H. R. 358

[Report No. 112–40, Part I]

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

MARCH 17, 2011

Reported with an amendment and referred to the Committee on Ways and
Means for a period ending not later than April 15, 2011, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(t), rule X

[Strike out all after the enacting clause and insert the part printed in italic]

APRIL 15, 2011

Referral to the Committee on Ways and Means extended for a period ending not later than May 20, 2011

MAY 20, 2011

Referral to the Committee on Ways and Means extended for a period ending not later than September 9, 2011

SEPTEMBER 9, 2011

Referral to the Committee on Ways and Means extended for a period ending not later than September 12, 2011

SEPTEMBER 12, 2011

Additional sponsors: Mr. WALBERG, Mr. ROGERS of Alabama, Mr. YOUNG of Florida, Mr. CASSIDY, Mr. LUETKEMEYER, Mr. NUNNELEE, Mr. PETRI, Mr. FLORES, Mr. HARPER, Mr. HUELSKAMP, Mr. LATHAM, Mrs. MYRICK, Ms. FOXX, Mr. MARINO, Mr. TURNER, Mr. RIBBLE, Mr. CALVERT, Mr. YODER, Mr. BARTLETT, Mr. FINCHER, Mr. GARY G. MILLER of California, Mr. LATOURETTE, Mr. TIBERI, Mr. PLATTS, Mr. BERG, Mr. LANKFORD, Mr. ALEXANDER, Mr. RAHALL, Mr. STEARNS, Mr. PAULSEN, Mr. CHABOT, Mr. FORBES, Mr. CAMP, Mr. HUNTER, Mr. PEARCE, Mr. MULVANEY, Mr. WILSON of South Carolina, Mr. DUNCAN of South Carolina, Mr. HERSHEY, Mr. SCOTT of South Carolina, Mr. JOHNSON of Ohio, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. ROONEY, Mr. POSEY, Mr. GOWDY, Mr. LANDRY, Mr. RIEHBERG, Mr. SAM JOHNSON of Texas, Mr. RIGEL, Mr. LEWIS of California, Mr. DUFFY, Mr. AMASH, Mr. ROKITA, Mr. GOSAR, and Mr. ROYCE

SEPTEMBER 12, 2011

The Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on January 20, 2011]

A BILL

To amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act.
Be it enacted by the Senate and House of Representa-
atives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protect Life Act”.

SEC. 2. MODIFYING SPECIAL RULES RELATING TO COV-
ERGE OF ABORTION SERVICES UNDER THE
PATIENT PROTECTION AND AFFORDABLE
CARE ACT TO CONFORM TO LONG-STANDING
FEDERAL POLICY.

(a) IN GENERAL.—Section 1303 of the Patient Protec-
tion and Affordable Care Act (Public Law 111–148), as
amended by section 10104(c) of such Act, is amended—

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

(2) by redesignating paragraph (4) of subsection
(b) as subsection (d) and transferring such subsection
(d) after the subsection (c) inserted by paragraph (4)
of this subsection with appropriate indentation (and
conforming the style of the heading to a subsection
heading);

(3) by amending subsection (b) to read as fol-

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

(4) by inserting after subsection (b) the following
new subsection:

“(c) LIMITATION ON ABORTION FUNDING.—

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

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

“(B) in the case where a pregnant female
suffers from a physical disorder, physical injury,
or physical illness that would, as certified by a
physician, place the female in danger of death
unless an abortion is performed, including a life-
endangering physical condition caused by or arising from the pregnancy itself.

“(2) OPTION TO PURCHASE SEPARATE COVERAGE OR PLAN.—Nothing in this subsection shall be construed as prohibiting any non-Federal entity (including an individual or a State or local government) from purchasing separate coverage for abortions for which funding is prohibited under this subsection, or a qualified health plan that includes such abortions, so long as—

“(A) such coverage or plan is paid for entirely using only funds not authorized or appropriated by this Act; and

“(B) such coverage or plan is not purchased using—

“(i) individual premium payments required for a qualified health plan offered through an Exchange towards which a credit is applied under section 36B of the Internal Revenue Code of 1986; or

“(ii) other non-Federal funds required to receive a Federal payment, including a State’s or locality’s contribution of Medicaid matching funds.
“(3) Option to offer coverage or plan.—

Nothing in this subsection or section 1311(d)(2)(B)(i) shall restrict any non-Federal health insurance issuer offering a qualified health plan from offering separate coverage for abortions for which funding is prohibited under this subsection, or a qualified health plan that includes such abortions, so long as—

“(A) premiums for such separate coverage or plan are paid for entirely with funds not authorized or appropriated by this Act;

“(B) administrative costs and all services offered through such coverage or plan are paid for using only premiums collected for such coverage or plan; and

“(C) any such non-Federal health insurance issuer that offers a qualified health plan through an Exchange that includes coverage for abortions for which funding is prohibited under this subsection also offers a qualified health plan through the Exchange that is identical in every respect except that it does not cover abortions for which funding is prohibited under this subsection.”;

(5) in subsection (e), as redesignated by paragraph (1)—
(A) in the heading, by striking “REGARDING ABORTION”;

(B) in the heading of each of paragraphs (1) and (2), by striking each place it appears “REGARDING ABORTION”;

(C) in paragraph (1), by striking “regarding the prohibition of (or requirement of) coverage, funding, or” and inserting “protecting conscience rights, restricting or prohibiting abortion or coverage or funding of abortion, or establishing”; and

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

(6) in subsection (f), as redesignated by paragraph (1), by striking “Nothing” and inserting “Subject to subsection (g), nothing”; and

(7) by adding at the end the following new subsection:

“(g) NONDISCRIMINATION ON ABORTION.—

“(1) NONDISCRIMINATION.—A Federal agency or program, and any State or local government that receives Federal financial assistance under this Act (or an amendment made by this Act), may not subject any institutional or individual health care entity to
discrimination, or require any health plan created or regulated under this Act (or an amendment made by this Act) to subject any institutional or individual health care entity to discrimination, on the basis that the health care entity refuses to—

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

“(B) require or provide such training;

“(C) perform, participate in, provide coverage of, or pay for induced abortions; or

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

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

“(3) REMEDIES.—

“(A) IN GENERAL.—The courts of the United States shall have jurisdiction to prevent and redress actual or threatened violations of this section by issuing any form of legal or equitable relief, including—
“(i) injunctions prohibiting conduct that violates this subsection; and

“(ii) orders preventing the disbursement of all or a portion of Federal financial assistance to a State or local government, or to a specific offending agency or program of a State or local government, until such time as the conduct prohibited by this subsection has ceased.

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

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

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

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

“(A) to receive complaints alleging a violation of this subsection; and

“(B) to pursue investigation of such complaints in coordination with the Attorney General.”.
(b) CONFORMING AMENDMENT.—Section 1334(a)(6) of such Act is amended to read as follows:

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

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

INTRODUCED IN THE HOUSE OF REPRESENTATIVES SEPTEMBER 12, 2011

[Report No. 112-40, Part I]