

The new 112th Congress has introduced several legislative proposals that address how federal funds can be used with regard to abortion coverage and family planning services. These bills include major changes affecting the Affordable Care Act (ACA), as well as policy in the areas of health coverage, federal taxes, family planning, and medical training. The following table summarizes the major pieces of federal legislation regarding abortion and family planning that have been introduced in the House of Representatives in the 112th Congress and compares their major features to federal policy currently in effect and the ACA provisions that will be implemented in 2014.

CURRENT LAW			PROPOSED LEGISLATION		
Title	In Effect 2011	Implemented under Affordable Care Act (ACA) 2014	No Taxpayer Funding for Abortion Act (H.R. 3) Sponsored by Rep. Chris Smith (R-NJ)	Protect Life Act (H.R. 358) Sponsored by Rep. Joe Pitts (R-PA)	Title X Abortion Provider Prohibition Act (H.R. 217) Sponsored by Rep. Mike Pence (R-IN)
Summary	<p>The Hyde Amendment, which is attached annually to the HHS Appropriations bill, prohibits the use of federal funds to pay for abortion services, with the exception of pregnancies that endanger the life of the woman or result from rape or incest.</p> <p>The Hyde Amendment prohibits coverage of abortions for those covered by federally-funded health programs, including Medicaid, Federal Employees Health Benefits plan (FEHBP), military plans, Indian Health Service (IHS).</p> <p>Federal laws (Church and Coats Amendments, Balanced Budget Act) and Weldon Amendment (annually included in Appropriations bill) prohibit discrimination against health entities, such as providers, health systems and plans, payors, and government bodies if they refuse to participate in abortions based on moral, religious, or other objections.</p>	<p>Prohibits affordability credits under the ACA from being used for abortion coverage, subject to the Hyde Amendment.</p> <p>Establishes new segregation rules to ensure that federal funds are not used to pay for abortion beyond those exemptions permitted by the Hyde Amendment.</p>	<p>Amends Title 1 of the US Code to prohibit use of certain tax deductions/credits for abortion services, with the exception of pregnancies that endanger the life of the woman or result from rape or incest.</p> <p>Codifies the Hyde and Weldon Amendments and other limits on abortion coverage for certain populations.</p>	<p>Amends the ACA to prohibit plans from covering abortion services if the plans include individuals who receive federal tax credits, with the exception of pregnancies that endanger the life of the woman or result from rape or incest.</p> <p>Expands and codifies existing federal conscience laws.</p>	<p>Amends Title X of the Public Health Service Act to prohibit federal family planning grants from being awarded to any organization that performs abortions, or provides funds to another organization that performs abortions with private funds, regardless of whether federal funds are spent on other services, such as contraception.</p>

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Intersection with Private Coverage	Private insurance coverage decisions are up to employers and plans.	<p>Prohibits abortion from being included in the federally-established essential benefits package. Health care plans can decide whether or not to cover abortion.</p> <p>Requires at least one multistate plan within a state exchange to limit abortion coverage to the Hyde Amendment exemptions.</p> <p>Prohibits tax credits from being used toward abortion coverage beyond the Hyde Amendment exemptions.</p> <p>Plans that cover abortion must collect two separate premium payments from all enrollees – one payment for the actuarial value of abortion benefit and one payment for all other covered services.</p>	<p>Prohibits a health care plan that includes any enrollees who receive a tax credit under the ACA from covering abortions with the exception of pregnancies that endanger the life of the woman or result from rape or incest.</p> <p>Individuals, states, localities may purchase, and non-federal insurers may offer, separate, private abortion coverage as long as federal funds are not used, including state or local Medicaid matching funds.</p>	<p>Prohibits the use of funds that are authorized or appropriated by the ACA from being spent on abortion services or any plan that offers such coverage, with the exception of pregnancies that endanger the life of the woman or result from rape or incest.</p> <p>Prohibits a health care plan that includes any enrollees who receive a tax credit under the ACA from covering abortions, except in cases of rape, incest, or life endangerment.</p> <p>Prohibits all multi-state plans from covering abortions beyond limits outlined in the ACA.</p> <p>Private plans participating in a state Exchange may offer separate coverage which covers abortions under the following conditions:</p> <ol style="list-style-type: none"> 1) No funds authorized or appropriated by ACA (including tax credits) are used toward the premiums. 2) All administrative expenses and services covered within the plan must be paid for with premiums from that plan. 3) Insurers must offer an otherwise identical and separately operated plan that does not cover abortions. <p>Non-federal entities may purchase private abortion coverage as long as no funds authorized by ACA are used to purchase the coverage.</p> <p>Prohibits the Secretary of HHS and states, in implementing the ACA, from requiring coverage of, access to, or training in abortion services.</p>	N/A

