

118TH CONGRESS
1ST SESSION

H. R. 1126

To make improvements in prenatal and maternal care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 2023

Mrs. FISCHBACH introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To make improvements in prenatal and maternal care, 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 “Health, Opportunity,
5 Protecting life, Education Act” or the “HOPE Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—ALTERNATIVES TO ABORTION

Sec. 101. Improving access to prenatal telehealth care.

Sec. 102. Positive alternatives for women.

Sec. 103. Educated decisions on maternal health.

Sec. 104. Life.Gov: awareness for expecting mothers.

Sec. 105. Parental notification.

Sec. 106. Moratorium on Federal funding to Planned Parenthood Federation of America, Inc.

Sec. 107. Funding.

TITLE II—GENERAL PROVISIONS

Sec. 201. Rule of construction.

1 **TITLE I—ALTERNATIVES TO** 2 **ABORTION**

3 **SEC. 101. IMPROVING ACCESS TO PRENATAL TELEHEALTH** 4 **CARE.**

5 (a) IN GENERAL.—The Secretary of Health and
6 Human Services shall award grants or cooperative agree-
7 ments to eligible entities to purchase equipment necessary
8 for carrying out at-home telehealth visits for screening,
9 monitoring, and management of prenatal and postnatal
10 care for the purpose of improving maternal and infant
11 health outcomes, and reducing maternal mortality, by im-
12 proving access to care in rural areas, frontier counties,
13 medically underserved areas, or jurisdictions of Indian
14 Tribes and Tribal organizations.

15 (b) USE OF FUNDS.—A recipient of a grant under
16 this section shall use the grant as described in subsection
17 (a), which may include purchasing or providing equipment
18 necessary for carrying out at-home telehealth visits (such
19 as remote physiologic devices and related services, includ-
20 ing pulse oximeters, blood pressure cuffs, scales, and blood
21 glucose monitors) to screen, monitor, and manage prenatal

1 and postnatal care at home by means of telehealth visits
2 and services for the purpose described in subsection (a).

3 (c) REPORT TO CONGRESS.—Not later than Sep-
4 tember 30, 2028, the Secretary shall submit to the Con-
5 gress a report on activities supported through grants
6 under this section, including—

7 (1) a description of the activities conducted
8 pursuant to such grants; and

9 (2) an analysis of the effects of such grants on
10 improving prenatal and postnatal care in areas and
11 jurisdictions described in subsection (a).

12 (d) DEFINITIONS.—In this section:

13 (1) The term “eligible entity” means an entity
14 providing prenatal care, labor care, birthing, and
15 postpartum care services in a rural area, a frontier
16 county, a medically underserved area, or the juris-
17 diction of an Indian Tribe or Tribal organization.

18 (2) The term “frontier county” has the mean-
19 ing given such term in section
20 1886(d)(3)(E)(iii)(III) of the Social Security Act
21 (42 U.S.C. 1395ww(d)(3)(E)(iii)(III)).

22 (3) The terms “Indian Tribe” and “Tribal or-
23 ganization” have the meanings given to such terms
24 in section 4 of the Indian Self-Determination and
25 Education Assistance Act (25 U.S.C. 5304).

1 (4) The term “medically underserved area”
2 means a health professional shortage area des-
3 ignated under section 332 of the Public Health Serv-
4 ice Act (42 U.S.C. 254e).

5 (5) The term “rural area” has the meaning
6 given to such term in section 330J(e) of the Public
7 Health Service Act (42 U.S.C. 254c–15(e)).

8 (6) The term “Secretary” means the Secretary
9 of Health and Human Services.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry
11 out this section, there are authorized to be appropriated
12 such sums as may be necessary for fiscal years 2024
13 through 2029.

14 **SEC. 102. POSITIVE ALTERNATIVES FOR WOMEN.**

15 (a) PROGRAM AUTHORITY.—

16 (1) PURPOSE.—The purpose of grants under
17 this section shall be to support, encourage, and as-
18 sist women—

19 (A) to carry their pregnancies to term; and

20 (B) to care for their babies after birth.

21 (2) GRANTS.—For the purpose described in
22 paragraph (1), the Secretary shall award grants to
23 eligible entities described in subsection (b) to provide
24 information on, referral to, and direct services as de-
25 scribed in subsection (c).

