

116TH CONGRESS
1ST SESSION

H. R. 20

To prohibit taxpayer funded abortions.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2019

Mr. SMITH of New Jersey (for himself, Mr. LIPINSKI, Mr. HARRIS, Mr. BUCK, Mr. FLORES, Mr. GIBBS, Mr. GUTHRIE, Mr. LAMBORN, Mr. MARCHANT, Mr. MEADOWS, Mr. OLSON, Mr. POSEY, Mr. SMITH of Missouri, Mr. STEWART, Mr. CHABOT, Mr. WENSTRUP, Mr. HUNTER, Mr. ROUZER, Mr. CONAWAY, Mr. ALLEN, Mr. SCALISE, Mr. KEVIN HERN of Oklahoma, Mr. LUETKEMEYER, Mr. DUNCAN, Mrs. HARTZLER, Mr. HUIZENGA, Mr. ABRAHAM, Mr. KINZINGER, Mr. RESCENTIALER, Mr. GOHMERT, Mr. STEUBE, Mr. COLLINS of Georgia, Mr. AMASH, Mr. GRAVES of Missouri, Mr. NEWHOUSE, Mr. RUTHERFORD, Mr. AUSTIN SCOTT of Georgia, Mrs. WAGNER, Mr. WALBERG, Mr. WATKINS, Mr. WILSON of South Carolina, Mr. RATCLIFFE, Mr. THOMPSON of Pennsylvania, Mr. COLE, Mr. TAYLOR, Mr. MOONEY of West Virginia, Mr. MULLIN, Mr. BUCHANAN, Mr. JONES, Mr. BERGMAN, Mr. BUDD, Ms. CHENEY, Mr. EMMER, Mr. HICE of Georgia, Mr. LAMALFA, Mr. MARSHALL, Mr. NORMAN, Mr. DAVID P. ROE of Tennessee, Mr. ROONEY of Florida, Mr. SMITH of Nebraska, Mr. SMUCKER, Mr. ARRINGTON, Mr. BANKS, Mr. DUFFY, Mr. ESTES, Mr. FORTENBERRY, Mr. WILLIAMS, Mr. BIGGS, and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit taxpayer funded abortions.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “No Taxpayer Funding for Abortion and Abortion Insur-
 6 ance Full Disclosure Act of 2019”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
 8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROHIBITING FEDERALLY FUNDED ABORTIONS

Sec. 101. Prohibiting taxpayer funded abortions.

Sec. 102. Amendment to table of chapters.

TITLE II—APPLICATION UNDER THE AFFORDABLE CARE ACT

Sec. 201. Clarifying application of prohibition to premium credits and cost-sharing reductions under ACA.

Sec. 202. Revision of notice requirements regarding disclosure of extent of health plan coverage of abortion and abortion premium surcharges.

9 **TITLE I—PROHIBITING FEDER-**
 10 **ALLY FUNDED ABORTIONS**

11 **SEC. 101. PROHIBITING TAXPAYER FUNDED ABORTIONS.**

12 Title 1, United States Code, is amended by adding
 13 at the end the following new chapter:

14 **“CHAPTER 4—PROHIBITING TAXPAYER**
 15 **FUNDED ABORTIONS**

“301. Prohibition on funding for abortions.

“302. Prohibition on funding for health benefits plans that cover abortion.

“303. Limitation on Federal facilities and employees.

“304. Construction relating to separate coverage.

“305. Construction relating to the use of non-Federal funds for health coverage.

“306. Non-preemption of other Federal laws.

“307. Construction relating to complications arising from abortion.

“308. Treatment of abortions related to rape, incest, or preserving the life of the mother.

“309. Application to District of Columbia.

1 **“§ 301. Prohibition on funding for abortions**

2 “No funds authorized or appropriated by Federal
3 law, and none of the funds in any trust fund to which
4 funds are authorized or appropriated by Federal law, shall
5 be expended for any abortion.

6 **“§ 302. Prohibition on funding for health benefits**
7 **plans that cover abortion**

8 “None of the funds authorized or appropriated by
9 Federal law, and none of the funds in any trust fund to
10 which funds are authorized or appropriated by Federal
11 law, shall be expended for health benefits coverage that
12 includes coverage of abortion.

13 **“§ 303. Limitation on Federal facilities and employees**

14 “No health care service furnished—

15 “(1) by or in a health care facility owned or op-
16 erated by the Federal Government; or

17 “(2) by any physician or other individual em-
18 ployed by the Federal Government to provide health
19 care services within the scope of the physician’s or
20 individual’s employment,

21 may include abortion.

22 **“§ 304. Construction relating to separate coverage**

23 “Nothing in this chapter shall be construed as pro-
24 hibiting any individual, entity, or State or locality from

1 purchasing separate abortion coverage or health benefits
2 coverage that includes abortion so long as such coverage
3 is paid for entirely using only funds not authorized or ap-
4 propriated by Federal law and such coverage shall not be
5 purchased using matching funds required for a federally
6 subsidized program, including a State's or locality's con-
7 tribution of Medicaid matching funds.

