



A Passionate Voice for Compassionate Care

February 24, 2021

United States House of Representatives
Washington, DC 20515

Dear Representative:

On behalf of the Catholic Health Association of the United States (CHA), the national leadership organization of more than 2,200 Catholic health care systems, hospitals, long-term care facilities, sponsors, and related organizations, I am writing in regard to the Equality Act, H.R. 5. The strength and vitality of our nation's civil rights laws are crucial as they continue to provide bedrock protections against forms of racism, bias, discrimination, hate crimes and violence.

As a Catholic health ministry, our mission and ethical standards in health care are rooted in the Catholic Church's teachings about the dignity of each and every human person, created in the image of God. This gives rise to our belief that all people have a right to access to food, housing, employment and affordable and accessible health care. It also drives our continued rejection of all forms of unjust discrimination and violence against all individuals, including members of the LGBTQ community. Access to health care is essential to promoting and protecting the inherent and inalienable worth and dignity of every individual and every individual seeking health care should always be treated with compassion and respect. Our members are committed to providing health care services to any person in need of care. Refusing to provide medical assistance or health care services because of discomfort with or animus against an individual on any basis is unacceptable.

However, federal law has long recognized that certain services can present a potential conflict for some faith-based health care providers with religious or moral objections to providing those services. In light of this, federal law has sought to protect faith-based providers while at the same time ensuring access to essential health services for all people. We are concerned that the Equality Act omits and could erode or reverse those protections.

For example, the Act's amendments to the civil rights laws could be found to create an obligation to provide or participate in abortion or sterilization. Federal conscience laws such as the Church, Coates-Snowe and Weldon amendments, as well as state conscience laws, have long had overwhelming bipartisan support and have protected Catholic and other health care providers with religious and moral objections to these procedures. It is unclear whether the Equality Act's amendments to the civil rights laws would preserve or undermine those protections.

We are also deeply troubled by the nullification of the Religious Freedom Restoration Act (RFRA) with respect to claims arising under the Equality Act. RFRA was passed with nearly unanimous bipartisan support in both houses of Congress. It requires a showing of a compelling

government interest to justify substantial burdens on religious exercise, allowing courts to weigh the fundamental right to religious freedom against other important government interests.

In addition, certain services directly related to gender transition could present a potential conflict for some faith-based health care providers. The Equality Act could be found to mandate such services. But because the Act both lacks conscience protection language and precludes application of RFRA, there may be no opportunity to find a balance between the free exercise rights of health care providers and others with moral or religious objections to providing certain health care services and the ability of those who seek such services to receive them.

We share with the Act's authors a desire to end unjust discrimination against any person. We therefore look forward to working with Congress to craft a bill that respects the dignity and rights of all people from all forms of unjust discrimination while at the same time ensuring that faith-based health care providers are able to provide services in accordance with their religious belief. For the above reasons, however, we are unable to support the Equality Act as currently written.

Sincerely,

A handwritten signature in black ink that reads "Sr. Mary Haddad". The signature is written in a cursive, flowing style.

Sr. Mary Haddad, RSM
President and CEO