1 (b) ELIGIBILITY.—

2 (1) ELIGIBLE ENTITIES.—To be eligible for a
3 grant under this section, an entity shall—

4 (A) be a nonprofit organization;

5 (B) support, encourage, and assist women
6 as described in subsection (a)(1);

7 (C) agree to be subject to such monitoring
8 and review as the Secretary may require under
9 subsection (g);

10 (D) agree to not charge women for services
11 provided through the grant;

12 (E) provide each pregnant woman coun-
13 seled through the grant with accurate informa-
14 tion on the developmental characteristics of ba-
15 bies and of unborn children, including offering
16 printed information; and

17 (F) have a privacy policy and procedures
18 in place to ensure that—

19 (i) the name, address, telephone num-
20 ber, or any other information that might
21 identify any woman seeking services sup-
22 ported through the grant is not made pub-
23 lic or shared with any other entity without
24 the written consent of the woman; and

1 (ii) the grantee adheres to require-
2 ments comparable to those applicable
3 under the HIPAA privacy regulation (as
4 defined in section 1180(b)(3) of the Social
5 Security Act (42 U.S.C. 1320d–9)) to cov-
6 ered entities (as defined for purposes of
7 such regulation).

8 (2) INELIGIBLE ENTITIES.—An entity shall be
9 ineligible to receive a grant under this section if the
10 entity or any affiliate, subsidiary, successor, or clinic
11 thereof—

12 (A) performs, induces, refers for, or coun-
13 sels in favor of abortions; or

14 (B) provides financial support to any other
15 entity that conducts any activity described in
16 subparagraph (A).

17 (3) FINANCIAL RECORDS.—As a condition on
18 receipt of a grant under this section, an eligible enti-
19 ty shall agree to maintain and make available to the
20 Secretary records, including financial records, that
21 demonstrate that the entity satisfies the require-
22 ments of paragraph (1) and is not ineligible by oper-
23 ation of paragraph (2).

24 (c) COVERED SERVICES.—

1 (1) REQUIRED INFORMATION AND REFER-
2 RAL.—For the purpose described in subsection
3 (a)(1), an eligible entity receiving a grant under this
4 section shall use the grant to provide information
5 on, and referral to, each of the following services:

6 (A) Medical care.

7 (B) Nutritional services.

8 (C) Housing assistance.

9 (D) Adoption services.

10 (E) Education and employment assistance,
11 including services that support the continuation
12 and completion of high school.

13 (F) Child care assistance.

14 (G) Parenting education and support serv-
15 ices.

16 (H) Voluntary substance abuse counseling
17 and treatment.

18 (2) PERMISSIBLE DIRECT PROVISION OF SERV-
19 ICES.—For the purpose described in subsection
20 (a)(1), in addition to using a grant under this sec-
21 tion as described in paragraph (1), an eligible entity
22 receiving a grant under this section may use the
23 grant for the direct provision of one or more services
24 listed in paragraph (1).

1 (d) PROHIBITED USES OF FUNDS.—None of the
2 funds made available under this section shall be used—

3 (1) for health benefits coverage that includes
4 coverage of abortion;

5 (2) for providing or assisting a woman to obtain
6 adoption services from a provider of adoption serv-
7 ices that is not licensed; and

8 (3) for any of the activities described in sub-
9 section (b)(2).

10 (e) APPROVAL OF INFORMATION AS MEDICALLY AC-
11 CURATE.—As a condition on the receipt of a grant under
12 this section, an eligible entity shall refrain from providing
13 any information pursuant to the grant on the health risks
14 associated with abortions other than information that has
15 been approved by the Secretary as medically accurate.

16 (f) CONSIDERATION.—In selecting the recipients of
17 grants under this section, the Secretary shall consider
18 each applicant’s demonstrated capacity in providing serv-
19 ices to assist a pregnant woman in carrying her pregnancy
20 to term.

21 (g) MONITORING AND REVIEW.—The Secretary
22 shall—

23 (1) monitor and review each program funded
24 through a grant under this section to ensure that
25 the grantee carefully adheres to—

1 (A) the purpose described in subsection
2 (a)(1); and

3 (B) the requirements of this section; and
4 (2) cease to fund a program under this section
5 if the grantee fails to adhere to such purpose and re-
6 quirements.

7 (h) DEFINITIONS.—In this section:

8 (1) ABORTION.—The term “abortion” means
9 the use or prescription of any instrument, medicine,
10 drug, or any other substance or device to inten-
11 tionally—

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

14 (B) terminate the pregnancy of a woman
15 known to be pregnant, with an intention other
16 than—

17 (i) after viability, to produce a live
18 birth and preserve the life and health of
19 the child born alive;

20 (ii) to remove a dead unborn child; or

21 (iii) to treat an ectopic pregnancy.

22 (2) SECRETARY.—The term “Secretary” means
23 the Secretary of Health and Human Services.

