



THE NATIONAL CATHOLIC BIOETHICS CENTER

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Bioethics Public Policy Report July 15, 2018

Federal Courts

- *Trump appoints Kavanaugh to High Court:* President Donald Trump has nominated DC Circuit Court of Appeals judge [Brett Kavanaugh](#) to the US Supreme Court. Kavanaugh earned both his undergraduate and law degrees at Yale. He clerked for retiring Supreme Court Justice Anthony Kennedy and has also worked in the Office of Independent Counsel and in the White House counsel's office under President George W Bush. He has headed the Federalist Society's Religious Liberties Practice Group and he wrote two pro bono Supreme Court amicus briefs supporting religious liberty. Kavanaugh, a Catholic, is a lector at his local parish and he coaches his daughters' CYO basketball teams. He volunteers with Catholic Charities and both teaches and mentors in local schools. Kavanaugh is 53 years old, married to his wife Ashley, and has two daughters. For more information on Brett Kavanaugh, including a summary of his significant rulings, click [here](#), [here](#), and [here](#).

National

- *CMS suspends Obamacare "risk adjustment" payments:* The Centers for Medicare and Medicaid Services (CMS) has announced that it will cease collecting and paying out monies under the Affordable Care Act's (ACA) "[risk adjustment](#)" program. Risk adjustment is one of three methods in the ACA that allows insurance companies to accept all customers regardless of health status, without charging more to those who require greater levels of care. Under risk adjustment, federal bureaucrats calculate how much insurers with relatively low-cost consumers are required to contribute to the program, and how much insurers with more "expensive" customers are owed. In the announcement, CMS stated that it will not make \$10.4 billion in payments for expenses incurred last year.
- *Further declines in Obamacare enrollments:* The Centers for Medicare and Medicaid Services (CMS) reports that of the 11.8 million people who signed up for Obamacare during the open enrollment ending December 2017, only 10.6 million had paid their first premium as of March 15, a [decline](#) of 9 percent. The primary reason for this decline is that enrollees cannot afford the ever-increasing premiums. CMS also estimates that, based on 2017 findings, the number of enrollees will continue to decline throughout 2018. In March 2017, 10.3 million Obamacare enrollees paid premiums, but by the end of 2017 only 8.9 million remained on their plans.

State by State

- *South Carolina moves to defund Planned Parenthood:* Governor Henry McMaster (R) of [South Carolina](#) has moved to defund abortion clinics by vetoing nearly \$16 million from the state health care budget. "Taxpayer dollars must not directly or indirectly subsidize abortion providers like Planned Parenthood," he stated. "There are a variety of agencies, clinics and medical entities in South Carolina that receive taxpayer funding [that] offer important women's health and family-planning services without performing abortions." The Governor's veto

fulfilled a campaign promise he made to voters. State legislators could still override the veto through a two-thirds vote.

Conscience/Religious Liberty

- *House acts on adoption discrimination:* The US House [Appropriations Committee](#) has passed an amendment to the 2019 Labor, Health, and Human Services spending bill that protects religious freedom for adoption providers. The amendment, which passed 29–23, shields child welfare service providers from being discriminated against due to their moral and religious convictions. Heritage Action for America, the lobbying affiliate of the Heritage Foundation, strongly supported the amendment stating: “Faith-based adoption agencies are under attack from left-wing activist groups looking to shut down child-welfare providers that place children according to sincerely held religious and moral beliefs.” Catholic Social Services in Massachusetts, Illinois, California, D.C., and now Philadelphia have lost contracts with local governments or have been forced to shut down entirely because they maintain a child should be placed in a home with one mother and one father.

International

- *Fighting back against unjust requirement:* For years, the [Canada](#) Summer Job Grants program has funded summer jobs for secondary school and college students by offering funds to small businesses, non-profit organizations, and religious employers. However, earlier this year the Canadian government changed the grant application to force would-be recipients to check a box affirming “women’s rights and women’s reproductive rights, and the rights of gender-diverse and transgender Canadians.” Now groups are fighting back. Power To Change, a Christian campus ministry, had its application denied when it included a letter with its application stating: “Our belief is contrary to the current government’s view on women’s reproductive rights. Our honestly held belief is protected under the Charter [Canada’s Charter of Rights and Freedoms].” Power to Change is arguing that the government’s requirement is “overbroad” and that it blocks funding not only to groups that specifically act against abortion, but to any organization. Saturn Machine Works Ltd., a manufacturing company in Edmonton, has also appealed its grant rejection stating, “No government should be using the power of the state to coerce a business to express agreement with government ideology in order to receive funding to help employ students.” Tamara Jansen of “Free to Do Business Canada” (which backs Saturn Machine works), added that the government requirement amounts to “compelled speech” and added: “We wouldn’t make employees state their views on their stances on reproductive rights. Being asked to do this [check the box] is an incredible overreach of the government.”
- *English doc refused position over pronouns:* Dr. David Mackereth claims he has been denied employment at [Britain’s](#) Department for Work and Pensions, and declared “unfit” to work, because he refuses to refer to “transgender” people with their preferred pronouns. Mackereth, a Reformed Baptist who has worked for 26 years at the National Health Service, stated that his refusal is not an attack on transgender people, but instead a defense of the right to free speech and to his freedom of belief. He added, “I don’t believe I should be compelled to use a specific pronoun. I am not setting out to upset anyone. But, if upsetting someone can lead to doctors being sacked then, as a society we have to examine where we are going.”

Of Note

- *Marrying later, but cohabitating now:* Earlier this year the Pew Research Center reported that the median age for marriage in the US in 2017 was 29.5 years for

men and 27.4 years for women, the oldest median ages on record. Not surprisingly, the percentage of [cohabiting](#) Americans is also climbing. The Center for Disease Control's National Center for Health Statistics reports that 64.5 percent of study participants between the ages of 18 and 44 had cohabited outside of marriage. In addition, the Institute for Family Studies reports that the percentage of couples living together before marrying is now over 70 percent, again an all-time high.

- *Want to live longer? Drink coffee:* A new study from the UK suggests that drinking coffee is associated with [lower mortality rates](#). The study followed 498,134 British people over 10 years and found that those who drank one cup of coffee a day had a 6 percent lower risk of death (particularly from cancer and heart disease) than those who did not, and people who drank eight or more cups a day had a 14 percent lower risk.
- *"At the Copa, Copacabana ...:"* Rite Aid drugstores in California have discovered that playing Barry Manilow songs outside their stores, over and over (and loudly) deters both loiters and panhandlers. A publicist for Manilow responded, "It's not very kind that people don't want to stand around and listen to [Barry's] music."
- Happy 50th anniversary *Humanae Vitae* (July 25).

Sharing the News: If you have public policy news that you would like to share with the NCBC, or if you have colleagues who would like to receive the Bioethics Public Policy Report, please contact Joe Zalot at 215-871-2014 or jzalot@ncbcenter.org.

Sharing the Resources: The web page of The National Catholic Bioethics Center, available at <http://www.ncbcenter.org/>, is a significant resource for bioethics information. NCBC bioethicists are also on-call for consultation twenty-four hours a day, seven days per week, at 215-877-2660.

Previous editions of the Bioethics Public Policy Report are available on the NCBC website at <https://www.ncbcenter.org/advocacy/public-policy-reports/>.