October 21, 2019

Administrator Seema Verma
Centers for Medicare & Medicaid Services
Department of Health & Human Services
200 Independence Ave. SW
Washington, D.C. 20201

Dear Administrator Verma,

We are grateful for the ongoing efforts within the Trump administration and the Department of Health and Human Services to align health-related policies with pro-life principles, to protect women and their unborn babies, and to protect taxpayers from being unwilling participants in abortion funding. To continue this goal, we write to urge the finalization of the abortion separate payments rule.

Since 1976, the Hyde Amendment has prohibited federal funding through Health and Human Services to cover elective abortions or insurance plans that include elective abortion coverage. Research shows that by the end of 2018, over 2.3 million babies have been saved as a result of this amendment. This policy applies to Medicaid and other federal health care programs.

The sole deviation from the Hyde principle is Obamacare. Contrary to the Hyde principle, Section 1303 of the Affordable Care Act expressly allows abortion coverage in taxpayer-funded health insurance plans as long as the insurer collects a separate abortion surcharge of at least $1 per enrollee per month.

The Obama administration went on to implement their own law with a gross misinterpretation of it, requiring "separate" to mean "together." This gave insurance companies the ability not only to cover elective abortion, but to do so while creating hidden abortion surcharges, for enrollees who are unknowingly paying into plans that subsidize elective abortion.

We were very supportive of the November 2018 Department of Health and Human Services proposed rule, "Patient Protection and Affordable Care Act; Exchange Program Integrity," which would bring federal regulations into compliance with the clear meaning of Section 1303. While including abortion at all in government subsidized health insurance plans runs afoul of the long-standing principle of the Hyde Amendment, requiring separate payments is an important first step in correcting this wrong and providing transparency.

As we near the one year anniversary of the proposal of this rule, we strongly urge its finalization and swift implementation.

Sincerely,

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Susan B. Anthony List

Carol Tobias
President
National Right to Life Committee

Tom McClusky
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