

H.R. 3, the ‘No Taxpayer Funding for Abortion Act’

Section-by-Section of the Smith/ Lipinski Bill as Amended by the Amendment in the Nature of a Substitute which reflects language approved by the Judiciary Committee and the Ways and Means Committee.

This legislation establishes a permanent government-wide prohibition on taxpayer subsidies for abortion and abortion coverage consistent with several annually renewed appropriations policies against funding for abortion. The legislation also prohibits subsidies in the form of refundable advanceable tax credits for abortion coverage through PPACA and codifies an annually renewed appropriations policy providing conscience protections.

Section 1

Titles H.R. 3 as the “No Taxpayer Funding for Abortion Act” and provides a table of contents for the bill.

Title I, Section 101

Prohibits federal funding for abortion and provides conscience protections amending Chapter 4 of Title 1 of the U.S. Code by adding ten new subsections regarding abortion.

Section 301

Prohibits funding for abortion with funds authorized or appropriated by Federal law. This language reflects 507(a) of the Hyde amendment as well as a patchwork of policies governing other federal programs such as federal prisons and international aid.

Section 302

Prohibits funding for health benefits coverage that includes coverage of abortion with funds authorized or appropriated by Federal law. This language reflects 507(b) of the Hyde amendment as well as a patchwork of policies governing other federal programs such as the Federal Employee Health Benefits Program and the State Children’s Health Insurance Program.

Section 303

Prohibits abortion in federal health facilities (such as DOD and VA hospitals) and ensures abortion is not included in the services provided by individuals as a part of their employment by the Federal government. This language reflects policies currently in place for DOD and VA medical facilities.

Section 304

Clarifies that the bill does not prohibit individuals, entities, States or localities from purchasing separate coverage that includes abortion. However, 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. Also, individuals who receive a federal health insurance subsidy may purchase separate abortion coverage. This language reflects 508(b) of the Hyde amendment.

Section 305

Clarifies that non-federal health insurance providers may sell abortion coverage consistent with the policies described in Section 305. This language reflects 508(c) of the Hyde amendment.

Section 306

Clarifies that the bill does not change any stronger abortion funding restrictions in existing law. This language ensures that H.R. 3 is not construed to weaken any existing pro-life funding restriction.

Section 307

Clarifies that the Chapter shall not be construed to apply to treatment for complications caused by an abortion. This language is consistent with the long-standing application of the Hyde amendment and simply provides further clarification to address concerns raised by opponents of the legislation.

Section 308

Establishes an exception for abortion funding for cases of rape and minor and when necessary to save the life of the mother. The exception applies to Sections 301, 302 and 303. Prior language regarding forcible rape has been removed. This language is consistent with 508(a) of the Hyde amendment.

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 includes the government of the District of Columbia. This language is consistent with the DC Hyde amendment known as the Dornan amendment.

Section 310

Ensures that no federal, State or local government that receives Federal funds may discriminate against any individual or institutional health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions. This section includes a remedies section that provides a right to sue for entities who are discriminated against. This language reflects the Hyde-Weldon conscience clause with the addition of a remedies section to allow victims of discrimination to seek redress in court.

Title I, Section 102

Amends the table of chapters for title 1 to reflect the new Sections regarding abortion.

Title II

Amendments to the Internal Revenue Code of 1986

Section 201

Individuals, who spend more than 7.5% of their income (soon to be 10% of income) on health costs, are permitted to deduct those costs on their individual tax return. Section 201 ensures that elective abortion is not deductible by amending section 213 of the Internal Revenue Code. Plans that cover abortion are still deductible under this section.

Paragraph (2) specifies that abortions in cases of rape or incest, or abortions necessary to save the life of the mother are deductible. Paragraph (2) also clarifies that treatment for complications caused by an abortion are deductible. The exceptions in Paragraph (2) apply to all other sections of Title II by cross-reference.

Section 202

Ensures that PPACA premium assistance subsidies provided in the form of refundable advanceable tax credits are not used to pay for health insurance plans that include abortion except in cases of rape, incest and life of the mother abortions and post-abortion treatments, as described in Section 213(g)(2). This language is consistent with 507(b) of the Hyde amendment.

Subsection (b) specifies that individuals may purchase insurance coverage that includes abortion provided that the coverage is not paid for using a premium assistance subsidy. Subsection (b) further specifies that non-Federal health insurance issuers may continue to offer health insurance plans that cover abortion provided that premiums for such coverage are not paid for using a premium assistance subsidy. Subsection (b) is consistent with Section 508(b) and Section 508(c) of the Hyde amendment.

Section 203

Ensures that PPACA health insurance expense credits for small businesses are not available for health insurance plans that cover abortion except in cases of rape, incest or to save the life of the mother and post-abortion treatments, as described in Section 213(g)(2). This language is consistent with 507(b) of the Hyde amendment.

Section 204

Ensures that abortion expenses are not included in distributions from Health Savings Accounts, Medical Savings Accounts and Flexible Spending Arrangements except in cases of rape, incest or to save the life of the mother abortions and post-abortion treatments, as described in Section 213(g)(2).