

117TH CONGRESS
1ST SESSION

H. R. 18

To prohibit taxpayer funded abortions.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2021

Mr. SMITH of New Jersey (for himself, Mrs. HARTZLER, Mr. ADERHOLT, Mr. ALLEN, Mr. ARMSTRONG, Mr. ARRINGTON, Mr. BABIN, Mr. BACON, Mr. BALDERSON, Mr. BANKS, Mrs. BICE of Oklahoma, Mr. BIGGS, Mr. BISHOP of North Carolina, Mrs. BOEBERT, Mr. BOST, Mr. BROOKS, Mr. BUCHANAN, Mr. BUDD, Mr. BURCHETT, Mr. BURGESS, Mr. CARL, Mr. CARTER of Georgia, Mr. CHABOT, Ms. CHENEY, Mr. CLOUD, Mr. CLYDE, Mr. COLE, Mr. CURTIS, Mr. DAVIDSON, Mr. RODNEY DAVIS of Illinois, Mr. DUNCAN, Mr. DUNN, Mr. EMMER, Mr. FEENSTRA, Mrs. FISCHBACH, Mr. FORTENBERRY, Ms. FOXX, Mr. C. SCOTT FRANKLIN of Florida, Mr. GAETZ, Mr. GIBBS, Mr. GONZALEZ of Ohio, Mr. GOOD of Virginia, Mr. GRAVES of Louisiana, Mr. GRAVES of Missouri, Mr. GRIFFITH, Mr. GROTHMAN, Mr. GUEST, Mr. GUTHRIE, Mr. HAGEDORN, Mr. HARRIS, Mrs. HARSHBARGER, Mr. HERN, Ms. HERRELL, Mr. HICE of Georgia, Mrs. HINSON, Mr. HOLLINGSWORTH, Mr. HUDSON, Mr. HUIZENGA, Mr. ISSA, Mr. JACKSON, Mr. JACOBS of New York, Mr. JOHNSON of South Dakota, Mr. JOHNSON of Louisiana, Mr. JORDAN, Mr. JOYCE of Pennsylvania, Mr. KELLER, Mr. KELLY of Mississippi, Mr. KINZINGER, Mr. KUSTOFF, Mr. LAHOOD, Mr. LAMALFA, Mr. LAMBORN, Mr. LATTI, Mr. LATURNER, Mrs. LESKO, Mr. LOUDERMILK, Mr. LUETKEMEYER, Ms. MACE, Mr. MANN, Mr. MAST, Mr. MCCARTHY, Mrs. McCLAIN, Mr. MCHENRY, Mr. MCKINLEY, Mrs. RODGERS of Washington, Mrs. MILLER of West Virginia, Mrs. MILLER of Illinois, Mr. MOOLENAAR, Mr. MOONEY, Mr. MOORE of Alabama, Mr. MOORE of Utah, Mr. MULLIN, Mr. MURPHY of North Carolina, Mr. NEWHOUSE, Mr. NORMAN, Mr. OWENS, Mr. PERRY, Mr. PFLUGER, Mr. POSEY, Mr. RESCHENTHALER, Mr. RICE of South Carolina, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROSE, Mr. ROSENDALE, Mr. ROUZER, Mr. ROY, Mr. RUTHERFORD, Mr. SCALISE, Mr. SCHWEIKERT, Mr. AUSTIN SCOTT of Georgia, Mr. SESSIONS, Mr. SMITH of Missouri, Mr. SMUCKER, Mr. STAUBER, Mr. STEIL, Mr. STEUBE, Mr. STEWART, Mr. TAYLOR, Mr. THOMPSON of Pennsylvania, Mr. TIMMONS, Mrs. WAGNER, Mr. WALBERG, Mrs. WALORSKI, Mr. WALTZ, Mr. WEBER of Texas, Mr. WENSTRUP, Mr. WESTERMAN, Mr. WILLIAMS of Texas, Mr. WILSON of South Carolina, Mr. WOMACK, Mr. WRIGHT, and Mr. YOUNG) 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 2021”.

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.

1 **TITLE I—PROHIBITING FEDER-**
 2 **ALLY FUNDED ABORTIONS**

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

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

6 **“CHAPTER 4—PROHIBITING TAXPAYER**
 7 **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.

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

9 “No funds authorized or appropriated by Federal
 10 law, and none of the funds in any trust fund to which
 11 funds are authorized or appropriated by Federal law, shall
 12 be expended for any abortion.

