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112TH CONGRESS
1ST SESSION

H. R. 358

To amend the Patient Protection and Affordable Care Act to modify special
rules relating to coverage of abortion services under such Act.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2011

Mr. PITTS (for himself, Mr. LIPINSKI, Mrs. SCHMIDT, Mr. ROSS of Arkansas, Mr. SMITH of New Jersey, Mr. UPTON, Mrs. BLACK, Mr. PENCE, Mr. FLEMING, Mrs. McMORRIS RODGERS, Mr. ADERHOLT, Mr. AKIN, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARTON of Texas, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BUCHANAN, Mr. BURGESS, Mr. CANSECO, Mrs. MILLER of Michigan, Ms. JENKINS, Mr. CARTER, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. COSTELLO, Mr. CRAWFORD, Mr. CRITZ, Mrs. ELLMERS, Mr. FORTENBERRY, Mr. GARRETT, Mr. GIBBS, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GRAVES of Missouri, Mr. GUTHRIE, Mr. HALL, Mr. HARRIS, Mrs. HARTZLER, Mr. JOHNSON of Illinois, Mr. JONES, Mr. JORDAN, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. KLINE, Mr. LAMBORN, Mr. LANCE, Mr. LATTA, Mr. LEE of New York, Mr. DANIEL E. LUNGREN of California, Mr. MANZULLO, Mr. MARCHANT, Mr. McCAUL, Mr. McCLINTOCK, Mr. McCOTTER, Mr. MCKINLEY, Mr. MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mr. OLSON, Mr. PAUL, Mr. POE of Texas, Mr. ROE of Tennessee, Mr. ROGERS of Michigan, Mr. ROGERS of Kentucky, Mr. ROSS of Florida, Mr. RYAN of Wisconsin, Mr. SCALISE, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHULER, Mr. SMITH of Texas, Mr. STUTZMAN, Mr. SULLIVAN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. WHITFIELD, Mr. FLAKE, Mr. POMPEO, Mr. KELLY, Mr. LONG, Mr. ROSKAM, Mr. MILLER of Florida, Mr. HUIZENGA of Michigan, Mr. DAVIS of Kentucky, and Mr. SHUSTER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act.

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 “Protect Life Act”.

5 **SEC. 2. MODIFYING SPECIAL RULES RELATING TO COV-**
6 **ERAGE OF ABORTION SERVICES UNDER THE**
7 **PATIENT PROTECTION AND AFFORDABLE**
8 **CARE ACT TO CONFORM TO LONG-STANDING**
9 **FEDERAL POLICY.**

10 (a) IN GENERAL.—Section 1303 of the Patient Pro-
11 tection and Affordable Care Act (Public Law 111–148),
12 as amended by section 10104(c) of such Act, is amend-
13 ed—

14 (1) by redesignating subsections (c) and (d) as
15 subsections (e) and (f), respectively;

16 (2) by redesignating paragraph (4) of sub-
17 section (b) as subsection (d) and transferring such
18 subsection (d) after the subsection (c) inserted by
19 paragraph (4) of this subsection with appropriate in-
20 dentation;

1 (3) by amending subsection (b) to read as fol-
2 lows:

3 “(b) SPECIAL RULES RELATING TO TRAINING IN
4 AND COVERAGE OF ABORTION SERVICES.—Nothing in
5 this Act (or any amendment made by this Act) shall be
6 construed to require any health plan to provide coverage
7 of or access to abortion services or to allow the Secretary
8 or any other Federal or non-Federal person or entity in
9 implementing this Act (or amendment) to require coverage
10 of, access to, or training in abortion services.”;

11 (4) by inserting after subsection (b) the fol-
12 lowing new subsection:

13 “(c) LIMITATION ON ABORTION FUNDING.—

14 “(1) IN GENERAL.—No funds authorized or ap-
15 propriated by this Act (or an amendment made by
16 this Act), including credits applied toward qualified
17 health plans under section 36B of the Internal Rev-
18 enue Code of 1986 or cost-sharing reductions under
19 section 1402 of this Act, may be used to pay for any
20 abortion or to cover any part of the costs of any
21 health plan that includes coverage of abortion, ex-
22 cept—

23 “(A) if the pregnancy is the result of an
24 act of rape or incest; or

1 “(B) in the case where a pregnant female
2 suffers from a physical disorder, physical in-
3 jury, or physical illness that would, as certified
4 by a physician, place the female in danger of
5 death unless an abortion is performed, includ-
6 ing a life-endangering physical condition caused
7 by or arising from the pregnancy itself.

8 “(2) OPTION TO PURCHASE SEPARATE COV-
9 ERAGE OR PLAN.—Nothing in this subsection shall
10 be construed as prohibiting any non-Federal entity
11 (including an individual or a State or local govern-
12 ment) from purchasing separate coverage for abor-
13 tions for which funding is prohibited under this sub-
14 section, or a qualified health plan that includes such
15 abortions, so long as—

16 “(A) such coverage or plan is paid for en-
17 tirely using only funds not authorized or appro-
18 priated by this Act; and

19 “(B) such coverage or plan is not pur-
20 chased using—

21 “(i) individual premium payments re-
22 quired for a qualified health plan offered
23 through an Exchange towards which a
24 credit is applied under section 36B of the
25 Internal Revenue Code of 1986; or

1 “(ii) other non-Federal funds required
2 to receive a Federal payment, including a
3 State’s or locality’s contribution of Med-
4 icaid matching funds.

