



# BELMONT ABBEY COLLEGE

*That in all things God may be glorified*

April 8, 2013

## **Submitted Electronically**

Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Attn: CMS-9968-P  
P.O. Box 8013  
Baltimore, MD 21244-1850

Dear Secretary Sebelius,

I write to express concern about the February 1, 2013 Notice of Proposed Rulemaking (NPRM) to the regulations entitled Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventative Services Under the Patient Protection and Affordable Care Act (78 Fed. Reg. 8456).

I have several concerns about the NPRM. First, I am concerned that the exemption created in this proposed change still does not exempt Belmont Abbey College as a “religious employer.” Second, the NPRM’s proposed “accommodation” still requires Belmont Abbey College to facilitate access to contraceptives, sterilization, and abortion-inducing drugs in ways forbidden by our Catholic faith. Third, the NPRM’s refusal to protect religious liberty for individuals and institutions in the business world concerns us insofar as we prepare our students to be witnesses to Christ in all facets of their life, including while they earn a living. The NPRM’s suggestion that individuals and institutions lose their religious freedom when they set out to earn a living is wrong.

### ***The “religious employer” exemption***

Belmont Abbey College is a private Catholic Benedictine College in Belmont, North Carolina. It was founded in 1876 by a congregation of Benedictine monks, who built the campus with bricks they formed by hand from the red clay of the North Carolina soil. Today, the monastery operates in the center of campus, and the monks of the Abbey continue to live on the campus of the College and sponsor it. They provide significant financial support for the College, and the Monks also serve on the Board of Trustees that governs the College. The head of the monastery, Abbot Placid, serves as the College’s Chancellor.

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Faith is central to the educational mission of Belmont Abbey College. The College describes itself as a “Catholic Benedictine College that finds its center in Jesus Christ. Today, as in years past and in the future, our college is inspired by St. Benedict’s desire ‘that in all things God may be glorified.’” The College adheres to the Apostolic Constitution *Ex Corde Ecclesiae* of Pope John Paul II, which is the relevant law of the Roman Catholic Church for Catholic colleges and universities.

The NPRM fails to properly recognize that the College is, and should be considered, a “religious employer” and therefore should be exempt from the Mandate. The proposed exemption narrowly defines “religious employer” as a “nonprofit organization described in section 6033(a)(1) and (a)(3)(A)(i) or (iii) of the Code. Section 6033(a)(3)(A)(i) and (iii) of the Code refers to churches, their integrated auxiliaries, and conventions or associations of churches, as well as to the exclusively religious activities of any religious order.” The College is a college, not a church, and therefore is excluded from this protection despite its obvious religious character.

Neither Belmont Abbey College nor other non-church religious institutions should be subjected to such second-class treatment. It is for individual Americans—not the government—to decide how to organize their religious institutions. Reporting distinctions in the internal revenue code should not be used as a basis to give religious institutions like Belmont Abbey College *less* religious freedom protection than the government gives to churches and religious orders. Neither the First Amendment nor federal law give the government authority to demean or disregard the religious nature of our institution.

***The “accommodation” in the NPRM still forces the College to violate its religion by facilitating access to certain drugs and devices***

The NPRM properly recognizes that the government *should* protect religious objectors “from having to contract, arrange, pay, or refer for contraceptive coverage to which they object on religious grounds.” 78 Fed. Reg. 8456, 8462 (Feb. 6, 2013). Yet the proposals advanced in the document do not sufficiently remove Belmont Abbey College from involvement with this coverage. Instead, Belmont Abbey College will still be forced to “contract” “arrange” and “pay” for insurance policies which, by law, will result in the coverage.

Belmont Abbey College cannot comply with that requirement. The College holds religious beliefs that include traditional Christian teachings on the sanctity of life. Belmont Abbey College believes and teaches that each human being bears the image and likeness of God, and therefore that all human life is sacred and precious, from the moment of conception. Belmont Abbey College therefore believes and teaches that abortion ends a human life and is a grave sin. The College’s religious beliefs also include traditional Christian teaching on the nature and purpose

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of human sexuality. Belmont Abbey College therefore believes and teaches that “any action which either before, at the moment of, or after sexual intercourse, is specifically intended to prevent procreation, whether as an end or as a means”—including contraception and sterilization—is a grave sin.

As a result of these religious beliefs, it is not enough for Belmont Abbey College to avoid paying for contraceptive and abortifacient coverage—and it is not even clear that we would avoid paying for it under the NPRM—it must also avoid otherwise facilitating or making the drugs available in other ways. Thus, the College cannot comply with the legal requirement to provide health insurance if, under the NPRM, an automatic and necessary result of the College offering that insurance will be that these drugs and services are automatically and freely available to the College’s employees. Nor can the College participate in a system that makes these drugs and services available to its employees’ minor children, without any provision for a parental opt-out.

This is why the only permissible solution is to broaden the religious employer exemption. The government has many ways in which it can make these drugs and devices available without forcing the College to violate its religious beliefs in the process.

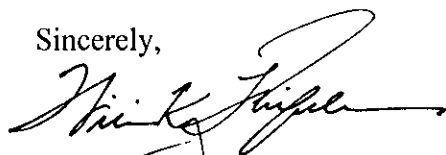
***No protection for for-profit businesses***

Finally, the NPRM specifically rejects any accommodation for the religious objections of business owners. Our mission is to produce graduates who will live their faith in all aspects of their lives, including while they earn their living. The College is therefore concerned about the lack of protection the NPRM offers for the religious liberty of individuals and institutions in the business world, as it will hinder the ability of our students to fully live out their faith. Belmont Abbey graduates exercise their religion in many different facets of life, and their religious liberty should be protected broadly.

In light of these considerations, we ask the Department to eliminate the mandate altogether. If the Department chooses to keep the mandate in place, we ask the Department to expand the scope of the exemption to include all religious individuals and institutions who cannot comply with the mandate without violating their religious beliefs.

I appreciate your attention to this crucially important matter and am happy to speak with you or your department’s representatives if that would be helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "William K. Thierfelder". The signature is fluid and cursive, with a long horizontal stroke at the end.

William K. Thierfelder, Ed.D.  
President