



[4830-01-p]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

[REG-129631-17]

RIN 1545-BN91

Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act; Proposed Rulemaking.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In this issue of the **Federal Register**, the Department of Treasury and the IRS are issuing two sets of temporary regulations related to section 9815 of the Internal Revenue Code.

The first set of temporary regulations, as published in TD 9827, amends final regulations published under the provisions of the Patient Protection and Affordable Care Act (the Affordable Care Act) and relates to expanded exemptions to protect religious beliefs for entities and individuals with objections based on religious beliefs whose health plans are subject to a mandate of contraceptive coverage through guidance issued pursuant to the Affordable Care Act.

These proposed regulations refer to the second set of temporary regulations, as published in TD 9828, which amends the first set of temporary regulations, as published in TD 9827, to add an exemption to protect moral convictions for entities and individuals with objections based on those beliefs whose health plans are subject to the mandate of contraceptive coverage.

DATES: Written or electronic comments and requests for a public hearing must be received by **December 5, 2017**.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG-129631-17), room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered to: CC:PA:LPD:PR (REG-129631-17), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington DC 20224. Alternatively, taxpayers may submit comments electronically via the Federal eRulemaking Portal at <http://www.regulations.gov> (IRS REG-129631-17).

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Karen Levin at 202-317-5500; concerning submissions of comments, Regina Johnson at 202-317-6901 (not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

#### **Background and Explanation of Provisions**

The temporary regulations published elsewhere in this issue of the **Federal Register** add §§ 54.9815-2713T and 54.9815-2713AT to the Miscellaneous Excise Tax Regulations, as published in TD 9827 in the Rules section of this issue of the **Federal Register**. The proposed and temporary regulations are being published as part of a joint rulemaking with the Department of Labor and the Department of Health and Human Services (the joint rulemaking). The temporary regulations provide guidance to certain entities and individuals whose health plans are subject to a mandate of contraceptive coverage and does not alter the discretion of the Health Resources and Services Administration, a component of the U.S. Department of Health and Human Services, to maintain the guidelines requiring contraceptive coverage where no regulatorily recognized objection exists. The temporary regulations also leave in place the accommodation process as an optional process for certain exempt entities that wish to use it

voluntarily and does not alter other Federal programs that provide free or subsidized contraception for women at risk of unintended pregnancy. The preamble to the temporary regulations explains the temporary regulations and these proposed regulations.

### **Special Analyses**

Certain IRS regulations, including this one, are exempt from the requirements of Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required.

For the applicability of the Regulatory Flexibility Act (5 U.S.C. Chapter 6), please see section VI.C. of the temporary regulations.

Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on the regulations' impact on small businesses.

### **Comments and Requests for a Public Hearing**

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS. Comments are specifically requested on the clarity of the proposed regulations and how they may be made easier to understand. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by a person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

### **Drafting Information**

The principal author of these proposed regulations is Karen Levin, Office of the Division

Counsel/Associate Chief Counsel (Tax Exempt and Government Entities), IRS. The proposed regulations, as well as the temporary regulations, have been developed in coordination with personnel from the U.S. Department of Labor and the U.S. Department of Health and Human Services.

### **List of Subjects in 26 CFR Part 54**

Excise taxes, Health care, Health insurance, Pensions, Reporting and recordkeeping requirements.

### **Proposed Amendments to the Regulations**

Accordingly, 26 CFR part 54 is proposed to be amended as follows:

#### **PART 54--PENSION EXCISE TAXES**

Paragraph 1. The authority citation for part 54 continues to read in part as follows:

Authority: 26 U.S.C. 7805 \* \* \*

#### §54.9815-2713T [Amended]

Par 2. Section 54.9815-2713T, as added elsewhere in this issue of the **Federal Register**, is amended in paragraph (a)(1)(iv) by removing the language “147.131 and 147.132” adding in its place “147.131, 147.132, and 147.133”.

#### §54.9815-2713AT [Amended]

Par. 3. Section 54.9815-2713AT, as added elsewhere in this issue of the **Federal Register**, is amended:

a. In paragraph (a)(1) by removing the language “(ii)” and adding in its place “(ii), or 45 CFR 147.133(a)(1)(i) or (ii)”.

b. In paragraph (a)(2) by adding the language “or 147.133(a)” after “147.132(a)”.

c. In paragraph (b)(1)(ii) introductory text by removing the language “147.132” and adding in its place “147.132(ii) or 147.133”.

d. In paragraph (b)(1)(ii)(B) by adding the language “or 147.133” after “147.132”.

e. In paragraph (c)(1)(ii) introductory text by adding the language “or 147.133” after “147.132”.

f. In paragraph (c)(1)(ii)(B) by adding the language “or 147.133” after “147.132”.

g. In paragraph (c)(2) introductory text by adding the language “or 147.133” after “147.132”.

**Kirsten Wielobob,**

*Deputy Commissioner for Services and Enforcement.*

[FR Doc. 2017-21854 Filed: 10/6/2017 11:15 am; Publication Date: 10/13/2017]