13 **“§ 302. Prohibition on funding for health benefits**
 14 **plans that cover abortion**

15 “None of the funds authorized or appropriated by
 16 Federal law, and none of the funds in any trust fund to
 17 which funds are authorized or appropriated by Federal
 18 law, shall be expended for health benefits coverage that
 19 includes coverage of abortion.

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

2 “No health care service furnished—

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

5 “(2) by any physician or other individual em-
6 ployed by the Federal Government to provide health
7 care services within the scope of the physician’s or
8 individual’s employment,

9 may include abortion.

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

11 “Nothing in this chapter shall be construed as pro-
12 hibiting any individual, entity, or State or locality from
13 purchasing separate abortion coverage or health benefits
14 coverage that includes abortion so long as such coverage
15 is paid for entirely using only funds not authorized or ap-
16 propriated by Federal law and such coverage shall not be
17 purchased using matching funds required for a federally
18 subsidized program, including a State’s or locality’s con-
19 tribution of Medicaid matching funds.

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

22 “Nothing in this chapter shall be construed as re-
23 stricting the ability of any non-Federal health benefits cov-
24 erage provider from offering abortion coverage, or the abil-
25 ity of a State or locality to contract separately with such
26 a provider for such coverage, so long as only funds not

1 authorized or appropriated by Federal law are used and
2 such coverage shall not be purchased using matching
3 funds required for a federally subsidized program, includ-
4 ing a State’s or locality’s contribution of Medicaid match-
5 ing funds.

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

7 “Nothing in this chapter shall repeal, amend, or have
8 any effect on any other Federal law to the extent such
9 law imposes any limitation on the use of funds for abortion
10 or for health benefits coverage that includes coverage of
11 abortion, beyond the limitations set forth in this chapter.

12 **“§ 307. Construction relating to complications arising**
13 **from abortion**

14 “Nothing in this chapter shall be construed to apply
15 to the treatment of any infection, injury, disease, or dis-
16 order that has been caused by or exacerbated by the per-
17 formance of an abortion. This rule of construction shall
18 be applicable without regard to whether the abortion was
19 performed in accord with Federal or State law, and with-
20 out regard to whether funding for the abortion is permis-
21 sible under section 308.

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

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

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

3 “(2) in the case where a woman suffers from a
4 physical disorder, physical injury, or physical illness
5 that would, as certified by a physician, place the
6 woman in danger of death unless an abortion is per-
7 formed, including a life-endangering physical condi-
8 tion caused by or arising from the pregnancy itself.

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

10 “In this chapter:

11 “(1) Any reference to funds appropriated by
12 Federal law shall be treated as including any
13 amounts within the budget of the District of Colum-
14 bia that have been approved by an Act of Congress
15 pursuant to section 446 of the District of Columbia
16 Home Rule Act (or any applicable successor Federal
17 law).

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

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

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

“4. Prohibiting taxpayer funded abortions 301”.

1 **TITLE II—APPLICATION UNDER**
2 **THE AFFORDABLE CARE ACT**

3 **SEC. 201. CLARIFYING APPLICATION OF PROHIBITION TO**
4 **PREMIUM CREDITS AND COST-SHARING RE-**
5 **DUCTIONS UNDER ACA.**

6 (a) IN GENERAL.—

7 (1) DISALLOWANCE OF REFUNDABLE CREDIT
8 AND COST-SHARING REDUCTIONS FOR COVERAGE
9 UNDER QUALIFIED HEALTH PLAN WHICH PROVIDES
10 COVERAGE FOR ABORTION.—

11 (A) IN GENERAL.—Subparagraph (A) of
12 section 36B(c)(3) of the Internal Revenue Code
13 of 1986 is amended by inserting before the pe-
14 riod at the end the following: “or any health
15 plan that includes coverage for abortions (other
16 than any abortion or treatment described in
17 section 307 or 308 of title 1, United States
18 Code)”.

19 (B) OPTION TO PURCHASE OR OFFER SEP-
20 ARATE COVERAGE OR PLAN.—Paragraph (3) of
21 section 36B(c) of such Code is amended by
22 adding at the end the following new subpara-
23 graph:

24 “(C) SEPARATE ABORTION COVERAGE OR
25 PLAN ALLOWED.—

1 “(i) OPTION TO PURCHASE SEPARATE
2 COVERAGE OR PLAN.—Nothing in subpara-
3 graph (A) shall be construed as prohibiting
4 any individual from purchasing separate
5 coverage for abortions described in such
6 subparagraph, or a health plan that in-
7 cludes such abortions, so long as no credit
8 is allowed under this section with respect
9 to the premiums for such coverage or plan.

