[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.

IN THE HOUSE OF REPRESENTATIVES

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

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”.

SEC. 2. CLARIFYING STATES’ ABILITY TO EXCLUDE PROVIDERS WHOSE ACTIONS STATES SUSPECT VIOLATE FEDERAL LAW BY PERFORMING PARTIAL-BIRTH ABORTIONS.

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

SEC. 3. PROTECTING PATIENTS BY NOT PROVIDING FEDERAL FUNDING TO PROVIDERS CONVICTED OF VIOLATING FEDERAL LAW BY PERFORMING PARTIAL-BIRTH ABORTIONS.

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

“(12) with respect to amounts expended for medical assistance for items and services furnished by a person or entity who employs a person who has been convicted for a criminal offense consisting of performing partial-birth abortions in violation of section 1531 of title 18, United States Code;”.
SEC. 4. TERMINATION FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS OF PROVIDERS CONVICTED OF VIOLATING FEDERAL LAW BY PERFORMING PARTIAL-BIRTH ABORTIONS.

Section 1128(a) of the Social Security Act (42 U.S.C. 1320a–7(a)) is amended by adding at the end the following new paragraph:

“(5) Termination of providers found to be in violation of federal law by performing partial-birth abortions.—Any individual or entity who employs a person who has been convicted for a criminal offense consisting of performing partial-birth abortions in violation of section 1531 of title 18, United States Code.”.

SEC. 5. EFFECTIVE DATE.

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