5 “(3) OPTION TO OFFER COVERAGE OR PLAN.—
6 Nothing in this subsection or section
7 1311(d)(2)(B)(i) shall restrict any non-Federal
8 health insurance issuer offering a qualified health
9 plan from offering separate coverage for abortions
10 for which funding is prohibited under this sub-
11 section, or a qualified health plan that includes such
12 abortions, so long as—

13 “(A) premiums for such separate coverage
14 or plan are paid for entirely with funds not au-
15 thorized or appropriated by this Act;

16 “(B) administrative costs and all services
17 offered through such coverage or plan are paid
18 for using only premiums collected for such cov-
19 erage or plan; and

20 “(C) any such non-Federal health insur-
21 ance issuer that offers a qualified health plan
22 through an Exchange that includes coverage for
23 abortions for which funding is prohibited under
24 this subsection also offers a qualified health
25 plan through the Exchange that is identical in

1 every respect except that it does not cover abor-
2 tions for which funding is prohibited under this
3 subsection.”;

4 (5) in subsection (e), as redesignated by para-
5 graph (1)—

6 (A) in the heading, strike “REGARDING
7 ABORTION”;

8 (B) in the heading of each of paragraphs
9 (1) and (2), strike each place it appears “RE-
10 GARDING ABORTION”;

11 (C) in paragraph (1), by striking “regard-
12 ing the prohibition of (or requirement of) cov-
13 erage, funding, or” and inserting “protecting
14 conscience rights, restricting or prohibiting
15 abortion or coverage or funding of abortion, or
16 establishing”; and

17 (D) in paragraph (2)(A), by striking
18 “Nothing” and inserting “Subject to subsection
19 (g), nothing”;

20 (6) in subsection (f), as redesignated by para-
21 graph (1), by striking “Nothing” and inserting
22 “Subject to subsection (g), nothing”; and

23 (7) by adding at the end the following new sub-
24 section:

25 “(g) NONDISCRIMINATION ON ABORTION.—

1 “(1) NONDISCRIMINATION.—A Federal agency
2 or program, and any State or local government that
3 receives Federal financial assistance under this Act
4 (or an amendment made by this Act), may not sub-
5 ject any institutional or individual health care entity
6 to discrimination, or require any health plan created
7 or regulated under this Act (or an amendment made
8 by this Act) to subject any institutional or individual
9 health care entity to discrimination, on the basis
10 that the health care entity refuses to—

11 “(A) undergo training in the performance
12 of induced abortions;

13 “(B) require or provide such training;

14 “(C) perform, participate in, provide cov-
15 erage of, or pay for induced abortions; or

16 “(D) provide referrals for such training or
17 such abortions.

18 “(2) DEFINITION.—In this subsection, the term
19 ‘health care entity’ includes an individual physician
20 or other health care professional, a hospital, a pro-
21 vider-sponsored organization, a health maintenance
22 organization, a health insurance plan, or any other
23 kind of health care facility, organization, or plan.

24 “(3) REMEDIES.—

1 “(A) IN GENERAL.—The courts of the
2 United States shall have jurisdiction to prevent
3 and redress actual or threatened violations of
4 this section by issuing any form of legal or eq-
5 uitable relief, including—

6 “(i) injunctions prohibiting conduct
7 that violates this subsection; and

8 “(ii) orders preventing the disburse-
9 ment of all or a portion of Federal finan-
10 cial assistance to a State or local govern-
11 ment, or to a specific offending agency or
12 program of a State or local government,
13 until such time as the conduct prohibited
14 by this subsection has ceased.

15 “(B) COMMENCEMENT OF ACTION.—An
16 action under this subsection may be instituted
17 by—

18 “(i) any health care entity that has
19 standing to complain of an actual or
20 threatened violation of this subsection; or

21 “(ii) the Attorney General of the
22 United States.

23 “(4) ADMINISTRATION.—The Secretary shall
24 designate the Director of the Office for Civil Rights
25 of the Department of Health and Human Services—

1 “(A) to receive complaints alleging a viola-
2 tion of this subsection; and

3 “(B) to pursue investigation of such com-
4 plaints in coordination with the Attorney Gen-
5 eral.”.

6 (b) CONFORMING AMENDMENT.—Section 1334(a)(6)
7 of such Act is amended to read as follows:

8 “(6) COVERAGE CONSISTENT WITH FEDERAL
9 POLICY.—In entering into contracts under this sub-
10 section, the Director shall ensure that no multi-State
11 qualified health plan offered in an Exchange pro-
12 vides coverage for abortions for which funding is
13 prohibited under subsection 1303(c) of this Act.”.