

114TH CONGRESS  
1ST SESSION

# H. R. 3494

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 causes termination of fetuses born alive, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2015

Mrs. BLACKBURN introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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 causes termination of fetuses born alive, 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 Infants  
5 Born Alive Act”.

1 **SEC. 2. CLARIFYING STATES' ABILITY TO EXCLUDE PRO-**  
2 **VIDERS WHOSE ACTIONS STATES SUSPECT**  
3 **CAUSES TERMINATION OF FETUSES BORN**  
4 **ALIVE.**

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 whose services or actions are  
10 suspected by the State of causing the termination of a  
11 human fetus who would be classified as an infant that is  
12 born alive under section 8 of title 1, United States Code”.

13 **SEC. 3. PROTECTING PATIENTS BY NOT PROVIDING FED-**  
14 **ERAL FUNDING TO PROVIDERS WHO TERMI-**  
15 **NATE FETUSES BORN ALIVE.**

16 Section 1903(i) of the Social Security Act (42 U.S.C.  
17 1396b(i)) is amended by inserting after paragraph (11)  
18 the following new paragraph:

19 “(12) with respect to amounts expended for  
20 medical assistance for items and services furnished  
21 by a person or entity who has terminated a human  
22 fetus who would be classified as an infant that is  
23 born alive under section 8 of title 1, United States  
24 Code;”.

1 **SEC. 4. TERMINATION FROM PARTICIPATION IN FEDERAL**  
2 **HEALTH CARE PROGRAMS OF PROVIDERS**  
3 **WHO TERMINATE FETUSES BORN ALIVE.**

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

7 “(5) **TERMINATION OF BORN ALIVE INFANT.**—  
8 Any individual or entity that has terminated a  
9 human fetus who would be classified as an infant  
10 that is born alive under section 8 of title 1, United  
11 States Code.”.

12 **SEC. 5. EFFECTIVE DATE.**

13 The amendments made by this Act shall apply with  
14 respect to terminations occurring on or after the date of  
15 the enactment of this Act.

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