

October 21, 2014

**Submitted Electronically**

Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Attention: CMS-9940-P  
Mail Stop C4-26-05  
7500 Security Boulevard  
Baltimore, MD 21244-1850

Dear Administrator Tavenner,

We, the undersigned members of the Coalition for Liberty & Justice, express our support for the right of all workers and their dependents to access contraceptive coverage under the Affordable Care Act and to make personal decisions about using contraception based on their own beliefs. We represent a diverse cross-section of communities, including faith-based and secular organizations that are dedicated to LGBT rights; women's rights; the separation of church and state; civil rights; and reproductive health, rights and justice. Though we bring distinct and diverse perspectives to these comments, we are united in our belief that public policies should both respect religious liberty and protect against the use of religious beliefs to discriminate or undermine equality. We believe that true religious liberty respects individuals, supports the common good and reflects the foundational principles of our nation.

We are a pluralistic coalition, and we live in a pluralistic society. The beauty of true religious liberty, a reflection of our democratic ideals, is that it protects freedom of religion and freedom from religion. It does not allow either to trample upon the other. We therefore support the right of workers and their dependents to follow their own consciences, moral codes and beliefs when making decisions about contraception, and we oppose attempts to allow corporations to interfere with this personal decision-making. Such interference jeopardizes religious liberty by eroding the balance between freedom of and from religion, which we hold dear.

We therefore strongly disagree with the Supreme Court's decision in *Burwell v. Hobby Lobby Stores, Inc.* and the related case of *Conestoga Wood Specialties Corp. v. Burwell*. Corporations should not be permitted to impose their owners' religious views on their employees. While we acknowledge that the Departments are seeking to address the Supreme Court's decision in those cases, we are deeply concerned about the potential harm that an accommodation for certain for-profit corporations could have on women workers' and dependents' religious liberty and health needs.

We ask that the Departments consider, above all else, the effect that any definition of a "closely-held" corporation will have on workers' abilities to follow their own consciences, moral codes, and beliefs regarding contraceptive coverage. The court's opinion in the *Hobby Lobby* and *Conestoga Wood Specialties* cases, after all, asserted that an accommodation should have "zero" impact upon women workers and dependents, and "zero" impact should be the Departments' goal.

We also ask that the Departments, in creating any accommodation, ensure that it has thorough and transparent oversight and an enforcement mechanism in place. Corporations seeking to discriminate in healthcare coverage against their employees should be required to provide ample and transparent

corporate documentation of their decision so as to provide their employees clear information about employee benefits and health plans.

Most importantly, this accommodation must also guarantee that women workers and dependents will have seamless access to the no-copay contraceptive coverage benefit guaranteed by the Affordable Care Act to other private sector workers. One woman left without contraceptive coverage because of her boss's beliefs or due to lack of oversight would be one woman too many. The Departments must guarantee that this rule does not lead to this type of discrimination.

The Supreme Court's decision in *Burwell v. Hobby Lobby Stores, Inc.* is just the tip of the iceberg when it comes to attempts to allow the use of religion to discriminate today. How the Departments respond will be a critical determinant of the extent of that ruling's damage to women workers and dependents, and to our core American value of religious liberty and justice for all.

Sincerely,

Abortion Care Network  
Advocates for Youth  
American Civil Liberties Union  
American Humanist Association  
Americans for Religious Liberty  
Americans United for Separation of Church and State  
Association of Reproductive Health Professionals  
Call To Action  
Catholics for Choice  
Center for Inquiry  
Center for Reproductive Rights  
Coalition of Labor Union Women  
Concerned Clergy for Choice  
CORPUS  
DignityUSA  
Faith Aloud  
GetEQUAL  
Hadassah, The Women's Zionist Organization of America, Inc.  
Ibis Reproductive Health  
Institute for Science and Human Values  
Integrity USA  
Interfaith Alliance  
Keshet  
Law Students for Reproductive Justice  
Medical Students for Choice  
MergerWatch  
Methodist Federation for Social Action  
Metropolitan Community Churches  
Military Association of Atheists & Freethinkers  
Muslims for Progressive Values  
National Asian Pacific American Women's Forum  
National Center for Lesbian Rights  
National Council of Jewish Women

National Council of Women's Organizations  
National Gay and Lesbian Task Force  
National Latina Institute for Reproductive Health  
National Organization for Women  
National Women's Health Network  
Nehirim  
New Ways Ministry  
Nursing Students for Choice  
Political Research Associates  
Religious Coalition for Reproductive Choice  
Religious Institute  
Reproductive Health Technologies Project  
Republicans for Choice  
Secular Coalition for America  
Sexuality Information and Education Council of the U.S. (SIECUS)  
Society for Humanistic Judaism  
United Church of Christ, Justice and Witness Ministries  
Women's Alliance for Theology, Ethics and Ritual  
Women's Ordination Conference