

118TH CONGRESS
1ST SESSION

H. R. 6459

To amend title XI of the Social Security Act to limit demonstration projects related to abortion under Medicaid and CHIP.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2023

Mr. BRECHEEN (for himself, Mr. KELLY of Mississippi, Mr. ROSENDALE, Mr. GOOD of Virginia, Mr. LAMALFA, Mr. DUNCAN, Mrs. MILLER of Illinois, Mrs. HINSON, Mr. MOOLENAAR, Mr. LAMBORN, Mr. WEBER of Texas, and Mr. CRENSHAW) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XI of the Social Security Act to limit demonstration projects related to abortion under Medicaid and CHIP.

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.**

4 This Act may be cited as the “No Abortion Coverage
5 for Medicaid Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Hyde Amendment was first enacted in
2 1976 and has prevented taxpayer funds for abor-
3 tions.

4 (2) The most recently enacted Hyde Amend-
5 ment states that no appropriated dollars shall be ex-
6 pended for any abortion or health benefits coverage
7 that includes coverage of abortion.

8 (3) The Department of Health and Human
9 Services sent a letter to the States on August 6,
10 2022, inviting States to use Medicaid funding under
11 the demonstration authority under section 1115 of
12 the Social Security Act to expand access to elective
13 abortions.

14 (4) The Hyde Amendment applies to all Med-
15 icaid funds and cannot be superseded by a waiver
16 under section 1115 of the Social Security Act.

17 (5) Legislation to permanently prohibit Med-
18 icaid dollars from going to elective abortions, includ-
19 ing payment for abortions and services that neces-
20 sitate receipt for services of abortion, is consistent
21 with the Hyde Amendment.

1 **SEC. 3. LIMITING DEMONSTRATION PROJECTS RELATED**
2 **TO ABORTION UNDER MEDICAID AND CHIP.**

3 Section 1115 of the Social Security Act (42 U.S.C.
4 1315) is amended by adding at the end the following new
5 subsection:

6 “(g) **LIMITATION ON DEMONSTRATION PROJECTS**
7 **RELATED TO ABORTION.**—

8 “(1) **IN GENERAL.**—Subject to paragraph (2),
9 beginning on enactment, the Secretary may not ap-
10 prove an application (or extension) for any experi-
11 mental, pilot, or demonstration project undertaken
12 under subsection (a) to promote the objectives of
13 title XIX or title XXI that provides Federal finan-
14 cial assistance for abortion, or health benefits cov-
15 erage that includes abortion, including expenses for
16 travel or lodging for the purpose of obtaining an
17 abortion.

18 “(2) **EXCEPTIONS.**—The limitations on para-
19 graph (1) shall not apply to—

20 “(A) an abortion with respect to a preg-
21 nancy resulting from of an act of rape or incest;

22 “(B) treatment to address a physical dis-
23 order, physical injury, or physical illness, in-
24 cluding a life-endangering physical condition
25 caused by or arising from the pregnancy itself,
26 that would, as certified by a physician, place

1 the individual in danger of death unless such
2 abortion is performed; or

3 “(C) treatment for miscarriage or ectopic
4 pregnancy.”.

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