictions. In fact, HHS is currently fighting court rulings that hold that HHS violated religious freedom laws the last time they tried to impose this mandate.

Health care workers and religious facilities must be free to conscientiously object to these procedures.

Pope Francis has frequently defended the rights of medical professionals to conscientiously object to harmful procedures. Most people agree with the Church on this issue.



Take action!

The United States Conference of Catholic Bishops is vigorously opposing the provisions in the rule that do harm to life and religious liberty. All Catholics and people of good will can help. Visit www.usccb.org/do-no-harm to learn more about this and other harmful regulations, and find out how you can take action to let the government know you oppose them.