

112TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. HATCH (for himself and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on _____

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”.

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

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

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

12 (2) by redesignating paragraph (4) of sub-
13 section (b) as subsection (d) and transferring such
14 subsection (d) after the subsection (c) inserted by
15 paragraph (4) of this subsection with appropriate in-
16 dentation;

17 (3) by amending subsection (b) to read as fol-
18 lows:

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

1 (4) by inserting after subsection (b) the fol-
2 lowing new subsection:

3 “(c) LIMITATION ON ABORTION FUNDING.—

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

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

15 “(B) in the case where a pregnant female
16 suffers from a physical disorder, physical in-
17 jury, or physical illness that would, as certified
18 by a physician, place the female in danger of
19 death unless an abortion is performed, includ-
20 ing a life-endangering physical condition caused
21 by or arising from the pregnancy itself.

22 “(2) OPTION TO PURCHASE SEPARATE COV-
23 ERAGE OR PLAN.—Nothing in this subsection shall
24 be construed as prohibiting any non-Federal entity
25 (including an individual or a State or local govern-

1 ment) from purchasing separate coverage for abor-
2 tions for which funding is prohibited under this sub-
3 section, or a qualified health plan that includes such
4 abortions, so long as—

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

8 “(B) such coverage or plan is not pur-
9 chased using—

10 “(i) individual premium payments re-
11 quired for a qualified health plan offered
12 through an Exchange towards which a
13 credit is applied under section 36B of the
14 Internal Revenue Code of 1986; or

15 “(ii) other non-Federal funds required
16 to receive a Federal payment, including a
17 State’s or locality’s contribution of Med-
18 icaid matching funds.

19 “(3) OPTION TO OFFER COVERAGE OR PLAN.—
20 Nothing in this subsection or section
21 1311(d)(2)(B)(i) shall restrict any non-Federal
22 health insurance issuer offering a qualified health
23 plan from offering separate coverage for abortions
24 for which funding is prohibited under this sub-

1 section, or a qualified health plan that includes such
2 abortions, so long as—

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

6 “(B) administrative costs and all services
7 offered through such coverage or plan are paid
8 for using only premiums collected for such cov-
9 erage or plan; and

10 “(C) any such non-Federal health insur-
11 ance issuer that offers a qualified health plan
12 through an Exchange that includes coverage for
13 abortions for which funding is prohibited under
14 this subsection also offers a qualified health
15 plan through the Exchange that is identical in
16 every respect except that it does not cover abor-
17 tions for which funding is prohibited under this
18 subsection.”;

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

21 (A) in the heading, strike “Regarding
22 Abortion”;

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

1 (C) in paragraph (1), by striking “regard-
2 ing the prohibition of (or requirement of) cov-
3 erage, funding, or” and inserting “protecting
4 conscience rights, restricting or prohibiting
5 abortion or coverage or funding of abortion, or
6 establishing”; and

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

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

13 (7) by adding at the end the following new sub-
14 section:

15 “(g) NONDISCRIMINATION ON ABORTION.—

16 “(1) NONDISCRIMINATION.—A Federal agency
17 or program, and any State or local government that
18 receives Federal financial assistance under this Act
19 (or an amendment made by this Act), may not sub-
20 ject any institutional or individual health care entity
21 to discrimination, or require any health plan created
22 or regulated under this Act (or an amendment made
23 by this Act) to subject any institutional or individual
24 health care entity to discrimination, on the basis
25 that the health care entity refuses to—

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

3 “(B) require or provide such training;

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

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

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

14 “(3) REMEDIES.—

15 “(A) IN GENERAL.—The courts of the
16 United States shall have jurisdiction to prevent
17 and redress actual or threatened violations of
18 this section by issuing any form of legal or eq-
19 uitable relief, including—

20 “(i) injunctions prohibiting conduct
21 that violates this subsection; and

22 “(ii) orders preventing the disburse-
23 ment of all or a portion of Federal finan-
24 cial assistance to a State or local govern-
25 ment, or to a specific offending agency or

1 program of a State or local government,
2 until such time as the conduct prohibited
3 by this subsection has ceased.

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

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

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

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

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

17 “(B) to pursue investigation of such com-
18 plaints in coordination with the Attorney Gen-
19 eral.”.

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

22 “(6) COVERAGE CONSISTENT WITH FEDERAL
23 POLICY.—In entering into contracts under this sub-
24 section, the Director shall ensure that no multi-State
25 qualified health plan offered in an Exchange pro-

1 vides coverage for abortions for which funding is
2 prohibited under subsection 1303(c) of this Act.”.