

118TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. RUBIO (for himself, Mrs. HYDE-SMITH, Mr. CRAMER, Mr. TILLIS, Mr. RISCH, Mr. LANKFORD, and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on

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-
10 TIONAL EMERGENCIES ACT.—Section 201 of the National

1 Emergencies Act (50 U.S.C. 1621) is amended by adding
2 at the end the following:

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

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

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

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

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

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

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

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

25 “(ii) remove a dead unborn child.”.

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

4 “(g) LIMITATION.—

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

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

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

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

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

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

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

25 “(ii) remove a dead unborn child.”.

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

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

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

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

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

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

20 “(ii) remove a dead unborn child.

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

24 “(A) promoting, supporting, or expanding
25 access to abortion; or

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