



Filed electronically

February 17, 2026

Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-2451-P
P.O. Box 8016
Baltimore, MD 21244-8016

Re: Medicaid Program; Prohibition on Federal Medicaid and Children's Health Insurance Program Funding for Sex-Rejecting Procedures Furnished to Children; RIN 0938-AV73

To Whom It May Concern,

On behalf of the United States Conference of Catholic Bishops (USCCB), thank you for the opportunity to comment on the Centers for Medicare & Medicaid Services' proposed rule that would prohibit federal Medicaid and Children's Health Insurance Program funds from being used for "sex-rejecting procedures" (SRPs) on minors.

The proposed rule aligns with Catholic teaching on the nature of the human person. It reflects true distinctions between the sexes rather than any invidiously discriminatory purpose. And it mirrors the basic principle at the heart of the Hyde Amendment, a cornerstone of federal healthcare policy.

I. What the Church believes about human sexuality

The Catholic Church teaches each person is created by God in his image, and therefore that each person has immeasurable dignity, and that we should all treat each other accordingly. St. John Paul II observed that "Human persons are willed by God; they are imprinted with God's image. Their dignity does not come from the work they do, but from the persons they are."¹

Accordingly, the Church stands firmly against all unjust discrimination, including against those among us who experience same-sex attraction or gender discordance, who are equally loved by God. They bear the full measure of human dignity we each have received through our Creator and must therefore be treated with kindness and respect.

¹ St. John Paul II, *Centesimus annus*, no. 11.



Another fundamental tenet of our faith is that there is an order in the natural world that was designed by its Creator and that this created order is good (Gen 1:31; Ps 19:1ff.). The Church has always affirmed the essential goodness of the natural order and called on us to respect it. Pope Benedict XVI explained that the natural world has an “inbuilt order,” a “grammar” that “sets forth ends and criteria for its wise use, not its reckless exploitation.”²

What is true of creation as a whole is true of human nature in particular: there is an order in human nature that we are called to respect. In fact, human nature deserves utmost respect since humanity occupies a singular place in the created order, being created in the image of God (Gen. 1:27). To find fulfillment as human persons, to find true happiness, we must respect that order. We did not create human nature; it is a gift from a loving Creator. Nor do we “own” our human nature, as if it were something that we are free to make use of in any way we please.

A crucial aspect of the order of nature created by God is the body-soul unity of each human person. Throughout her history, the Church has opposed dualistic conceptions of the human person that do not regard the body as an intrinsic part of the human person, as if the soul were essentially complete in itself and the body were merely an instrument used by the soul. In opposition to dualisms both ancient and modern, the Church has always maintained that, while there is a distinction between the soul and the body, both are constitutive of what it means to be human, since spirit and matter, in human beings, “are not two natures united, but rather their union forms a single nature.”³ The soul does not come into existence on its own and somehow happen to be in this body, as if it could just as well be in a different body. A soul can never be in another body, much less be in the wrong body. This soul only comes into existence together with this body. What it means to be a human person necessarily includes bodiliness. “Human beings are physical beings sharing a world with other physical beings.”⁴

Human bodiliness is, in turn, intrinsically connected with human sexual differentiation. Just as every human person necessarily has a body, so also human bodies, like those of other mammals, are sexually differentiated as male or female: “Male and female

² Pope Benedict XVI, *Caritas in veritate*, no. 48.

³ Catechism of the Catholic Church, no. 365.

⁴ International Theological Commission, *Communion and Stewardship: Human Persons Created in the Image of God* (July 23, 2004), no. 26, available at https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20040723_communio-stewardship_en.html.



he created them” (Gen 1:27). St. John Paul II reminded us that, in the Book of Genesis, we learn that “Man is created ‘from the very beginning’ as male and female: the life of all humanity – whether of small communities or of society as a whole – is marked by this primordial duality.”⁵ The Catechism of the Catholic Church affirms: “Man and woman have been created, which is to say, willed by God: on the one hand, in perfect equality as human persons; on the other, in their respective beings as man and woman. ‘Being man’ or ‘being woman’ is a reality which is good and willed by God.”⁶

