

# H.R. 7, No Taxpayer Funding for Abortion and Abortion Insurance Full Disclosure Act of 2015

## Section-by-Section

*Sec 1. Short title.* Section 1 provides the short title of the bill.

### ***Title I***

*Sec 101. Prohibiting taxpayer funded abortions.* Section 101 contains the following provisions prohibiting taxpayer-funded abortions. Section 101 adds the following new sections to the end of Title I, United States Code:

*Sec. 301. Prohibition on funding for abortions.* Section 301 prohibits federal funding for abortion.

*Sec. 302. Prohibition on funding for health benefits plans that cover abortion.* Section 302 prohibits funding for health benefits coverage that includes coverage of abortion.

*Sec. 303. Limitation on federal facilities and employees.* Section 303 prohibits abortion in federal health facilities (such as Department of Defense, Indian Health, and Veterans Affairs hospitals) and ensures abortion is not included in the services provided by individuals as a part of their employment by the Federal government. Under current law these facilities do not provide abortions except in the cases of rape, incest or to save the life of the mother. Section 303 codifies that policy.

*Sec. 304. Construction relating to separate coverage.* Section 304 clarifies that the bill does not prohibit individuals, entities, States or localities from purchasing separate non-federally funded coverage that includes abortion. Such coverage must be purchased using non-federal funds and may not be purchased using matching funds required for a federally subsidized program. For example, States may provide abortion coverage to Medicaid participants, but may not do so using federal funds or State Medicaid matching funds, as is the case under the Hyde Amendment today.

*Sec. 305. Construction relating to the use of non-federal funds for health coverage.* Section 305 clarifies that non-federal health insurance providers may sell abortion coverage consistent with the policies described in Section 304. Section 305 provides that “Nothing in this chapter shall be construed as restricting the ability of any non-Federal health benefits coverage provider from offering abortion coverage, or the ability of a State or locality to contract separately with such a provider for such coverage, so long as only funds not authorized

or appropriated by Federal law are used and such coverage shall not be purchased using matching funds required for a federally subsidized program, including a State's or locality's contribution of Medicaid matching funds.” Section 305 makes clear that the insurance industry may continue to provide abortion coverage to those who purchase such coverage using their own private money.

*Sec. 306. Non-preemption of other federal laws.* Section 306 clarifies that the bill preserves any stronger abortion funding restrictions in law.

*Sec. 307. Construction relating to complications arising from abortion.* Section 307 makes clear that the bill’s restrictions on the use of federal funds for abortion do not apply to the treatment of complications from abortion, regardless of whether the abortion itself was illegal or ineligible for federal funds.

*Sec. 308. Treatment of abortions related to rape, incest, and preserving the life of the mother.* Section 308 establishes an exception to the prohibitions on abortion funding for cases of rape and incest, and when necessary to save the life of the mother. This section uses the same language that appears in the Hyde Amendment.

*Sec. 309. Application to the District of Columbia.* Section 309 clarifies that the term “funds appropriated by Federal law” includes funds appropriated by Congress for the District of Columbia, and that standards set for the federal government include the government of the District of Columbia. Because the bill codifies the Hyde Amendment principle as a matter of federal law, it will affect funding in the District of Columbia. Article I, Section 8, clause 17 of the Constitution grants Congress ultimate authority over all District legislation, including funding.

## ***Title II***

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

Section 201(a) would generally disallow premium tax credits – also known as “exchange subsidies” – created by the Affordable Care Act (ACA) for subsidizing the premiums of health insurance plans offered in the government-run exchanges that offer abortion coverage. Section 201(a) would also generally disallow small business tax credits, also created by the ACA, for small businesses purchasing for their employees health insurance plans that offer abortion coverage. Consistent with provisions contained in Title I of the bill, neither of these restrictions would apply to abortions in the case of rape, incest, or preserving the life of the mother, or to the treatment of any infection, injury, disease, or disorder resulting from an abortion. These two restrictions would be effective for tax years ending after December 31, 2015, but only with respect to plan years beginning after that date.

Sec. 201(b): Current language authorizing coverage of elective abortions under the ACA multi-state plan is removed (Section 201(a)(3)), and abortion coverage (except in cases of rape,

incest or to save the life of the mother) is excluded from Office of Personnel Management administered multi-state plans (Section 201(b)).

*Sec. 202. Revision of Notice Requirements Regarding Disclosure of Extent of Health Plan Coverage of Abortion and Abortion Premium Surcharges.* For the period between enactment and plan years starting after December 31, 2015, this section requires that information regarding abortion coverage is disclosed and that the amount of the abortion surcharge is displayed with pricing information for ACA plans.