



Written by [Jack Kenny](#) on August 6, 2012

House Republicans Oppose, but May Fund, Attack on Religious Liberty

Even as Republicans campaign in this year's election on a promise to repeal President Obama's signature health care program, the party's leadership in the House appears ready to continue funding for ObamaCare and its controversial mandate that employers include coverage for contraception, sterilization, and abortion-inducing drugs in health care plans for their employees.



With no budget passed for the current year, the House and Senate last week reached agreement on a continuing resolution to continue funding all government departments and program at current levels through March of next year. The agreement has been scheduled for a vote in September, as current spending authority expires on September 30. At a [press conference](#) at the capitol last Thursday, Cybercast News Service (formerly Conservative News Service) asked House Speaker John Boehner (R-Ohio) about funding for ObamaCare and the contraceptive regulation, which went into effect on Wednesday.

"You called the Health and Human Services contraception mandate, quote, 'an unambiguous attack on religious freedom,'" The CNS reporter reminded the speaker. "The Republican House can permit or not permit funding for this attack. Are you going to give the administration the money to do it?"

"Listen, I and other members of the House continue to work with organizations that are concerned about this attack on religious liberty," Boehner replied. "And I don't think we need to disclose at this point in time what our tactics will be or how we're going to approach this." Boehner noted that "millions of Americans are unhappy" over the mandate, "and we're going to continue to work with them."

The mandate, issued by the federal Department of Health and Human Services under the Patient Protection and Affordable Care Act, has drawn fire from the nation's Roman Catholic bishops, who have called it a violation of religious liberty. Providing the required coverage would force church-affiliated institutions to act against church teachings forbidding abortion, contraception and sterilization. While houses of worship are exempt under the mandate, non-profit organizations like religious schools and hospitals are not. Employers who fail to provide the mandated coverage could face fines of \$2000 per employee. More than 40 Catholic dioceses, non-profits and other institutions have filed suits against the regulation, while some Orthodox, Jewish, and Protestant leaders have also spoken out against it.

In a press release August 1, Boehner insisted the regulation must be overturned, but was vague as to how. "As I noted last week," the release said, "whether the administration's attack on religious freedom is reversed through judicial action, legislative action or other means, it must be reversed."

Since the Constitution assigns "[a]ll legislative Powers herein granted" to the Congress, Boehner need not await "judicial action" or "other means" to oppose the mandate or other aspects of ObamaCare. While some 33 votes by the House to repeal various provisions of the law have been buried by the



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Democratically controlled Senate, funding is another matter. All revenue bills must originate in the House (Article I, Section 7), and the Republican majority in the lower chamber could deny the funding needed to implement the contraceptive mandate. That would put the onus on Senate Democrats and the Obama White House if they choose a repeat of last summer's budget ceiling showdown and risk a partial government shutdown for the sake of forcing religious institutions to violate the principles of their faith by obeying the government mandate.

In fact, 127 House Republicans have signed a letter calling on Boehner and Majority Leader Eric Cantor (R-Va.) to deny funding for ObamaCare entirely. The letter urges the House leaders "not to bring to the House floor in the 112th Congress any legislation that provides or allows funds to implement ObamaCare through the Internal Revenue Service, the Department of Health and Human Services, or any other federal entity. We also urge you to take legislative steps necessary to immediately rescind all ObamaCare-implementation funds."

Given Boehner's recent statements, however, there appears little chance House leadership will take up that challenge when members return from the August recess. House leaders would rather leave it to "judicial action" or rely on vaguely worded statements about unspecified "other means" of resisting an "assault on religious freedom." They prefer promises to repeal ObamaCare in 2013 to action to defund it now.

Photo of House Speaker John Boehner (R-Ohio): AP Images



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