24 (i) AUTHORIZATION OF APPROPRIATIONS.—To carry
25 out this section, there are authorized to be appropriated

1 such sums as may be necessary for fiscal years 2024
2 through 2029.

3 **SEC. 103. EDUCATED DECISIONS ON MATERNAL HEALTH.**

4 (a) IN GENERAL.—

5 (1) REQUIREMENT OF COMPLIANCE BY PRO-
6 VIDERS.—Any abortion provider, acting in or affect-
7 ing interstate or foreign commerce, who knowingly
8 performs, or attempts to perform, any abortion shall
9 comply with the requirements of this section.

10 (2) REVIEW OF MEDICAL RISKS AND UNBORN
11 HEALTH STATUS.—An abortion provider who intends
12 to perform, or attempt to perform, an abortion may
13 not perform any part of the abortion procedure with-
14 out first obtaining a signed Informed Consent Au-
15 thorization form in accordance with this subsection.

16 (3) INFORMED CONSENT AUTHORIZATION
17 FORM.—

18 (A) IN GENERAL.—The Informed Consent
19 Authorization form required under this sub-
20 section shall—

21 (i) be presented in person by the abor-
22 tion provider 24 hours prior to performing,
23 or attempting to perform, the abortion to
24 the woman seeking the abortion; and

25 (ii) consist of—

1 (I) a statement, in easily under-
2 standable common language, by the
3 abortion provider indicating—

4 (aa) the probable gestational
5 age, in completed days, of the
6 child;

7 (bb) all medical risks associ-
8 ated with the specific abortion
9 procedure; and

10 (cc) the major developmental
11 characteristics of unborn children
12 at such gestational age, including
13 the presence of a heartbeat, the
14 ability to react to painful stimuli,
15 and the development of organs,
16 fingers, and facial features;

17 (II) a statement, in easily under-
18 standable common language, that the
19 requirements of this subsection are
20 binding upon the abortion provider
21 and all other medical personnel, that
22 such abortion providers and medical
23 personnel are subject to criminal and
24 civil penalties for violations of these
25 requirements, and that a woman on

1 whom an abortion has been performed
2 may take civil action if these require-
3 ments are not followed; and

4 (III) an affirmation that each in-
5 dividual signing the Informed Consent
6 Authorization form has filled out the
7 form to the best of his or her knowl-
8 edge and understands the information
9 contained in the form.

10 (B) SIGNATORIES REQUIRED.—The In-
11 formed Consent Authorization form required
12 under this subsection shall be signed in person
13 by the woman seeking the abortion, the abor-
14 tion provider performing or attempting to per-
15 form the abortion, and a witness.

16 (C) RETENTION OF CONSENT FORM.—The
17 abortion provider performing or attempting to
18 perform an abortion shall retain the signed In-
19 formed Consent Authorization form required
20 under this subsection in the patient’s medical
21 file.

22 (D) REQUIREMENT FOR DATA RETEN-
23 TION.—Paragraph (j)(2) of section 164.530 of
24 title 45, Code of Federal Regulations, shall
25 apply to the Informed Consent Authorization

1 form required to be placed in a patient's med-
 2 ical file pursuant to subparagraph (C) in the
 3 same manner and to the same extent as such
 4 paragraph applies to documentation required by
 5 paragraph (j)(1) of such section.

6 (E) COPY OF FORM.—A copy of the signed
 7 Informed Consent Authorization required under
 8 this subsection shall be provided to the woman
 9 seeking an abortion.

10 (4) EXCEPTIONS.—The requirements of this
 11 subsection shall not apply if, in reasonable medical
 12 judgment, compliance with paragraph (2) would pose
 13 a greater risk of—

14 (A) the death of the pregnant woman; or

15 (B) the substantial and irreversible phys-
 16 ical impairment of a major bodily function, not
 17 including psychological or emotional conditions,
 18 of the pregnant woman.

19 (b) PENALTY FOR FAILURE TO COMPLY.—

20 (1) CIVIL PENALTY.—

21 (A) ENFORCEMENT BY ATTORNEY GEN-
 22 ERAL.—The Attorney General shall commence
 23 a civil action in an appropriate district court of
 24 the United States under this subsection against

1 any abortion provider who knowingly commits a
2 violation of subsection (a).

3 (B) PENALTY.—In a civil action under
4 subparagraph (A), the court may, to vindicate
5 the public interest, assess a civil penalty against
6 the abortion provider in an amount—

7 (i) not less than \$100,000 and not
8 more than \$150,000, for each such viola-
9 tion that is adjudicated in the first pro-
10 ceeding against such abortion provider
11 under this subsection; or

12 (ii) not less than \$150,001 and not
13 more than \$250,000, for each such viola-
14 tion that is adjudicated in a subsequent
15 proceeding against such abortion provider
16 under this subsection.