10 “(ii) OPTION TO OFFER COVERAGE OR
11 PLAN.—Nothing in subparagraph (A) shall
12 restrict any non-Federal health insurance
13 issuer offering a health plan from offering
14 separate coverage for abortions described
15 in such subparagraph, or a plan that in-
16 cludes such abortions, so long as premiums
17 for such separate coverage or plan are not
18 paid for with any amount attributable to
19 the credit allowed under this section (or
20 the amount of any advance payment of the
21 credit under section 1412 of the Patient
22 Protection and Affordable Care Act).”.

23 (2) DISALLOWANCE OF SMALL EMPLOYER
24 HEALTH INSURANCE EXPENSE CREDIT FOR PLAN
25 WHICH INCLUDES COVERAGE FOR ABORTION.—Sub-

1 section (h) of section 45R of the Internal Revenue
2 Code of 1986 is amended—

3 (A) by striking “Any term” and inserting
4 the following:

5 “(1) IN GENERAL.—Any term”; and

6 (B) by adding at the end the following new
7 paragraph:

8 “(2) EXCLUSION OF HEALTH PLANS INCLUDING
9 COVERAGE FOR ABORTION.—

10 “(A) IN GENERAL.—The term ‘qualified
11 health plan’ does not include any health plan
12 that includes coverage for abortions (other than
13 any abortion or treatment described in section
14 307 or 308 of title 1, United States Code).

15 “(B) SEPARATE ABORTION COVERAGE OR
16 PLAN ALLOWED.—

17 “(i) OPTION TO PURCHASE SEPARATE
18 COVERAGE OR PLAN.—Nothing in subpara-
19 graph (A) shall be construed as prohibiting
20 any employer from purchasing for its em-
21 ployees separate coverage for abortions de-
22 scribed in such subparagraph, or a health
23 plan that includes such abortions, so long
24 as no credit is allowed under this section

1 with respect to the employer contributions
2 for such coverage or plan.

3 “(ii) OPTION TO OFFER COVERAGE OR
4 PLAN.—Nothing in subparagraph (A) shall
5 restrict any non-Federal health insurance
6 issuer offering a health plan from offering
7 separate coverage for abortions described
8 in such subparagraph, or a plan that in-
9 cludes such abortions, so long as such sep-
10 arate coverage or plan is not paid for with
11 any employer contribution eligible for the
12 credit allowed under this section.”.

13 (3) CONFORMING ACA AMENDMENTS.—Section
14 1303(b) of Public Law 111–148 (42 U.S.C.
15 18023(b)) is amended—

16 (A) by striking paragraph (2);

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

19 (C) by redesignating paragraph (4) as
20 paragraph (2).

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

24 “(6) COVERAGE CONSISTENT WITH FEDERAL
25 ABORTION POLICY.—In entering into contracts

1 under this subsection, the Director shall ensure that
2 no multi-State qualified health plan offered in an
3 Exchange provides health benefits coverage for
4 which the expenditure of Federal funds is prohibited
5 under chapter 4 of title 1, United States Code.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 subsection (a) shall apply to taxable years ending after
8 December 31, 2021, but only with respect to plan years
9 beginning after such date, and the amendment made by
10 subsection (b) shall apply to plan years beginning after
11 such date.

12 **SEC. 202. REVISION OF NOTICE REQUIREMENTS REGARD-**
13 **ING DISCLOSURE OF EXTENT OF HEALTH**
14 **PLAN COVERAGE OF ABORTION AND ABOR-**
15 **TION PREMIUM SURCHARGES.**

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

19 “(3) RULES RELATING TO NOTICE.—

20 “(A) IN GENERAL.—The extent of cov-
21 erage (if any) of services described in para-
22 graph (1)(B)(i) or (1)(B)(ii) by a qualified
23 health plan shall be disclosed to enrollees at the
24 time of enrollment in the plan and shall be
25 prominently displayed in any marketing or ad-

1 vertising materials, comparison tools, or sum-
2 mary of benefits and coverage explanation made
3 available with respect to such plan by the issuer
4 of the plan, by an Exchange, or by the Sec-
5 retary, including information made available
6 through an Internet portal or Exchange under
7 sections 1311(c)(5) and 1311(d)(4)(C).

8 “(B) SEPARATE DISCLOSURE OF ABOR-
9 TION SURCHARGES.—In the case of a qualified
10 health plan that includes the services described
11 in paragraph (1)(B)(i) and where the premium
12 for the plan is disclosed, including in any mar-
13 keting or advertising materials or any other in-
14 formation referred to in subparagraph (A), the
15 surcharge described in paragraph (2)(B)(i)(II)
16 that is attributable to such services shall also be
17 disclosed and identified separately.”.

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

○