

117TH CONGRESS
2D SESSION

H. R. 6471

To amend the Internal Revenue Code of 1986 to prohibit treatment of certain distributions and reimbursements for certain abortions as qualified medical expenses.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2022

Mr. MOONEY (for himself, Mr. DUNCAN, Mr. GIBBS, Mr. KELLY of Pennsylvania, Mr. BILIRAKIS, Mr. BUDD, Mr. CARTER of Georgia, Mrs. MILLER of Illinois, Mr. TIMMONS, Mr. WILLIAMS of Texas, Mr. MCKINLEY, Mrs. BOEBERT, Mr. LAMBORN, Mrs. MILLER-MEEKS, Mr. RODNEY DAVIS of Illinois, Mr. BOST, Mr. NORMAN, Mr. WALTZ, Mr. MANN, Mr. BACON, Mr. PALMER, Mr. JORDAN, Mr. HICE of Georgia, Mr. MULLIN, Mr. LUETKEMEYER, Mr. CLINE, Mr. ROSE, Mr. ROSENDALE, Mr. MAST, and Mr. WEBER of Texas) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to prohibit treatment of certain distributions and reimbursements for certain abortions as qualified medical expenses.

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.**

4 This Act may be cited as the “Protecting Life in
5 Health Savings Accounts Act”.

1 **SEC. 2. DISTRIBUTIONS FOR CERTAIN ABORTIONS NOT**
2 **QUALIFIED.**

3 (a) HSAs.—

4 (1) **IN GENERAL.**—Subparagraph (A) of section
5 223(d)(2) of the Internal Revenue Code of 1986 is
6 amended by adding at the end the following: “Such
7 term shall not include any amount paid for an abor-
8 tion (other than an excluded abortion).”.

9 (2) **EXCLUDED ABORTION.**—Section 223(d)(2)
10 of such Code is amended by adding at the end the
11 following new subparagraph:

12 “(E) **EXCLUDED ABORTION.**—For pur-
13 poses of this paragraph, the term ‘excluded
14 abortion’ means any abortion—

15 “(i) with respect to a pregnancy that
16 is the result of an act of rape or incest, or

17 “(ii) with respect to which the woman
18 suffers from a physical disorder, physical
19 injury, or physical illness, including a life-
20 endangering physical condition caused by
21 or arising from the pregnancy itself, that
22 would, as certified by a physician, place
23 the woman in danger of death unless the
24 abortion is performed.”.

25 (b) **ARCHER MSAs.**—Subparagraph (A) of section
26 220(d)(2) of the Internal Revenue Code of 1986 is amend-

1 ed by adding at the end the following: “Such term shall
2 not include any amount paid for an abortion (other than
3 an excluded abortion (as defined in section
4 223(d)(2)(E))).”.

5 (c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS
6 AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Sec-
7 tion 106 of the Internal Revenue Code of 1986 is amended
8 by adding at the end the following new subsection:

9 “(h) PROHIBITION ON REIMBURSEMENTS FOR ABOR-
10 TIONS.—For purposes of this section and section 105, re-
11 imbursement for expenses incurred for an abortion (other
12 than an excluded abortion (as defined in section
13 223(d)(2)(E))) shall not be treated as a reimbursement
14 for medical expenses.”.

15 (d) RETIREE HEALTH ACCOUNTS.—Section 401(h)
16 of the Internal Revenue Code of 1986 is amended by in-
17 serting “(other than an expense for an abortion (other
18 than an excluded abortion (as defined in section
19 223(d)(2)(E)))” after “sickness, accident, hospitalization,
20 and medical expenses” in the matter preceding paragraph
21 (1).

22 (e) EFFECTIVE DATES.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), the amendments made by this section

1 shall apply to amounts paid with respect to taxable
2 years beginning after December 31, 2022.

3 (2) REIMBURSEMENTS.—The amendment made
4 by subsection (c) shall apply to expenses incurred
5 with respect to taxable years beginning after Decem-
6 ber 31, 2022.

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