17 (C) NOTIFICATION.—Upon the assessment
18 of a civil penalty under subparagraph (B), the
19 Attorney General shall notify the appropriate
20 State medical licensing authority.

21 (D) NO PENALTIES FOR PREGNANT
22 WOMEN.—A pregnant woman shall not be sub-
23 ject to any penalty under this section.

24 (2) PRIVATE RIGHT OF ACTION.—

1 (A) IN GENERAL.—A woman or a parent
2 of a minor upon whom an abortion has been
3 performed in violation of subsection (a) may
4 commence a civil action against the abortion
5 provider for appropriate relief.

6 (B) APPROPRIATE RELIEF.—Appropriate
7 relief in a civil action under this paragraph in-
8 cludes—

9 (i) objectively verifiable money dam-
10 ages for all injuries, psychological and
11 physical, occasioned by the violation;

12 (ii) statutory damages equal to 3
13 times the cost of the abortion; and

14 (iii) punitive damages.

15 (C) ATTORNEY'S FEES FOR PLAINTIFF.—
16 The court shall award a reasonable attorney's
17 fee as part of the costs to a prevailing plaintiff
18 in a civil action under this paragraph.

19 (D) ATTORNEY'S FEES FOR DEFEND-
20 ANT.—If a defendant in a civil action under
21 this paragraph prevails and the court finds that
22 the plaintiff's suit was frivolous, the court shall
23 award a reasonable attorney's fee in favor of
24 the defendant against the plaintiff.

1 (E) AWARDS AGAINST WOMAN.—In any
2 civil action under this paragraph, no damages
3 or other monetary relief, and no attorney’s fees
4 except as provided under subparagraph (D),
5 may be assessed against the woman upon whom
6 the abortion was performed or attempted.

7 (c) PREEMPTION.—Nothing in this title or the
8 amendments made by this title shall be construed to pre-
9 empt any provision of State law to the extent that such
10 State law establishes, implements, or continues in effect
11 disclosure requirements regarding abortion or penalties
12 for failure to comply with such requirements that are more
13 extensive than those provided under the amendment made
14 by this title.

15 (d) RULE OF CONSTRUCTION.—Nothing in this title
16 shall be construed to prohibit an abortion provider from
17 presenting the information required under subsection (a)
18 to a pregnant woman at the same time as acquiring in-
19 formed consent for an abortion from such woman in ac-
20 cordance with State law, provided that the presentation
21 of such information occurs at least 24 hours before the
22 abortion.

23 (e) DEFINITIONS.—In this section:

24 (1) ABORTION.—The term “abortion” means
25 the use or prescription of any instrument, medicine,

1 drug, or any other substance or device to inten-
2 tionally—

3 (A) kill the unborn child of a woman
4 known to be pregnant; or

5 (B) terminate the pregnancy of a woman
6 known to be pregnant, with an intention other
7 than—

8 (i) after viability, to produce a live
9 birth and preserve the life and health of
10 the child born alive;

11 (ii) to remove a dead unborn child; or

12 (iii) to treat an ectopic pregnancy.

13 (2) ABORTION PROVIDER.—The term “abortion
14 provider” means a person—

15 (A) licensed to practice medicine and sur-
16 gery or osteopathic medicine and surgery; or

17 (B) otherwise legally authorized to perform
18 an abortion.

19 (3) ATTEMPT.—The term “attempt”, with re-
20 spect to an abortion, means conduct that, under the
21 circumstances as the actor believes them to be, con-
22 stitutes a substantial step in a course of conduct
23 planned to culminate in performing an abortion.

24 (4) MINOR.—The term “minor” means an indi-
25 vidual who has not attained the age of 18 years.

1 (5) **PERFORM.**—The term “perform”, with re-
 2 spect to an abortion, includes inducing an abortion
 3 through a medical or chemical intervention including
 4 writing a prescription for a drug or device intended
 5 to result in an abortion.

6 (6) **REASONABLE MEDICAL JUDGMENT.**—The
 7 term “reasonable medical judgment” means a med-
 8 ical judgment that would be made by a reasonably
 9 prudent abortion provider, knowledgeable about the
 10 case and the treatment possibilities with respect to
 11 the medical conditions involved.

12 (7) **UNBORN CHILD.**—The term “unborn child”
 13 means an individual organism of the species homo
 14 sapiens, beginning at fertilization, until the point of
 15 being born alive as defined in section 8(b) of title 1,
 16 United States Code.