8 **“§ 305. Construction relating to the use of non-Fed-**
9 **eral funds for health coverage**

10 “Nothing in this chapter shall be construed as re-
11 stricting the ability of any non-Federal health benefits cov-
12 erage provider from offering abortion coverage, or the abil-
13 ity of a State or locality to contract separately with such
14 a provider for such coverage, so long as only funds not
15 authorized or appropriated by Federal law are used and
16 such coverage shall not be purchased using matching
17 funds required for a federally subsidized program, includ-
18 ing a State's or locality's contribution of Medicaid match-
19 ing funds.

20 **“§ 306. Non-preemption of other Federal laws**

21 “Nothing in this chapter shall repeal, amend, or have
22 any effect on any other Federal law to the extent such
23 law imposes any limitation on the use of funds for abortion
24 or for health benefits coverage that includes coverage of
25 abortion, beyond the limitations set forth in this chapter.

1 **“§ 307. Construction relating to complications arising**
2 **from abortion**

3 “Nothing in this chapter shall be construed to apply
4 to the treatment of any infection, injury, disease, or dis-
5 order that has been caused by or exacerbated by the per-
6 formance of an abortion. This rule of construction shall
7 be applicable without regard to whether the abortion was
8 performed in accord with Federal or State law, and with-
9 out regard to whether funding for the abortion is permis-
10 sible under section 308.

11 **“§ 308. Treatment of abortions related to rape, incest,**
12 **or preserving the life of the mother**

13 “The limitations established in sections 301, 302,
14 and 303 shall not apply to an abortion—

15 “(1) if the pregnancy is the result of an act of
16 rape or incest; or

17 “(2) in the case where a woman suffers from a
18 physical disorder, physical injury, or physical illness
19 that would, as certified by a physician, place the
20 woman in danger of death unless an abortion is per-
21 formed, including a life-endangering physical condi-
22 tion caused by or arising from the pregnancy itself.

23 **“§ 309. Application to District of Columbia**

24 “In this chapter:

25 “(1) Any reference to funds appropriated by
26 Federal law shall be treated as including any

1 amounts within the budget of the District of Colum-
 2 bia that have been approved by an Act of Congress
 3 pursuant to section 446 of the District of Columbia
 4 Home Rule Act (or any applicable successor Federal
 5 law).

6 “(2) The term ‘Federal Government’ includes
 7 the government of the District of Columbia.”.

8 **SEC. 102. AMENDMENT TO TABLE OF CHAPTERS.**

9 The table of chapters for title 1, United States Code,
 10 is amended by adding at the end the following new item:

“4. **Prohibiting taxpayer funded abortions** 301”.

11 **TITLE II—APPLICATION UNDER**
 12 **THE AFFORDABLE CARE ACT**

13 **SEC. 201. CLARIFYING APPLICATION OF PROHIBITION TO**
 14 **PREMIUM CREDITS AND COST-SHARING RE-**
 15 **DUCTIONS UNDER ACA.**

16 (a) IN GENERAL.—

17 (1) DISALLOWANCE OF REFUNDABLE CREDIT
 18 AND COST-SHARING REDUCTIONS FOR COVERAGE
 19 UNDER QUALIFIED HEALTH PLAN WHICH PROVIDES
 20 COVERAGE FOR ABORTION.—

21 (A) IN GENERAL.—Subparagraph (A) of
 22 section 36B(c)(3) of the Internal Revenue Code
 23 of 1986 is amended by inserting before the pe-
 24 riod at the end the following: “or any health
 25 plan that includes coverage for abortions (other

1 than any abortion or treatment described in
2 section 307 or 308 of title 1, United States
3 Code)”.
4

5 (B) OPTION TO PURCHASE OR OFFER SEP-
6 ARATE COVERAGE OR PLAN.—Paragraph (3) of
7 section 36B(c) of such Code is amended by
8 adding at the end the following new subpara-
9 graph:

10 “(C) SEPARATE ABORTION COVERAGE OR
11 PLAN ALLOWED.—

12 “(i) OPTION TO PURCHASE SEPARATE
13 COVERAGE OR PLAN.—Nothing in subpara-
14 graph (A) shall be construed as prohibiting
15 any individual from purchasing separate
16 coverage for abortions described in such
17 subparagraph, or a health plan that in-
18 cludes such abortions, so long as no credit
19 is allowed under this section with respect
20 to the premiums for such coverage or plan.

21 “(ii) OPTION TO OFFER COVERAGE OR
22 PLAN.—Nothing in subparagraph (A) shall
23 restrict any non-Federal health insurance
24 issuer offering a health plan from offering
25 separate coverage for abortions described
in such subparagraph, or a plan that in-

1 cludes such abortions, so long as premiums
2 for such separate coverage or plan are not
3 paid for with any amount attributable to
4 the credit allowed under this section (or
5 the amount of any advance payment of the
6 credit under section 1412 of the Patient
7 Protection and Affordable Care Act).”.

