

JANUARY 22, 2014

RULES COMMITTEE PRINT 113-33
TEXT OF H.R. 7, NO TAXPAYER FUNDING FOR
ABORTION ACT

**[Showing the text of the bill as ordered reported by the
Committee on the Judiciary, with modifications.]**

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “No Taxpayer Funding for Abortion and Abortion Insur-
4 ance Full Disclosure Act of 2014”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of
6 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.

7 **TITLE I—PROHIBITING FEDER-**
8 **ALLY FUNDED ABORTIONS**

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

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

1 **“CHAPTER 4—PROHIBITING TAXPAYER**
2 **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.

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

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

8 **“§ 302. Prohibition on funding for health benefits**
9 **plans that cover abortion**

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

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

16 “No health care service furnished—

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

19 “(2) by any physician or other individual em-
20 ployed by the Federal Government to provide health

1 care services within the scope of the physician's or
2 individual's employment,
3 may include abortion.

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

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

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

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

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

2 “Nothing in this chapter shall repeal, amend, or have
3 any effect on any other Federal law to the extent such
4 law imposes any limitation on the use of funds for abortion
5 or for health benefits coverage that includes coverage of
6 abortion, beyond the limitations set forth in this chapter.

7 **“§ 307. Construction relating to complications arising**
8 **from abortion**

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

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

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

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

23 “(2) in the case where a woman suffers from a
24 physical disorder, physical injury, or physical illness
25 that would, as certified by a physician, place the
26 woman in danger of death unless an abortion is per-

1 formed, including a life-endangering physical condi-
2 tion caused by or arising from the pregnancy itself.

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

4 “In this chapter:

5 “(1) Any reference to funds appropriated by
6 Federal law shall be treated as including any
7 amounts within the budget of the District of Colum-
8 bia that have been approved by Act of Congress pur-
9 suant to section 446 of the District of Columbia
10 Home Rule Act (or any applicable successor Federal
11 law).

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

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

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

“4. Prohibiting taxpayer funded abortions 301”.

17 **TITLE II—APPLICATION UNDER**
18 **THE AFFORDABLE CARE ACT**

19 **SEC. 201. CLARIFYING APPLICATION OF PROHIBITION TO**
20 **PREMIUM CREDITS AND COST-SHARING RE-**
21 **DUCTIONS UNDER ACA.**

22 (a) IN GENERAL.—

23 (1) DISALLOWANCE OF REFUNDABLE CREDIT
24 AND COST-SHARING REDUCTIONS FOR COVERAGE

1 UNDER QUALIFIED HEALTH PLAN WHICH PROVIDES
2 COVERAGE FOR ABORTION.—

3 (A) IN GENERAL.—Subparagraph (A) of
4 section 36B(c)(3) of the Internal Revenue Code
5 of 1986 is amended by inserting before the pe-
6 riod at the end the following: “or any health
7 plan that includes coverage for abortions (other
8 than any abortion or treatment described in
9 section 307 or 308 of title 1, United States
10 Code)”.

11 (B) OPTION TO PURCHASE OR OFFER SEP-
12 ARATE COVERAGE OR PLAN.—Paragraph (3) of
13 section 36B(c) of such Code is amended by
14 adding at the end the following new subpara-
15 graph:

16 “(C) SEPARATE ABORTION COVERAGE OR
17 PLAN ALLOWED.—

18 “(i) OPTION TO PURCHASE SEPARATE
19 COVERAGE OR PLAN.—Nothing in subpara-
20 graph (A) shall be construed as prohibiting
21 any individual from purchasing separate
22 coverage for abortions described in such
23 subparagraph, or a health plan that in-
24 cludes such abortions, so long as no credit

1 is allowed under this section with respect
2 to the premiums 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 premiums
10 for such separate coverage or plan are not
11 paid for with any amount attributable to
12 the credit allowed under this section (or
13 the amount of any advance payment of the
14 credit under section 1412 of the Patient
15 Protection and Affordable Care Act).”.

16 (2) DISALLOWANCE OF SMALL EMPLOYER
17 HEALTH INSURANCE EXPENSE CREDIT FOR PLAN
18 WHICH INCLUDES COVERAGE FOR ABORTION.—Sub-
19 section (h) of section 45R of the Internal Revenue
20 Code of 1986 is amended—

21 (A) by striking “Any term” and inserting
22 the following:

23 “(1) IN GENERAL.—Any term”; and

24 (B) by adding at the end the following new
25 paragraph:

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

3 “(A) IN GENERAL.—The term ‘qualified
4 health plan’ does not include any health plan
5 that includes coverage for abortions (other than
6 any abortion or treatment described in section
7 307 or 308 of title 1, United States Code).

8 “(B) SEPARATE ABORTION COVERAGE OR
9 PLAN ALLOWED.—

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

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

1 cludes such abortions, so long as such sep-
2 arate coverage or plan is not paid for with
3 any employer contribution eligible for the
4 credit allowed under this section.”.

5 (3) CONFORMING ACA AMENDMENTS.—Section
6 1303(b) of Public Law 111–148 (42 U.S.C.
7 18023(b)) is amended—

8 (A) by striking paragraph (2);

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

11 (C) by redesignating paragraph (4) as
12 paragraph (2).

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

16 “(6) COVERAGE CONSISTENT WITH FEDERAL
17 ABORTION POLICY.—In entering into contracts
18 under this subsection, the Director shall ensure that
19 no multi-State qualified health plan offered in an
20 Exchange provides health benefits coverage for
21 which the expenditure of Federal funds is prohibited
22 under chapter 4 of title 1, United States Code.”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 subsection (a) shall apply to taxable years ending after
25 December 31, 2014, but only with respect to plan years

1 beginning after such date, and the amendment made by
2 subsection (b) shall apply to plan years beginning after
3 such date.

4 **SEC. 202. REVISION OF NOTICE REQUIREMENTS REGARD-**
5 **ING DISCLOSURE OF EXTENT OF HEALTH**
6 **PLAN COVERAGE OF ABORTION AND ABOR-**
7 **TION PREMIUM SURCHARGES.**

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

11 “(3) RULES RELATING TO NOTICE.—

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

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

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