Just as bodiliness is a fundamental aspect of human existence, so is either “being a man” or “being a woman” a fundamental aspect of existence as a human being, expressing a person’s unitive and procreative finality. The Congregation for the Doctrine of the Faith, the Vatican’s office that holds the primary responsibility to uphold and preserve Church doctrine, insists:

[T]he importance and the meaning of sexual difference, as a reality deeply inscribed in man and woman, needs to be noted. “Sexuality characterizes man and woman not only on the physical level, but also on the psychological and spiritual, making its mark on each of their expressions.” It cannot be reduced to a pure and insignificant biological fact, but rather “is a fundamental component of personality, one of its modes of being, of manifestation, of communicating with others, of feeling, of expressing and of living human love.” This capacity to love – reflection and image of God who is Love – is disclosed in the spousal character of the body, in which the masculinity or femininity of the person is expressed.⁷

As Pope Francis affirmed, “The acceptance of our bodies as God’s gift is vital for welcoming and accepting the entire world as a gift from the Father and our common home, whereas thinking that we enjoy absolute power over our own bodies turns, often subtly, into thinking that we enjoy absolute power over creation.” He also taught that young people in particular:

⁵ St. John Paul II, Letter to Families (Feb. 2, 1994), no. 6, *available at* https://www.vatican.va/content/john-paul-ii/en/letters/1994/documents/hf_jp-ii_let_02021994_families.html

⁶ Catechism of the Catholic Church, no. 369.

⁷ Congregation for the Doctrine of the Faith, Letter on the Collaboration of Men and Woman in the Church and in the World (2004), no. 8, *available at* https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20040731_collaboration_en.html.



need to be helped to accept their own body as it was created... An appreciation of our body as male or female is also necessary for our own self-awareness in an encounter with others different from ourselves. In this way we can joyfully accept the specific gifts of another man or woman, the work of God the Creator, and find mutual enrichment.⁸

Most recently, the bishops of the United States voted in 2025 to revise the Ethical and Religious Directives for Catholic Health Care Services, which set out the moral principles of Catholic teaching that guide Catholic health care ministry.⁹ Those revisions specify that, under longstanding principles of Catholic teaching, surgical or chemical techniques that aim to exchange the sex characteristics of a patient's body for those of the opposite sex or for simulations thereof are morally illicit.

The understanding that each person whom our health and social service ministries encounter is, him or herself, "the work of God the Creator," is what makes Catholic health care Catholic – and what makes it especially effective.

While the proposed rule's review of the evidence understandably focuses on pediatric SRPs' potential for physical and mental harm, it is also important to recognize the spiritual dimension of SRPs. Indeed, the spiritual harm wrought by SRPs is no less real and even more profound.

Rejection of our God-given bodies, such as by modifying them to appear as the opposite sex, is a grave matter, and when done with full knowledge and complete consent, is a grave sin.¹⁰ The Catechism of the Catholic Church, which sets out the fundamental truths of

⁸ Pope Francis, *Amoris Laetitia*, no. 285.

⁹ <https://www.osvnews.com/us-bishops-overwhelmingly-back-ban-on-gender-interventions-by-catholic-health-care/>.

¹⁰ Dicastery for the Doctrine of the Faith, *Dignitas infinita*, no. 60 ("[A]ny sex-change intervention, as a rule, risks threatening the unique dignity the person has received from the moment of conception"); Catechism of the Catholic Church, § 2297 ("Except when performed for strictly therapeutic medical reasons, directly intended amputations, mutilations, and sterilizations performed on innocent persons are against the moral law"); CCC, § 364 ("The human body shares in the dignity of 'the image of God': it is a human body precisely because it is animated by a spiritual soul, and it is the whole human person that is intended to become, in the body of Christ, a temple of the Spirit: 'Man, though made of body and soul, is a unity. Through his very bodily condition he sums up in himself the elements of the material world. Through him they are thus brought to their highest perfection and can raise their voice in praise freely given to the Creator. For this reason man may not despise his bodily life. Rather he is obliged to regard his body as good and to hold it in honor since God has created it and will raise it up on the last day.'").



the Catholic faith, teaches that “[g]rave sin deprives us of communion with God and therefore makes us incapable of eternal life, the privation of which is called the ‘eternal punishment’ of sin.”¹¹ Grave sin damages the soul, turning the soul away from God and toward further sin.¹² The Church is also deeply concerned for the spiritual welfare of the medical professionals who administer these drugs and procedures, as their participation likewise involves grave moral consequences.