17 (8) **WOMAN.**—The term “woman” means a fe-
 18 male human being whether or not she has reached
 19 the age of majority.

20 **SEC. 104. LIFE.GOV: AWARENESS FOR EXPECTING MOTH-**
 21 **ERS.**

22 The Public Health Service Act (42 U.S.C. 201 et
 23 seq.) is amended by adding at the end the following:

1 **“TITLE XXXIV—AWARENESS FOR**
2 **EXPECTING MOTHERS**

3 **“SEC. 3401. WEBSITE AND PORTAL.**

4 “(a) WEBSITE.—Not later than 1 year after the date
5 of enactment of this section, the Secretary shall publish
6 a user-friendly public website, life.gov, to provide a com-
7 prehensive list of Federal, State, local governmental, and
8 private resources available to pregnant women including—

9 “(1) resources to mental health counseling,
10 pregnancy counseling, and other prepartum and
11 postpartum services;

12 “(2) comprehensive information on alternatives
13 to abortion;

14 “(3) information about abortion risks, including
15 complications and failures; and

16 “(4) links to information on child development
17 from moment of conception.

18 “(b) PORTAL.—Not later than 1 year after the date
19 of enactment of this section, the Secretary shall publish
20 a portal on the public website of the Department of Health
21 and Human Services that—

22 “(1) through a series of questions, will furnish
23 specific tailored information to the user on what
24 pregnancy-related information they are looking for,
25 such as—

1 “(A) Federal, State, local governmental,
2 and private resources that may be available to
3 the woman within her ZIP Code, including the
4 resources specified in subsection (c); and

5 “(B) risks related to abortion at all stages
6 of fetal gestation; and

7 “(2) provides for the submission of feedback on
8 how user-friendly and helpful the portal was in pro-
9 viding the tailored information the user was seeking.

10 “(c) RESOURCES.—The Federal, State, local govern-
11 mental, and private resources specified in this subsection
12 are the following:

13 “(1) Mentorship opportunities, including preg-
14 nancy help and case management resources.

15 “(2) Health and well-being services, including
16 women’s medical services such as obstetrical and
17 gynecological support services for women, abortion
18 pill reversal, breastfeeding, general health services,
19 primary care, and dental care.

20 “(3) Financial assistance, work opportunities,
21 nutrition assistance, childcare, and education oppor-
22 tunities.

23 “(4) Material or legal support, including trans-
24 portation, food, nutrition, clothing, household goods,
25 baby supplies, housing, shelters, maternity homes,

1 tax preparation, legal support for child support,
2 family leave, breastfeeding protections, and custody
3 issues.

4 “(5) Recovery and mental health services, in-
5 cluding services with respect to addiction or suicide
6 intervention, intimate partner violence, sexual as-
7 sault, rape, sex trafficking, and counseling for
8 women and families surrounding unexpected loss of
9 a child.

10 “(6) Prenatal diagnostic services, including dis-
11 ability support organizations, medical interventions
12 for a baby, perinatal hospice resources, pregnancy
13 and infant loss support, and literature on pregnancy
14 wellness.

15 “(7) Healing and support services for abortion
16 survivors and their families.

17 “(8) Services providing care for children, in-
18 cluding family planning education, adoption, foster
19 care, and short-term care resources.

20 “(d) ADMINISTRATION.—The Secretary may not del-
21 egate implementation or administration of the portal es-
22 tablished under subsection (b) below the level of the Office
23 of the Secretary.

24 “(e) FOLLOW-UP.—The Secretary shall develop a
25 plan under which—

1 “(1) the Secretary includes in the portal estab-
2 lished under subsection (b), a mechanism for users
3 of the portal to take an assessment through the por-
4 tal and provide consent to use the user’s contact in-
5 formation;

6 “(2) the Secretary conducts outreach via phone
7 or email to follow up with users of the portal estab-
8 lished under subsection (b) on additional resources
9 that would be helpful for the users to review; and

10 “(3) upon the request of a user of the portal for
11 specific information, after learning of the additional
12 resources through the portal, agents of the Depart-
13 ment of Health and Human Services make every ef-
14 fort to furnish specific information to such user in
15 coordination with Federal, State, local governmental,
16 and private health care providers and resources.

17 “(f) RESOURCE LIST AGGREGATION.—

18 “(1) IN GENERAL.—Pursuant to criteria devel-
19 oped in subsection (e)(2), each State shall provide
20 recommendations of State, local governmental, and
21 private resources under subsection (b)(1)(A) to in-
22 clude in the portal.

