

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 21-1890

The Religious Sisters of Mercy, et al.

Appellees

State of North Dakota

v.

Xavier Becerra, Secretary of the United States Department of Human Services, et al.

Appellants

Appeal from U.S. District Court for the District of North Dakota - Eastern
(3:16-cv-00386-PDW)
(3:16-cv-00432-PDW)

ORDER

HHS has submitted a draft of a proposed rule implementing Section 1557 of the Affordable Care Act to the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA). OIRA received the draft proposed rule on March 22, 2022. The status of the proposed rule is available at the following website:

<https://www.reginfo.gov/public/do/eoDetails?rrid=234566>.

At least two district courts have stayed cases challenging rules implementing Section 1557 in light of the ongoing Notice of Proposed Rulemaking process. *See Walker v. Azar*, No. 20-cv-2834-FBS-MG (E.D.N.Y. May 20, 2022), R. Doc. 45, at 1 (status report letter); *Whitman-Walker v. U.S. Dep't of Health & Hum. Servs.*, No. 1:20-cv-01630 (D.D.C. Mar. 31, 2022), R. Doc. 82, at 1 (joint status report).

The parties are directed to submit responses on what, if any, effect HHS's submission of the proposed rule has on the current appeal. These responses are due July 6, 2022.

June 21, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans