



Secretariat of Pro-Life Activities

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MEMORANDUM

Date: October 12, 2017

To: Diocesan Respect Life Directors, State Catholic Conference Directors

From: Greg Schleppenbach, Associate Director

Re: Recent Actions by the Trump Administration

Last Friday, the Trump Administration announced its issuance of two interim final rules providing a broad religious and moral exemption from the HHS mandate requiring health insurance coverage of sterilization, contraception, and drugs and devices that may cause abortions. An interim final rule takes effect immediately while allowing a 60-day comment period. The USCCB will be submitting comments in support of the new rules and we will inform you soon on how grassroots can do so as well.

Cardinal Daniel N. DiNardo, Archbishop of Galveston-Houston and President of the USCCB, and Archbishop William E. Lori of Baltimore, Chairman of the USCCB's Ad Hoc Committee for Religious Liberty, hailed the announcement in a [joint statement](#). Cardinal DiNardo also expressed gratitude for the new regulations in an [opinion piece](#) that was published in *The Hill*.

Also last Friday, the Administration issued an administrative bulletin that reiterates guidance from the Obama Administration on implementing the requirements in the Affordable Care Act regarding segregation of abortion coverage premiums in ACA health care plans. A fundamental objection the Catholic bishops have with the ACA is that it allows federal subsidies to be used for plans that cover abortion, in direct violation of the longstanding and bi-partisan Hyde Amendment. The ACA exacerbates conscience concerns by requiring issuers choosing to provide coverage for elective abortions to collect from each enrollee in the plan a separate "abortion premium" to pay for abortions in the plan. The premium must be no less than \$1 per month, per enrollee, and is supposed to be collected through a separate payment and maintained in an account that is segregated from federal funds. And enrollees are supposed to be notified through the plans summary of benefits and coverage at the time of enrollment that abortion is covered by the health plan.

However, a September 2014 report issued by the U.S. Government Accountability Office indicated that many health plans do not charge a "separate payment" for abortions that is distinct from the premium payment eligible for federal tax subsidies, they do not inform enrollees about their inclusion of abortion coverage and they do not tell them how much they are being charged for such coverage. And while state insurance departments are supposedly tasked by the federal government with ensuring that these health plans maintain segregated accounts for abortion funds to keep them separate from federal funds, the report indicated that this is not taking place.

The Trump Administration's bulletin helpfully reminds issuers of ACA health plans about these requirements and that they will be enforced. The bulletin also says that the Administration is in the

process of evaluating whether there are additional steps that it should take to ensure compliance with these ACA requirements and are exploring options for the Federally-facilitated Exchanges to provide more prominent and meaningful notice to consumers at the point of sale that a plan includes coverage of abortion. While we oppose the whole “separate payment” scheme, these additional actions would be welcome as a means of at least raising public awareness about the inclusion of abortion coverage in many ACA plans. Though helpful, the Administration’s action does not cure the fundamental statutory problem of federal funding of plans that cover abortion, and we continue to urge Congress to change the ACA to prevent such funding.