23 “(2) CRITERIA FOR MAKING RECOMMENDA-
24 TIONS.—The Secretary shall develop, and make pub-
25 lic, criteria to provide to the States to determine

1 whether resources recommended as described in
2 paragraph (1) for inclusion in the portal can appear
3 in the portal. Such criteria shall include the require-
4 ment that the resource provider is not a prohibited
5 entity and the requirement that the resource pro-
6 vider has been engaged in providing services for a
7 minimum of 3 consecutive years. The Secretary shall
8 establish a process for a resource provider to appeal
9 a decision on inclusion.

10 “(3) GRANT PROGRAM.—

11 “(A) IN GENERAL.—The Secretary may
12 provide grants to States to establish or support
13 a system that aggregates the resources de-
14 scribed in subsection (b)(1)(A), in accordance
15 with the criteria developed under paragraph
16 (2), and that may be coordinated, to the extent
17 determined appropriate by the State, by a
18 statewide, regionally based, or community-based
19 public entity or private nonprofit.

20 “(B) APPLICATIONS.—To be eligible to re-
21 ceive a grant under subparagraph (A), a State
22 shall submit an application to the Secretary at
23 such time, in such manner, and containing such
24 information as the Secretary may require, in-
25 cluding a plan for outreach and awareness ac-

1 tivities, and a list of service providers that
2 would be included in the State system sup-
3 ported by the grant.

4 “(g) MATERNAL MENTAL HEALTH HOTLINE.—The
5 Secretary shall ensure that the Maternal Mental Health
6 Hotline of the Health Resources and Services Administra-
7 tion—

8 “(1) disseminates information regarding, and
9 linkages to, the life.gov website and portal described
10 in subsections (a) and (b);

11 “(2) has the capacity to help families in every
12 State and community in the Nation; and

13 “(3) includes live chat features, 24 hours a day,
14 to connect individuals to the information the portal
15 hosts.

16 “(h) PROHIBITION REGARDING CERTAIN ENTI-
17 TIES.—The resources listed on the life.gov website, and
18 made available through the portal and hotline established
19 under this section may not include any resource offered
20 by a prohibited entity.

21 “(i) SERVICES IN DIFFERENT LANGUAGES.—The
22 life.gov website and hotline shall ensure the widest possible
23 access to services for families who speak languages other
24 than English.

25 “(j) PRIVACY PROTECTION.—

1 “(1) Any entity providing resources under this
2 title must have a privacy policy and procedures in
3 place to ensure that the name, address, telephone
4 number, or any other information that might iden-
5 tify any woman seeking the services of the program
6 is not made public or shared with any other agency
7 or organization without the written consent of the
8 woman. All communications between the resource
9 and the woman must remain confidential and any
10 entity providing resources shall adhere to require-
11 ments comparable to those applicable under the
12 HIPAA privacy regulation (as defined in section
13 1180(b)(3) of the Social Security Act) to covered en-
14 tities (as defined for purposes of such regulation).

15 “(2) Notwithstanding paragraph (1), the Sec-
16 retary has access to any information necessary to
17 monitor and review a grantee’s program as required
18 under subsection (k).

19 “(k) REPORTING REQUIREMENTS.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the date on which the life.gov website and por-
22 tal are established under subsection (a), the Sec-
23 retary shall submit to Congress a report on—

24 “(A) the traffic of the website and the
25 interactive portal;

1 “(B) user feedback on the accessibility and
2 helpfulness of the website and interactive portal
3 in tailoring to the user’s needs;

4 “(C) insights on gaps in Federal, State,
5 local governmental, and private programming
6 with respect to services for pregnant and
7 postpartum women; and

8 “(D) suggestions on how to improve user
9 experience and accessibility based on user feed-
10 back and missing resources that would be help-
11 ful to include in future updates.

12 “(2) CONFIDENTIALITY.—The report under
13 paragraph (1) shall not include any personal identi-
14 fying information regarding individuals who have
15 used the website or portal.

16 “(1) DEFINITIONS.—In this section:

17 “(1) ABORTION.—The term ‘abortion’ means
18 the use or prescription of any instrument, medicine,
19 drug, or any other substance or device to inten-
20 tionally—

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

23 “(B) terminate the pregnancy of a woman
24 known to be pregnant, with an intention other
25 than—

1 “(i) after viability, to produce a live
 2 birth and preserve the life and health of
 3 the child born alive;

4 “(ii) to remove a dead unborn child;
 5 or

6 “(iii) to treat an ectopic pregnancy.