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Medicaid and Other Public Payors	<p>Prohibits federal funds to be used to pay for abortion services with the exception of pregnancies that endanger the life of the woman or result from rape or incest for those covered by federally-funded health programs, including Medicaid, FEHBP, military plans, IHS.</p> <p>States have option to cover other “medically necessary” abortions under Medicaid using only state funds and no federal funds.</p> <p>States that accept Federal Medicaid matching funds are required to cover abortions for pregnancies that endanger the life of the woman or result from rape or incest.</p>	<p>States will continue to have option to cover other “medically necessary” abortions under Medicaid using only state funds and no federal funds.</p>	<p>Codifies the prohibition of the use of federal funds on coverage of abortions beyond pregnancies that endanger the life of the woman or result from rape or incest.</p> <p>States will continue to have option to cover other “medically necessary” abortions under Medicaid using only state funds and no federal funds.</p> <p>Does not permit abortion to be provided by any health facility that is owned or operated by the Federal Government or by an individual employed by the Federal Government except when the pregnancy endangers the life of the woman, or is the result of rape or incest.</p> <p>Defines local District of Columbia (DC) funds as federal funds, resulting in prohibition of abortion coverage for women on Medicaid in DC.</p>	<p>States will continue to have option to cover other “medically necessary” abortions under Medicaid using only state funds and no federal funds, such as tax credits.</p>	<p>Prohibits federal family planning grants from being awarded to any entity that performs abortions or provides funds to another entity that performs abortions, with the exception of pregnancies that endanger the life of the woman or result from rape or incest of a minor.</p> <p>Provides exemption for hospitals as long as they do not provide any funds to a “non-hospital” entity that performs abortions with private funds, except for pregnancies that endanger the life of the woman or result from rape or incest of a minor.</p> <p>Requires Secretary of DHHS to report annually a list of grant recipients and details on any exceptions that they invoke if they provide abortions, as well as list of sub-recipients of grants.</p>
Interaction with State Abortion Policies	<p>States can prohibit private insurance coverage for abortions.</p>	<p>Permits states to prohibit plans in their state-based exchange from providing coverage for abortions.</p> <p>State laws regarding the prohibition or requirement of coverage, funding, or procedural requirements on abortions, including parental notification or consent for abortion are not preempted.</p>	N/A	<p>State laws regarding conscience, restricting or prohibiting abortion or coverage or funding of abortion, or establishing procedural requirements on abortions, including parental notification or consent for abortion are not preempted by the ACA.</p>	N/A

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Tax Treatment	Abortion is not distinguished from other medical services for the purpose of tax deductions, credits, or tax-protected savings accounts.	N/A	Bars use of federal tax credits available to employers or individuals to assist with costs of health insurance premiums if they choose plans that cover abortions. Bars certain tax deductions for the payment for abortion services. Does not permit the inclusion of abortion as a service that can be used in a tax preferred account or medical expenses account.	N/A	N/A
Non-Discrimination Provisions	The federal Church Amendment ensures that providers who receive federal funds (individuals and entities) with moral or religious objections cannot be discriminated against if they refuse a role in abortion services or because they perform such services. The federal Coats Amendment prohibits federal, state, and local governments from discriminating against health entities or individuals that refuse to provide or require training in abortion or to provide referrals for such training or abortions. The 1997 Balanced Budget Act (BBA) exempts Medicare and Medicaid managed care plans from providing, paying for, or covering services for which the managed care plan has a religious or moral objection, including counseling and referral.	Prohibits plans participating in the exchanges from discriminating against any provider or health care facility due to unwillingness to provide, pay for, cover, or refer for abortions.	Prohibits discrimination by a state or local government or federal agency or program that receives federal financial assistance against any individual or institutional health care entity (includes individual providers, hospitals, provider-sponsored organization, HMO, insurance plan, or any other health facility, organization or plan) because of their refusal to provide, pay for, cover, or refer for abortions. This provision could exempt hospitals from providing abortions to women in the case of a medical emergency where an abortion is needed to save the life of a woman according to EMTALA.*	Prohibits discrimination by a state or local government or federal agency or program that receives funding under the ACA against any individual or institutional health care entity (includes individual providers, hospitals, provider-sponsored organization, HMO, insurance plan, or any other health facility, organization or plan) because of their refusal to provide, participate in, pay for, cover, or refer for abortions or to participate in, undergo, provide, or require training for abortions. This provision would likely exempt hospitals from providing abortions to women in the case of a medical emergency where an abortion is needed to save the life of a woman according to EMTALA.*	N/A

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Non-Discrimination Provisions (continued)	The Weldon Amendment, which must be approved annually as part of the HHS Appropriations bill, prohibits any group that receives money under that bill from discriminating against individuals, health care facilities, insurance plans, and other entities because they refuse to provide, pay for, cover, or refer for abortions.				
Sources	http://www.gpo.gov/fdsys/pkg/BILLS-111s3686pcs/pdf/BILLS-111s3686pcs.pdf http://assets.opencrs.com/rpts/RS21428_20060227.pdf	http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3590enr.txt.pdf	http://judiciary.house.gov/hearings/pdf/ManagersAmendmentHR3.pdf	http://thomas.loc.gov/cgi-bin/bdquery/D?d112:6:./temp/~bdOY1c:./home/LegislativeData.php	http://thomas.loc.gov/cgi-bin/query/z?c112:H.R.217

N/A – Not applicable. Topic is either not relevant to or not addressed directly in legislation.

* EMTALA is The Emergency Treatment and Active Labor Act, which requires that almost all hospitals provide medical treatment to stabilize anyone who is in a medical emergency. (Source: Congressional Research Service, “EMTALA: Access to Emergency Medical Care,” July 1, 2010.)

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