

**House Energy and Commerce Committee
Health Subcommittee**

Markup of Protect Life Act, H.R. 358

On February 11, 2011, the Subcommittee on Health (Chair, Rep. Joseph Pitts, R-PA) of the House Energy and Commerce Committee marked up H.R. 358, the Protect Life Act, to correct abortion-related problems in the Patient Protection and Affordable Care Act (PPACA). Six votes occurred: five hostile weakening amendments were defeated, and H.R. 358 was approved.

	Co-Sponsor Protect Life Act (H.R. 358)	1 Waxman Amend.	2 Engel Amend.	3 Schakowsky Amend.	4 Pallone Amend.	5 Capps Amend.	6 Final Passage
Majority							
Joe Pitts (PA-16) <i>Chairman</i>	X	X	X	X	X	X	X
Michael C. Burgess (TX-26) <i>Vice Chairman</i>	X	X	X	X	X	X	X
Edward Whitfield (KY-1)	X	X	X	X	X	X	X
John Shimkus (IL-19)	X	X	X	X	X	X	X
Mike Rogers (MI-8)	X	X	X	X	X	NV	NV
Sue Myrick (NC-9)	X	X	X	X	X	X	X
Tim Murphy (PA-18)	X	X	X	X	X	X	X
Marsha Blackburn (TN-7)	X	NV	NV	NV	NV	NV	NV
Phil Gingrey (GA-11)	X	X	X	X	X	X	X
Bob Latta (OH-5)	X	X	X	X	X	X	X
Cathy McMorris Rodgers (WA-5)	X	X	X	NV	NV	NV	NV
Leonard Lance (NJ-7)	X	X	X	X	X	X	X
Bill Cassidy (LA-6)	X	X	X	X	X	X	X
Brett Guthrie (KY-2)	X	X	X	X	X	X	X
Joe Barton (TX-6) <i>Ex Officio</i>	X	X	X	X	X	X	X
Fred Upton (MI-6) <i>Ex Officio</i>	X	X	X	X	X	X	X
Minority							
Frank Pallone, Jr. (NJ-6) <i>Ranking Member</i>		O	O	O	O	O	O
John D. Dingell (MI-15)		O	O	O	O	O	O
Edolphus (Ed) Towns (NY-10)		O	O	O	O	O	O
Eliot L. Engel (NY-17)		O	O	O	O	O	O
Lois Capps (CA-23)		O	O	O	O	O	O
Janice Schakowsky (IL-9)		O	O	O	O	O	O
Charles A. Gonzalez (TX-20)		NV	NV	NV	NV	NV	NV
Tammy Baldwin (WI-2)		O	O	O	O	O	O
Mike Ross (AR-4)	X	X	X	X	X	X	X
Anthony D. Weiner (NY-9)		O	O	O	O	O	O
Henry A. Waxman (CA-30) <i>Ex Officio</i>		O	O	O	O	O	O

Description of Votes

Vote 1: Waxman Amendment—H.R. 358 would take effect only if the Secretary of HHS certifies that its provisions “will not affect the availability of abortion coverage” offered by private insurers outside the exchanges established by PPACA. *The Waxman Amendment was defeated, 9-yes, 16-no.*

Vote 2: Engel Amendment—The provisions in H.R. 358 preventing any government agency from discriminating against any health care entity that “refuses” to participate in abortion in various ways is broadened to protect any health care entity “whether or not” it participates in abortion in various ways. Abortion providers would acquire new rights to sue governmental bodies that regulate or restrict abortion. *The Engel Amendment was defeated, 9-yes, 16-no.*

Vote 3: Schakowsky Amendment—State conscience protection laws regarding matters other than abortion could be overridden by PPACA. *The Schakowsky Amendment was defeated, 9-yes, 15-no.*

Vote 4: Pallone Amendment—PPACA states: “Nothing in this Act shall be construed to relieve any health care provider from providing emergency services as required by State or Federal law” “H.R. 358 amends this by inserting: “Subject to subsection (g) [Nondiscrimination on Abortion], nothing in this Act. . . .”, so that states cannot require all health care providers to perform abortions by calling them “emergency” treatment. The Pallone Amendment would strike this amending language, and thereby weaken conscience protection. *The Pallone Amendment was defeated, 9-yes, 15-no.*

Vote 5: Capps Amendment—The Capps Amendment added a new section to PPACA titled, “Clarifying Application of Access to Therapies Provisions.” The Secretary of HHS shall not promulgate any regulation or states pass any law that in various ways limits, hinders, or interferes with health care services, for example, that “creates any unreasonable barriers to the ability of individuals to obtain appropriate medical care” or that “interferes with communications regarding a full range of treatment options between the patient and the provider.” This could have required all providers to engage in various activities to facilitate abortion. *The Capps Amendment was defeated, 9-yes, 14-no.*

Vote 6: Final Passage—*On final passage, H.R. 358 was approved, 14-yes, 9-no.*

An amendment by Rep. Tammy Baldwin (D-WI) on tax implications of H.R. 358 was ruled nongermane.