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Obama compromises on contraceptive coverage

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Secretary of Health and Human Services Kathleen Sebelius stands next to President Barack Obama in the Oval Office at the White House in Washington in this Oct. 31, 2011, file photo. (CNS photo/Reuters)

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WASHINGTON -- After two weeks of fervor from religious groups, including a wide coalition of Catholic leaders, President Barack Obama announced Friday that he had revised a controversial mandate requiring contraceptive coverage in health care plans.

Under the revised plan, when an employer affiliated with a religious group declines to provide contraceptive coverage to employees, insurance companies will be required to offer the coverage free of charge to individuals who want it.

Obama said the new version of the mandate ensures religious institutions will not have to pay for contraceptive services or refer employees to organizations that provide such services.

Announcement of a compromise came after religious groups denounced the original version of the mandate, saying it violated principles of religious liberty and would force employers of religiously affiliated institutions opposed to birth control -- including Catholic hospitals and schools -- to violate their consciences.

The U.S. Catholic bishops were at the forefront in the opposition to this mandate, which is part of the Patient Protection and Affordable Care Act signed into law in 2010. A statement from the bishops' conference said it "sees initial opportunities in preserving the principle of religious freedom after President Obama's announcement today. But the Conference continues to express concerns."

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"While there may be an openness to respond to some of our concerns, we reserve judgment on the details until we have them," said Cardinal-designate Timothy Dolan, president of the United States Conference of Catholic Bishops.

The new version of the mandate will be officially published Friday afternoon.

Charity Sr. Carol Keehan, the president of the Catholic Health Association, said her group was "very pleased" with the announcement.

"We are pleased and grateful that the religious liberty and conscience protection needs of so many ministries that serve our country were appreciated enough that an early resolution of this issue was accomplished," Keehan said in a media statement. "The unity of Catholic organizations in addressing this concern was a sign of its importance."

In a conference call with media Friday morning, senior administration officials speaking on background said people on opposite sides of the issue like the compromise. Besides Keehan, they said, Cecile Richards, the president of Planned Parenthood Federation of America, is "responding positively to it."

An official termed Keehan and Richards as "two very important voices on this" who come at the issue from "different directions" and who have found the new policy acceptable.

In a statement, Richards said she believed Obama administration had "reaffirmed its commitment to ensuring all women will have access to birth control coverage" with the compromise.

"We believe the compliance mechanism does not compromise a woman's ability to access these critical birth control benefits," she said.

At the press conference, Obama said he recognized that people opposed to the mandate felt "the principle of religious liberty" was at stake.

"As a citizen and as a Christian, I cherish this right," the president said.

Obama also said his administration had "been sorting through some very complicated questions to find a solution that works for everyone. With today's announcement, we've done that."

Pressed on why the administration did not seek this type of arrangement from the outset, one official on the morning conference call said the original announcement by Department of Health and Human Services (HHS) Secretary Kathleen Sebelius said the administration would "need additional time to work on this" and that the administration intended "to spend an additional year working with stakeholders, institutions like Catholic hospitals and charities to find a solution that would both protect their religious liberty but ensure that every woman, the nurses, the doctors, the janitors that work at these institutions, have access to the health care they need."

The administration officials on the conference call would not discuss which individuals they had been in conversation with as the issue erupted into a wide controversy in recent weeks, but said they had consulted interested parties throughout the country.

One official also said the administration had not viewed the additional year as a period when institutions would simply need to get used to something, but as a time when they could work out an arrangement that allowed workers at affected institutions to have affordable access to contraception while respecting religious freedom.

Bart Stupak, a former U.S. Congressman from Michigan -- who chose not to seek re-election in 2010 after pro-life groups criticized him for supporting the health care reform bill even after an amendment he authored to ensure it did not fund abortion services was not included -- told *NCR* he was "surprised" the administration had not found a way to compromise with religious groups on the mandate initially.

"I'm not surprised that you're going to have stumbles along the way," Stupak said. "But ... they broke their arm when they didn't have to when they stumbled on this one."

Stupak also said he didn't think a similar compromise could have come had the administration taken the full year to evaluate the mandate.

"If this policy was put out there too much longer, as with any argument, sides polarize," he said. "The longer it sits there, the greater the polarization."

A wide range of leaders of religiously affiliated groups have expressed support for the announcement.

"We're delighted that the White House has offered a compromise which will not require any religious institution to financially be responsible for a service that they don't support, while ensuring that women who work in those institutions will have access to services," said the Rev. Debra Haffner, executive director of the Religious Institute.

Haffner's group issued a letter Wednesday on behalf of 23 religious organizations supporting the original mandate. Religious Institute is a multi-faith organization which advocates for sexual health and education.

John Gehring, the Catholic outreach coordinator at Faith in Public Life said the decision "shows the White House respects the Catholic community and concerns of diverse religious leaders."

"It's clear that the president worked very hard to protect both religious liberty and women's health," he said.

Faith in Public Life also emailed a statement signed by 33 prominent theologians, lawyers, and religious groups celebrating the compromise as a "major victory for religious liberty and women?s health."

Among the signers were retired U.S. ambassador Douglas Kmiec and the Institute Leadership Team of the Sisters of Mercy of the Americas.

"This is a win for the angels," said Stephen Schneck, the director of the Institute for Policy Research and Catholic Studies at The Catholic University of America in Washington, D.C.

Schneck, who was briefed on the general details of the compromise during a conference call with the White House's Office of Faith-based and Neighborhood Partnerships early Friday, told *NCR* that it's a "100 percent victory" for those concerned about religious liberty.

Kristen Day, the executive director of Democrats for Life of America, said her group was "very appreciative that this [was] taken care of quickly."

"We can focus on the good parts of the health care bill," she said. "The part that's been overlooked is the essential benefits package also provides prenatal care for women, well-women visits and screening for cervical cancer. Those good things have been overlooked by the fact over this debate over contraception."

Sr. Simone Campbell, executive director of the Catholic lobbying group NETWORK, said she thought the compromise was an "elegant solution to respect everyone's conscience."

The compromise, the Sister of Social Service said, reflects that while women should be able to choose whether they use birth control, their "employers shouldn't have to pay for it."

"It's elegant. It's perfect," she said.

Catholics United, a liberal-leaning political advocacy group, said in a statement that news of the change to the mandate "will also be a test for the Catholic bishops, who have indicated that they are opposed to compromise."

"I am eager to see the response of the Catholic bishops, and I hope and pray in their wisdom they see the value of finding a solution," wrote Executive Director Jamie Salt.

"If the bishops are unwilling to recognize the value of compromise, I suspect their opposition is more about playing politics than serving the needs of the people."

Dolan, who is also archbishop of New York, said in a statement that the revision is "a first step in the right direction."

"The past three weeks have witnessed a remarkable unity of Americans from all religions or none at all worried about the erosion of religious freedom and governmental intrusion into issues of faith and morals," he said.

"Today's decision to revise how individuals obtain services that are morally objectionable to religious entities and people of faith is a first step in the right direction," Dolan said. "We hope to work with the [a]dministration to guarantee that Americans' consciences and our religious freedom are not harmed by these regulations."

[Reporting this story were NCR staff writers Joshua McElwee and Zoe Ryan and NCR Bertelsen Brian Roewe.]

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