

[DISCUSSION DRAFT]

114TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title XIX of the Social Security Act to provide greater clarity for States with respect to excluding providers whose actions a State suspects violate Federal law by performing partial-birth abortions, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mrs. ELLMERS introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title XIX of the Social Security Act to provide greater clarity for States with respect to excluding providers whose actions a State suspects violate Federal law by performing partial-birth abortions, 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 “Protect Infants from  
5 Partial-birth Abortion Act”.

1 **SEC. 2. CLARIFYING STATES' ABILITY TO EXCLUDE PRO-**  
2 **VIDERS WHOSE ACTIONS STATES SUSPECT**  
3 **VIOLATE FEDERAL LAW BY PERFORMING**  
4 **PARTIAL-BIRTH ABORTIONS.**

5 Section 1902(a)(23) of the Social Security Act (42  
6 U.S.C. 1396a(a)(23)) is amended by inserting before the  
7 semicolon at the end the following: “, or as requiring a  
8 State to provide medical assistance for such services fur-  
9 nished by a person or entity who employs a person who  
10 a State suspects has performed, or who has been convicted  
11 under Federal law of performing, partial-birth abortions  
12 in violation of section 1531 of title 18, United States  
13 Code”.

14 **SEC. 3. PROTECTING PATIENTS BY NOT PROVIDING FED-**  
15 **ERAL FUNDING TO PROVIDERS CONVICTED**  
16 **OF VIOLATING FEDERAL LAW BY PER-**  
17 **FORMING PARTIAL-BIRTH ABORTIONS.**

18 Section 1903(i) of the Social Security Act (42 U.S.C.  
19 1396b(i)) is amended by inserting after paragraph (11)  
20 the following new paragraph:

21 “(12) with respect to amounts expended for  
22 medical assistance for items and services furnished  
23 by a person or entity who employs a person who has  
24 been convicted for a criminal offense consisting of  
25 performing partial-birth abortions in violation of sec-  
26 tion 1531 of title 18, United States Code;”.

1 **SEC. 4. TERMINATION FROM PARTICIPATION IN FEDERAL**  
2 **HEALTH CARE PROGRAMS OF PROVIDERS**  
3 **CONVICTED OF VIOLATING FEDERAL LAW BY**  
4 **PERFORMING PARTIAL-BIRTH ABORTIONS.**

5 Section 1128(a) of the Social Security Act (42 U.S.C.  
6 1320a-7(a)) is amended by adding at the end the fol-  
7 lowing new paragraph:

8 “(5) TERMINATION OF PROVIDERS FOUND TO  
9 BE IN VIOLATION OF FEDERAL LAW BY PERFORMING  
10 PARTIAL-BIRTH ABORTIONS.—Any individual or enti-  
11 ty who employs a person who has been convicted for  
12 a criminal offense consisting of performing partial-  
13 birth abortions in violation of section 1531 of title  
14 18, United States Code.”.

15 **SEC. 5. EFFECTIVE DATE.**

16 The amendments made by this Act shall apply with  
17 respect to offenses committed on or after the date of the  
18 enactment of this Act.