II. The proposed rule is consistent with Catholic teaching

The proposed rule’s aim – to “help to protect...children from the risks of adverse effects of sex-rejecting procedures” – is consistent with Church teaching. We have noted the spiritual harm of SRPs, and the proposed rule ably summarizes the medical evidence that supports it. But it is also intrinsically good for federal healthcare programs to avoid subsidizing treatments and procedures that deny true things about human nature and identity.

We agree that the proposed rule, falling squarely under the Supreme Court’s decision in *U.S. v. Skrametti*, does not discriminate on the basis of sex and has no invidious discriminatory purpose. The line it draws is principled, legally and morally. As we explained in our *amicus* brief in support of the State of Tennessee in *Skrametti*:

Transgender body manipulation is not a moral medical intervention for individuals suffering from gender dysphoria because the aim of this treatment is neither to repair a defect in the body nor to sacrifice a part of the body for the welfare of the whole body. These interventions are intended to transform the body so as to make it take on as much as possible the form of the opposite sex, contrary to the natural form of the body...The same treatments may be morally licit when performed for purposes other than transgender body manipulation. Individuals born with genetic abnormalities affecting their sexual organs may choose medical intervention to resolve those abnormalities, but this is not an

¹¹ Catechism of the Catholic Church, no. 1472; St. Thomas Aquinas, *Summa Theologiae*, I-II:50 (“[T]he second good of nature, viz. the natural inclination to virtue, is diminished by sin. Because human acts produce an inclination to like acts, as stated above. Now from the very fact that thing becomes inclined to one of two contraries, its inclination to the other contrary must needs be diminished. Wherefore as sin is opposed to virtue, from the very fact that a man sins, there results a diminution of that good of nature, which is the inclination to virtue.”).

¹² *Summa Theologiae*, I-II:50 (“[The] four wounds [of ignorance, malice, weakness, are concupiscence] are also the result of other sins, in so far as, through sin, the reason is obscured, especially in practical matters, the will hardened to evil, good actions become more difficult and concupiscence more impetuous.”).



effort to change one's sex and is instead an effort to correct a bodily dysfunction. Women suffering from uterine fibroids or certain cancers may choose a hysterectomy to remove these organs, but this is also not an effort to change their sex; it is a sacrifice of one part of the body for the welfare of the whole.¹³

In this respect, the proposed rule applies the same moral logic that underlies longstanding federal limits on the taking of prenatal life. Federal policy has long recognized that the state may not be compelled to underwrite acts that undermine the integrity of the human person. What is true in the context of fetal homicide – that the law may withhold support from procedures that negate the basic goods of bodily life – is equally true when the issue is the deliberate mutilation or sterilization of children. The proposed rule reflects that continuity: it withholds federal endorsement from interventions that contradict the body's given meaning, and in doing so aligns federal healthcare programs with a coherent commitment to human dignity.

Thank you for your consideration of these comments.

Respectfully submitted,

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¹³ Brief of the U.S. Conference of Catholic Bishops as *Amici Curiae*, p. 8-9, *U.S. v. Skrametti*, 605 U.S. 495 (2025); *cf. Skrametti* at 514-15 (“Here, however, SB1 does not mask sex-based classifications. For reasons we have explained, the law does not prohibit conduct for one sex that it permits for the other. Under SB1, no minor may be administered puberty blockers or hormones to treat gender dysphoria, gender identity disorder, or gender incongruence; minors of any sex may be administered puberty blockers or hormones for other purposes.”).