



October 27, 2014

Dear Sir or Madam,

On behalf of the Little Sisters of the Poor, we respectfully submit the following comments on the Notice of Proposed Rulemaking on preventive services.

The Little Sisters of the Poor are an international Congregation of Catholic women religious serving 13,000 needy elderly people of all faiths in thirty-one countries around the world. As part of this mission, we own and operate 28 homes in the United States (and 118 more around the world). In our homes, we treat the elderly poor with the love, respect, and dignity to which each and every human being is entitled.

We are again commenting on a Notice of Proposed Rulemaking that threatens our religious ministry in ways that are unfair, illegal and entirely unnecessary. We have provided comments about earlier versions of the rule,<sup>1</sup> and incorporate those comments here. We offer additional comments now to focus on why the latest changes to the government's mandate do not eliminate the ongoing pressure on us to either violate our religious beliefs or pay large fines. We offer these comments in the prayerful hope that the government will come to understand our religious obligations and will leave us out of its efforts to promote contraception, sterilization, and abortion-inducing drugs and devices.

As we understand it, the new rule is designed to have the precise same effects as the old rule. As with the old rule, the new rule seeks to use the benefits plans provided by the Little Sisters in order to distribute and subsidize contraceptives, sterilization, and abortion-inducing drugs and devices. Worse, the new rule actually requires more information from the Little Sisters than the old rule, because the government now asks us to identify third parties who help with our benefits plans and demands that we provide contact information for those third parties so that the government can prompt them to provide contraceptives, sterilizations, and abortion-inducing drugs and devices in conjunction with our plans. Thus the new rules have the same effect as the prior rules: "[r]egardless of whether the eligible organization self-certifies in accordance with the July 2013 final rules, or provides notice to HHS in accordance with the August 2014 [Interim Final Rules], the obligations of insurers and/or TPAs regarding providing or arranging separate payments for contraceptive services are the same." *See* CCHIO Fact Sheet.

We cannot participate in any government program designed to promote and distribute contraceptives, sterilization, and abortion-inducing drugs and devices. Because we cannot comply, we have been forced to seek the protection of the federal courts in order to continue exercising our religion. We are grateful that the Supreme Court has provided us with protection while that litigation proceeds. But the government has not yet yielded, and recently told a federal

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<sup>1</sup> Our previous comments are available at <http://www.littlesistersofthepoor.org/images/stories/downloads/LSP%20NPRM%20Comments%20for%20Filing%2020130408.pdf>



court that it needs to force us to act quickly so that “there is no further delay in securing contraceptive coverage.”

For the reasons set forth in our court papers, the government’s efforts to coerce us in this manner are illegal. They are also entirely unnecessary. While we do not share the government’s goals of promoting and distributing these products, we are confident that the government can devise other ways to achieve its goals without taking over our health plans. The United States government is the most powerful government in the history of the world—it can surely find ways to distribute these products without involving our homes in the process. Indeed, now that the government runs online health insurance exchanges—through which people can purchase insurance policies the government deems sufficient—it is obvious that the government can provide benefits plans that include contraceptives, sterilization, and abortion-inducing drugs and devices to anyone the government chooses. Whether through those exchanges or through its other programs, the government can of course give out these products whenever it wants to, and without our involvement.

For these reasons, we respectfully ask that your departments use your many existing tools to find ways to achieve your own goals without involving our religious order and without using the threat of fines to pressure us to do something we cannot do.

In closing, I would like to offer you a brief story about a different congregation of nuns, a group of Ursuline Sisters who provided medical care and ran a school for girls in New Orleans in 1804. Worried about the power of the federal government, the Ursulines wrote to President Thomas Jefferson asking for his assurances about their ability to keep both their property and their freedom. President Jefferson responded that “the principles of the constitution and the government of the United States are a sure guarantee to you that [your property] will be preserved to you sacred and inviolate, and that your institution will be permitted to govern itself according to its own voluntary rules, without interference from the civil authority.”<sup>2</sup>

We seek that same freedom and protection from our government now.

Sincerely,

*M. Loraine Marie Maguire, l.s.p.*  
Mother Loraine Marie Maguire, l.s.p.  
Provincial Superior, Baltimore Province  
Little Sisters of the Poor

<sup>2</sup> The full letter is available at <http://founders.archives.gov/documents/Jefferson/99-01-02-0068>