7 “(2) BORN ALIVE.—The term ‘born alive’ has
 8 the meaning given such term in section 8(b) of title
 9 1, United States Code.

10 “(3) PROHIBITED ENTITY.—The term ‘prohib-
 11 ited entity’ means an entity, including its affiliates,
 12 subsidiaries, successors, and clinics that performs,
 13 induces, refers for, or counsels in favor of abortions,
 14 or provides financial support to any other organiza-
 15 tion that conducts such activities.

16 “(4) UNBORN CHILD.—The term ‘unborn child’
 17 means an individual organism of the species homo
 18 sapiens, beginning at fertilization, until the point of
 19 being born alive.”.

20 **SEC. 105. PARENTAL NOTIFICATION.**

21 (a) REQUIREMENT.—Any physician who, in or affect-
 22 ing interstate or foreign commerce, performs or induces
 23 an abortion on a minor shall provide, or cause his or her
 24 agent to provide—

1 (1) at least 24 hours of actual notice to a par-
2 ent of the minor before performing or inducing the
3 abortion; or

4 (2) at least 48 hours of constructive notice to
5 a parent of the minor before performing or inducing
6 the abortion.

7 (b) EXCEPTIONS.—The notification requirement of
8 subsection (a) does not apply if—

9 (1) the abortion is performed or induced in a
10 State that has, in force, a law requiring parental in-
11 volvement in a minor’s abortion decision and the
12 physician complies with the requirements of that
13 law;

14 (2) the physician is presented with documenta-
15 tion showing with a reasonable degree of certainty
16 that a court in the minor’s State of residence has
17 waived any parental notification required by the laws
18 of that State, or has otherwise authorized that the
19 minor be allowed to procure an abortion;

20 (3) the minor declares in a signed written state-
21 ment that she is the victim of sexual abuse, neglect,
22 or physical abuse by a parent, and, before an abor-
23 tion is performed on the minor, the physician noti-
24 fies the authorities specified to receive reports of
25 child abuse or neglect by the law of the State in

1 which the minor resides of the known or suspected
2 abuse or neglect;

3 (4) the abortion is necessary to save the life of
4 the minor because her life was endangered by a
5 physical disorder, physical injury, or physical illness,
6 including a life endangering physical condition
7 caused by or arising from the pregnancy itself, but
8 an exception under this paragraph does not apply
9 unless the attending physician or an agent of such
10 physician, within 24 hours after completion of the
11 abortion, notifies a parent in writing that an abor-
12 tion was performed on the minor and of the cir-
13 cumstances that warranted invocation of this para-
14 graph; or

15 (5) the minor is physically accompanied by a
16 person who presents the physician or his agent with
17 documentation showing with a reasonable degree of
18 certainty that he or she is in fact the parent of that
19 minor.

20 (c) PENALTY FOR FAILURE TO COMPLY.—

21 (1) CIVIL PENALTY.—

22 (A) ENFORCEMENT BY ATTORNEY GEN-
23 ERAL.—The Attorney General shall commence
24 a civil action in an appropriate district court of
25 the United States under this subsection against

1 any physician who commits a violation of sub-
2 section (a).

3 (B) PENALTY.—In a civil action under
4 subparagraph (A), the court may, to vindicate
5 the public interest, assess a civil penalty against
6 the physician in an amount—

7 (i) not less than \$100,000 and not
8 more than \$150,000, for each such viola-
9 tion that is adjudicated in the first pro-
10 ceeding against such physician under this
11 subsection; or

12 (ii) not less than \$150,001 and not
13 more than \$250,000, for each such viola-
14 tion that is adjudicated in a subsequent
15 proceeding against such physician under
16 this subsection.

17 (C) NOTIFICATION.—Upon the assessment
18 of a civil penalty under subparagraph (B), the
19 Attorney General shall notify the appropriate
20 State medical licensing authority.

21 (D) NO PENALTIES FOR PREGNANT
22 WOMEN.—A pregnant woman shall not be sub-
23 ject to any penalty under this section.

24 (2) PRIVATE RIGHT OF ACTION.—

1 (A) IN GENERAL.—A parent of a minor
2 upon whom an abortion has been performed or
3 induced in violation of subsection (a) (other
4 than a parent described in subsection (b)(3))
5 may commence a civil action against the physi-
6 cian for appropriate relief.

7 (B) APPROPRIATE RELIEF.—Appropriate
8 relief in a civil action under this paragraph in-
9 cludes—

10 (i) objectively verifiable money dam-
11 ages for all injuries, psychological and
12 physical, occasioned by the violation;

13 (ii) statutory damages equal to 3
14 times the cost of the abortion; and

15 (iii) punitive damages.

