UNIVERSITY OF DETROIT MERCY

Office of the President

September 1, 2011

The Honorable Secretary Kathleen Sebelius
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
Attn: RIN 1210-AB44

Re: Religious Employer Exception Relating to Mandatory Coverage of Preventive Services/
File code CMS-9992-IFC2

Dear Secretary Sebelius:

As the new President of the University of Detroit Mercy, the largest private, catholic University in the State of Michigan, I respectfully write to raise my concern about the Interim Final Rules issued by the Department of Health and Human Services (HHS) on August 1, 2011, which exempt certain religious employers from the contraceptive requirements mandated as part of women's preventive services under the Affordable Care Act. I urge you to take action to expand the definition of "religious employer" to accommodate the ability of Catholic colleges and universities to carry out Catholic moral and social teaching.

The new health plan coverage guidelines issued by the Health Resources and Services Administration of HHS require most individual and group health plans—including plans offered by religiously affiliated employers—to cover all FDA-approved contraceptive methods and sterilization procedures. As the document is currently written, Catholic colleges and universities must either pay for contraception and sterilization in plans offered to both employees and students, in violation of the Church's moral teaching, or terminate those health care plans, in violation of the Church's social teaching.

Unfortunately, the current "religious employer" exemption is too narrow to alleviate this conflict of conscience. The vast majority of Catholic colleges and universities, and University of Detroit Mercy in particular, would not meet the exemption with its emphasis on serving "primarily" those who share our faith. Similarly, many Catholic colleges and universities, while certainly employing many Catholics, especially in key leadership positions, do not employ "primarily" Catholics. Our institutions endeavor to engage in dialogue with *all people* and with *all sources of truth,* rather than "primarily" other Catholics.

Fortunately this conflict is entirely unnecessary. Slightly expanding the existing religious *employer* exemption to include religious *institutions* would eliminate the conflict entirely. Specifically, the exemption should be expanded to include nonprofit charitable religious institutions beyond churches and

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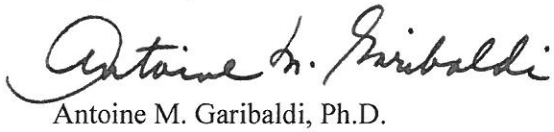
religious orders. It is important to make certain that the definition is broad enough so that institutions such as ours, that share common religious bonds and convictions with the Catholic Church, are included whether or not we necessarily have a majority of Catholic employees or students. In addition, the exemption should make clear that, by covering religious institutions rather than just employers, it would cover student health plans. These slight changes to the existing exemption would also help carry out the purposes of the Affordable Care Act by ensuring that employees and students can remain part of their existing health plans.

I therefore respectfully ask that you reconsider the scope of the Affordable Care Act regulations to accommodate the call of Catholic conscience and expand the exemption for religious institutions. Thank you for your consideration.

Respectfully,



Antoine M. Garibaldi, Ph.D.
President