8 (2) DISALLOWANCE OF SMALL EMPLOYER
9 HEALTH INSURANCE EXPENSE CREDIT FOR PLAN
10 WHICH INCLUDES COVERAGE FOR ABORTION.—Sub-
11 section (h) of section 45R of the Internal Revenue
12 Code of 1986 is amended—

13 (A) by striking “Any term” and inserting
14 the following:

15 “(1) IN GENERAL.—Any term”; and

16 (B) by adding at the end the following new
17 paragraph:

18 “(2) EXCLUSION OF HEALTH PLANS INCLUDING
19 COVERAGE FOR ABORTION.—

20 “(A) IN GENERAL.—The term ‘qualified
21 health plan’ does not include any health plan
22 that includes coverage for abortions (other than
23 any abortion or treatment described in section
24 307 or 308 of title 1, United States Code).

1 “(B) SEPARATE ABORTION COVERAGE OR
2 PLAN ALLOWED.—

3 “(i) OPTION TO PURCHASE SEPARATE
4 COVERAGE OR PLAN.—Nothing in subpara-
5 graph (A) shall be construed as prohibiting
6 any employer from purchasing for its em-
7 ployees separate coverage for abortions de-
8 scribed in such subparagraph, or a health
9 plan that includes such abortions, so long
10 as no credit is allowed under this section
11 with respect to the employer contributions
12 for such coverage or plan.

13 “(ii) OPTION TO OFFER COVERAGE OR
14 PLAN.—Nothing in subparagraph (A) shall
15 restrict any non-Federal health insurance
16 issuer offering a health plan from offering
17 separate coverage for abortions described
18 in such subparagraph, or a plan that in-
19 cludes such abortions, so long as such sep-
20 arate coverage or plan is not paid for with
21 any employer contribution eligible for the
22 credit allowed under this section.”.

23 (3) CONFORMING ACA AMENDMENTS.—Section
24 1303(b) of Public Law 111–148 (42 U.S.C.
25 18023(b)) is amended—

1 (A) by striking paragraph (2);

2 (B) by striking paragraph (3), as amended
3 by section 202(a); and

4 (C) by redesignating paragraph (4) as
5 paragraph (2).

6 (b) APPLICATION TO MULTI-STATE PLANS.—Para-
7 graph (6) of section 1334(a) of Public Law 111–148 (42
8 U.S.C. 18054(a)) is amended to read as follows:

9 “(6) COVERAGE CONSISTENT WITH FEDERAL
10 ABORTION POLICY.—In entering into contracts
11 under this subsection, the Director shall ensure that
12 no multi-State qualified health plan offered in an
13 Exchange provides health benefits coverage for
14 which the expenditure of Federal funds is prohibited
15 under chapter 4 of title 1, United States Code.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall apply to taxable years ending after
18 December 31, 2019, but only with respect to plan years
19 beginning after such date, and the amendment made by
20 subsection (b) shall apply to plan years beginning after
21 such date.

1 **SEC. 202. REVISION OF NOTICE REQUIREMENTS REGARD-**
2 **ING DISCLOSURE OF EXTENT OF HEALTH**
3 **PLAN COVERAGE OF ABORTION AND ABOR-**
4 **TION PREMIUM SURCHARGES.**

5 (a) IN GENERAL.—Paragraph (3) of section 1303(b)
6 of Public Law 111–148 (42 U.S.C. 18023(b)) is amended
7 to read as follows:

8 “(3) RULES RELATING TO NOTICE.—

9 “(A) IN GENERAL.—The extent of cov-
10 erage (if any) of services described in para-
11 graph (1)(B)(i) or (1)(B)(ii) by a qualified
12 health plan shall be disclosed to enrollees at the
13 time of enrollment in the plan and shall be
14 prominently displayed in any marketing or ad-
15 vertising materials, comparison tools, or sum-
16 mary of benefits and coverage explanation made
17 available with respect to such plan by the issuer
18 of the plan, by an Exchange, or by the Sec-
19 retary, including information made available
20 through an Internet portal or Exchange under
21 sections 1311(c)(5) and 1311(d)(4)(C).

22 “(B) SEPARATE DISCLOSURE OF ABOR-
23 TION SURCHARGES.—In the case of a qualified
24 health plan that includes the services described
25 in paragraph (1)(B)(i) and where the premium
26 for the plan is disclosed, including in any mar-

1 keting or advertising materials or any other in-
2 formation referred to in subparagraph (A), the
3 surcharge described in paragraph (2)(B)(i)(II)
4 that is attributable to such services shall also be
5 disclosed and identified separately.”.

6 (b) **EFFECTIVE DATE.**—The amendment made by
7 subsection (a) shall apply to materials, tools, or other in-
8 formation made available more than 30 days after the date
9 of the enactment of this Act.

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