16 (C) ATTORNEY’S FEES FOR PLAINTIFF.—
17 The court shall award a reasonable attorney’s
18 fee as part of the costs to a prevailing party in
19 a civil action under this paragraph.

20 (d) DEFINITIONS.—For the purposes of this sec-
21 tion—

22 (1) the term “abortion” means the use or pre-
23 scription of any instrument, medicine, drug, or any
24 other substance or device to intentionally—

1 (A) kill the unborn child of a woman
2 known to be pregnant; or

3 (B) terminate the pregnancy of a woman
4 known to be pregnant, with an intention other
5 than—

6 (i) after viability, to produce a live
7 birth and preserve the life and health of
8 the child born alive;

9 (ii) to remove a dead unborn child; or

10 (iii) to treat an ectopic pregnancy;

11 (2) the term “actual notice” means the giving
12 of written notice directly, in person, by the physician
13 or any agent of the physician;

14 (3) the term “constructive notice” means notice
15 that is given by certified mail, return receipt re-
16 quested, restricted delivery to the last known ad-
17 dress of the person being notified, with delivery
18 deemed to have occurred 48 hours following noon on
19 the next day subsequent to mailing on which regular
20 mail delivery takes place, days on which mail is not
21 delivered excluded;

22 (4) the term “law requiring parental involve-
23 ment in a minor’s abortion decision” means a law—

24 (A) requiring, before an abortion is per-
25 formed on a minor, either—

1 (i) the notification to a parent of that
2 minor; or

3 (ii) proceedings in a State court; and
4 (B) that does not provide as an alternative
5 to the requirements described in subparagraph
6 (A) notification to any person or entity who is
7 not described in that subparagraph;

8 (5) the term “minor” means an individual who
9 has not attained the age of 18 years and who is not
10 emancipated under the law of the State in which the
11 minor resides;

12 (6) the term “parent” means—

13 (A) a parent or guardian;

14 (B) a legal custodian; or

15 (C) a person standing in loco parentis who
16 has care and control of the minor, and with
17 whom the minor regularly resides, as deter-
18 mined by State law;

19 (7) the term “physician” means a doctor of
20 medicine legally authorized to practice medicine by
21 the State in which such doctor practices medicine, or
22 any other person legally empowered under State law
23 to perform an abortion; and

24 (8) the term “State” includes the District of
25 Columbia and any commonwealth, possession, or

1 other territory of the United States, and any Indian
2 Tribe or reservation.

3 **SEC. 106. MORATORIUM ON FEDERAL FUNDING TO**
4 **PLANNED PARENTHOOD FEDERATION OF**
5 **AMERICA, INC.**

6 (a) IN GENERAL.—For the one-year period beginning
7 on the date of the enactment of this Act, subject to sub-
8 section (b), no funds authorized or appropriated by Fed-
9 eral law may be made available for any purpose to Planned
10 Parenthood Federation of America, Inc., or any affiliate
11 or clinic of Planned Parenthood Federation of America,
12 Inc., unless such entities certify that Planned Parenthood
13 Federation of America affiliates and clinics will not per-
14 form, and will not provide any funds to any other entity
15 that performs, an abortion during such period.

16 (b) EXCEPTION.—Subsection (a) shall not apply to
17 an abortion—

18 (1) if the pregnancy is the result of an act of
19 rape or incest; or

20 (2) in the case where a woman suffers from a
21 physical disorder, physical injury, or physical illness
22 that would, as certified by a physician, place the
23 woman in danger of death unless an abortion is per-
24 formed, including a life-endangering physical condi-
25 tion caused by or arising from the pregnancy itself.

1 (c) REPAYMENT.—The Secretary of Health and
 2 Human Services and the Secretary of Agriculture shall
 3 seek repayment of any Federal assistance received by
 4 Planned Parenthood Federation of America, Inc., or any
 5 affiliate or clinic of Planned Parenthood Federation of
 6 America, Inc., if it violates the terms of the certification
 7 required by subsection (a) during the period specified in
 8 subsection (a).

9 **SEC. 107. FUNDING.**

10 There is authorized to be appropriated, and appro-
 11 priated, \$235,000,000 to carry out sections 101, 102, and
 12 103 of this Act, and section 3401 of the Public Health
 13 Service Act, as added by section 104.

14 **TITLE II—GENERAL PROVISIONS**

15 **SEC. 201. RULE OF CONSTRUCTION.**

16 Nothing in this Act shall be construed to reduce over-
 17 all Federal funding available in support of women’s health.

