137 Beech Ridge Drive
Sewickley, Pennsylvania 15143
September 29, 2011

Ms. Kathleen Sebelius, Secretary
U.S. Department for Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201
CMS-9992-IFC2

Office of Health Plan Standards and Compliance Assistance
Employee Benefits Security Administration
Room N-5653
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210
Attention RIN 1210-QB44

RE: Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services under the Patient Protection and Affordable Care Act

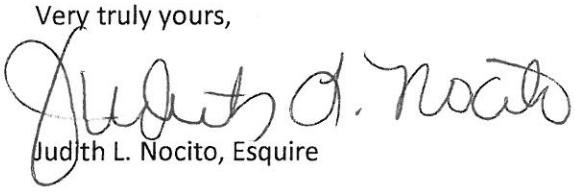
Dear Ms. Sebelius and Gentlemen:

I am writing with reference to the captioned proposed rules, specifically the proposed definition of "religious employer" as it relates to exemption from the requirement for health care coverage of contraceptive and sterilization procedures. If implemented as drafted, the proposed definition and rules will force all Catholic institutions to subsidize contraception and sterilization procedures through their health care plans. This is a direct affront to the religious liberty and freedom of conscience of Roman Catholics and Catholic institutions. Implementing these rules would pose a serious and very real threat to the continuation of the Catholic Church's social service ministry, which until now has, since early in our nation's history, made available essential social services to all in need, including both Catholics and non-Catholics.

The current definition of a "religious employer" under the Internal Revenue Code is an organization "associated with a church if it shares common religious bonds and convictions with the church." Contrary to that, the four-criteria-definition of an institution that could qualify for a religious exemption under the proposed rules means that, practically speaking, no exemption at all would be available based on religious beliefs; all Catholic institutions would be required to provide coverage for these services (thus violating our fundamental Catholic beliefs) or would need to close their doors. If confronted with the choice, the Church's ultimate decision is beyond question. The outcome for communities and individuals served until now, and who could be served into the future, would be a most unfortunate one.

I am writing to encourage you to act to avoid the tragic but certain loss of Catholic social services to communities and individuals across this nation should the rules as written be finally promulgated. I would ask that in your final rulemaking process you recall and respect one of the fundamental freedoms on which this country was founded, freedom of religion.

Very truly yours,



Judith L. Nocito, Esquire