

117TH CONGRESS  
1ST SESSION

# S. 87

To prohibit the expenditure for an abortion of Federal funds authorized or appropriated for preventing, preparing for, or responding to the COVID–19 pandemic, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. MARSHALL (for himself, Mr. INHOFE, Mr. ROUNDS, Mr. DAINES, Mrs. BLACKBURN, Mr. TILLIS, Mr. BRAUN, Mr. PAUL, and Mr. MORAN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To prohibit the expenditure for an abortion of Federal funds authorized or appropriated for preventing, preparing for, or responding to the COVID–19 pandemic, and for other purposes.

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 “Protecting Life in Cri-  
5 sis Act”.

1 **SEC. 2. PROHIBITING THE EXPENDITURE OF COVID-19**  
2 **FUNDING FOR ANY ABORTION.**

3 (a) PROHIBITIONS.—

4 (1) IN GENERAL.—No funds authorized or ap-  
5 propriated by Federal law for the purpose of pre-  
6 venting, preparing for, or responding to the COVID-  
7 19 pandemic, domestically or internationally, and  
8 none of the funds in any trust fund to which funds  
9 are authorized or appropriated by Federal law for  
10 such purpose, shall be expended for any abortion.

11 (2) SPECIFIED HEALTH BENEFITS COV-  
12 ERAGE.—None of the funds authorized or appro-  
13 priated by Federal law for the purpose described in  
14 subsection (a), and none of the funds in any trust  
15 fund to which funds are authorized or appropriated  
16 by Federal law for such purpose, shall be expended  
17 for, nor shall any credit for such purpose be allowed  
18 under the internal revenue laws with respect to, cov-  
19 erage under a qualified health plan offered through  
20 an Exchange established pursuant to title I of the  
21 Patient Protection and Affordable Care Act,  
22 COBRA continuation coverage, or any other cov-  
23 erage, if such coverage includes coverage of abortion.

24 (3) DEFINITION.—In this section, the term  
25 “COBRA continuation coverage” means continu-  
26 ation coverage provided pursuant to part 6 of sub-

1 title B of title I of the Employee Retirement Income  
2 Security Act of 1974 (29 U.S.C. 1161 et seq.)  
3 (other than under section 609 of such Act), title  
4 XXII of the Public Health Service Act (42 U.S.C.  
5 300bb–1 et seq.), section 4980B of the Internal Rev-  
6 enue Code of 1986 (other than subsection (f)(1) of  
7 such section insofar as it relates to pediatric vac-  
8 cines), or section 8905a of title 5, United States  
9 Code, or under a State program that provides com-  
10 parable continuation coverage. Such term does not  
11 include coverage under a health flexible spending ar-  
12 rangement under a cafeteria plan within the mean-  
13 ing of section 125 of the Internal Revenue Code of  
14 1986.

15 (b) TREATMENT OF ABORTIONS RELATED TO RAPE,  
16 INCEST, OR PRESERVING THE LIFE OF THE MOTHER.—  
17 The limitations established in subsection (a) shall not  
18 apply to an abortion—

19 (1) if the pregnancy is the result of an act of  
20 rape or incest; or

21 (2) in the case where a woman suffers from a  
22 physical disorder, physical injury, or physical illness,  
23 including a life-endangering physical condition  
24 caused by or arising from the pregnancy itself, that

1        would, as certified by a physician, place the woman  
2        in danger of death unless an abortion is performed.

3        (c) RULE OF CONSTRUCTION.—Nothing in this Act  
4        may be construed to require a plan or coverage described  
5        in subsection (a) to provide coverage of any abortion.

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