

118TH CONGRESS  
1ST SESSION

# S. 196

To prohibit the declaration of a Federal emergency relating to abortion.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2023

Mr. RUBIO (for himself, Mrs. HYDE-SMITH, Mr. CRAMER, Mr. TILLIS, Mr. RISCH, Mr. LANKFORD, Mr. HAWLEY, Mr. BRAUN, Mr. WICKER, Mr. SCOTT of Florida, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To prohibit the declaration of a Federal emergency relating to abortion.

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 “Prohibiting Federal  
5 Emergencies for Abortion Act”.

6 **SEC. 2. PROHIBITION ON DECLARATION OF FEDERAL**  
7 **EMERGENCY RELATING TO ABORTION.**

8 (a) PROHIBITION ON DECLARATIONS OF NATIONAL  
9 EMERGENCIES RELATING TO ABORTION UNDER NA-

1 TIONAL EMERGENCIES ACT.—Section 201 of the National  
 2 Emergencies Act (50 U.S.C. 1621) is amended by adding  
 3 at the end the following:

4 “(c) PROHIBITION ON DECLARING NATIONAL  
 5 EMERGENCES RELATING TO ABORTION.—

6 “(1) IN GENERAL.—The President may not de-  
 7 clare a national emergency under subsection (a) for  
 8 purposes of—

9 “(A) promoting, supporting, or expanding  
 10 access to abortion; or

11 “(B) taking adverse action against or liti-  
 12 gating against States that prohibit or otherwise  
 13 restrict abortion.

14 “(2) ABORTION DEFINED.—In this subsection,  
 15 the term ‘abortion’ means the use or prescription of  
 16 any instrument, medicine, drug, or other substance  
 17 or device to intentionally—

18 “(A) kill the unborn child of a woman  
 19 known to be pregnant; or

20 “(B) prematurely terminate the pregnancy  
 21 of a woman known to be pregnant, with an in-  
 22 tention other than to—

23 “(i) increase the probability of a live  
 24 birth or of preserving the life or health of  
 25 the child after live birth; or

1 “(ii) remove a dead unborn child.”.

2 (b) PUBLIC HEALTH SERVICE ACT.—Section 319 of  
3 the Public Health Service Act (42 U.S.C. 247d) is amend-  
4 ed by adding at the end the following:

5 “(g) LIMITATION.—

6 “(1) IN GENERAL.—Notwithstanding this sec-  
7 tion, the Secretary may not declare a public health  
8 emergency under this section for the purpose of—

9 “(A) promoting, supporting, or expanding  
10 access to abortion; or

11 “(B) taking adverse action against or liti-  
12 gating against States that prohibit or otherwise  
13 restrict abortion.

14 “(2) DEFINITION.—In this subsection, the term  
15 ‘abortion’ means the use or prescription of any in-  
16 strument, medicine, drug, or other substance or de-  
17 vice to intentionally—

18 “(A) kill the unborn child of a woman  
19 known to be pregnant; or

20 “(B) prematurely terminate the pregnancy  
21 of a woman known to be pregnant, with an in-  
22 tention other than to—

23 “(i) increase the probability of a live  
24 birth or of preserving the life or health of  
25 the child after live birth; or

1 “(ii) remove a dead unborn child.”.

2 (c) EMERGENCY DECLARATIONS UNDER THE ROB-  
 3 ERT T. STAFFORD DISASTER RELIEF AND EMERGENCY  
 4 ASSISTANCE ACT.—Section 501 of the Robert T. Stafford  
 5 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
 6 5191) is amended by adding at the end the following:

7 “(d) PROHIBITION ON DECLARATIONS RELATING TO  
 8 ABORTION.—

9 “(1) ABORTION DEFINED.—In this subsection,  
 10 the term ‘abortion’ means the use or prescription of  
 11 any instrument, medicine, drug, or other substance  
 12 or device to intentionally—

13 “(A) kill the unborn child of a woman  
 14 known to be pregnant; or

15 “(B) prematurely terminate the pregnancy  
 16 of a woman known to be pregnant, with an in-  
 17 tention other than to—

18 “(i) increase the probability of a live  
 19 birth or of preserving the life or health of  
 20 the child after live birth; or

21 “(ii) remove a dead unborn child.

22 “(2) PROHIBITION.—The President may not  
 23 declare that an emergency exists under subsection  
 24 (a) for the purpose of—

1           “(A) promoting, supporting, or expanding  
2 access to abortion; or

3           “(B) taking adverse action against or liti-  
4 gating against States that prohibit or otherwise  
5 restrict abortion.”.

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