

117TH CONGRESS  
2D SESSION

# H. R. 7418

To amend title XI of the Social Security Act to exclude certain individuals and entities from participation in Medicare and State health programs that discriminate on the basis of a covered statement.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2022

Mr. CAWTHORN 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 XI of the Social Security Act to exclude certain individuals and entities from participation in Medicare and State health programs that discriminate on the basis of a covered statement.

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 “Candace Owens Act”.

1 **SEC. 2. PROHIBITION AGAINST DISCRIMINATION IN CER-**  
 2 **TAIN HEALTH PROGRAMS AND ACTIVITIES**  
 3 **ON THE BASIS OF A COVERED STATEMENT.**

4 (a) IN GENERAL.—Section 1128 of the Social Secu-  
 5 rity Act (42 U.S.C. 1320a–7) is amended—

6 (1) in subsection (a), by adding at the end the  
 7 following new paragraph:

8 “(5) FAILURE TO PROVIDE CARE BASED ON  
 9 COVERED STATEMENT.—

10 “(A) IN GENERAL.—Any individual or en-  
 11 tity that the Secretary determines has failed to  
 12 furnish items or services to a patient based on  
 13 a covered statement (as defined in subsection  
 14 (k)) made by such patient.

15 “(B) ENFORCEMENT.—Not later than 6  
 16 months after the date of enactment of this  
 17 paragraph, the Secretary shall establish a proc-  
 18 ess under which the Office of Civil Rights of the  
 19 Department of Health and Human Services  
 20 shall investigate a claim of failure to provide  
 21 care based on a covered statement (as described  
 22 in subparagraph (A)).”;

23 (2) in subsection (c)(3)—

24 (A) in subparagraph (B), by striking “sub-  
 25 paragraph (G)” and inserting “subparagraphs  
 26 (G) and (H)”; and

1 (B) by adding at the end the following new  
2 subparagraph:

3 “(H)(i) Subject to clause (ii), in the case  
4 of an exclusion of an individual or entity under  
5 subsection (a)(5), the period of such exclusion  
6 from a Federal health program and a State  
7 health program shall be not less than 1 year.

8 “(ii) In the case of an exclusion of an indi-  
9 vidual or entity under subsection (a)(5), if such  
10 failure to furnish items or services causes a pa-  
11 tient to be in violation of a public health emer-  
12 gency declared under section 319 of the Public  
13 Health Service Act, the period of the exclusion  
14 from a Federal health program and a State  
15 health program shall be not less than 2 years.”;  
16 and

17 (3) by adding at the end the following new sub-  
18 section:

19 “(k) DEFINITIONS.—For purposes of subsection  
20 (a)(5):

21 “(1) AFFILIATED ORGANIZATION.—The term  
22 ‘affiliated organization’ means an organization that  
23 is operated, supervised, or controlled by or in con-  
24 nection with a political party.

25 “(2) COVERED STATEMENT.—

1           “(A) IN GENERAL.—Subject to subpara-  
2           graph (B), the term ‘covered statement’ means  
3           a written or oral statement that—

4                   “(i) expresses support of, or endorses,  
5                   a national political party, State political  
6                   party, or an affiliated organization;

7                   “(ii) expresses support of, or affili-  
8                   ation with, a special interest group that  
9                   may have a political message; or

10                  “(iii) denigrates, disagrees with, or  
11                  disparages the political views of a national  
12                  political party, a State political party, an  
13                  affiliated organization, or a special interest  
14                  group that may have a political message.

15           “(B) EXCEPTION.—A ‘covered statement’  
16           does not include the following:

17                   “(i) A crime of violence (as such term  
18                   is defined in section 16 of title 18, United  
19                   States Code).

20                   “(ii) Harassment.

21                   “(iii) Incitement of violence or harass-  
22                   ment.

23           “(3) HARASSMENT.—The term ‘harassment’  
24           means the targeting of an individual or entity with  
25           behavior meant to alarm, annoy, torment, or ter-

1       rorize such individual or entity, including by direct-  
2       ing abuse towards groups protected under title VII  
3       of the Civil Rights Act of 1964, in a manner that  
4       causes such individual or entity to feel reasonable  
5       fear for the safety of such individual or entity, or  
6       the family or property of such individual or entity.

7           “(4) INCITEMENT.—The term ‘incitement’  
8       means the urging of an individual to commit a  
9       criminal offense under Federal or State law.

10          “(5) SPECIAL INTEREST GROUP.—The term  
11       ‘special interest group’ means an organization with  
12       a political, cultural, or religious message that is not  
13       operated, supervised, or controlled by a political  
14       party.”.

15       (b) EFFECTIVE DATE.—The amendments made by  
16       subsection (a) shall apply with respect to items or services  
17       furnished one year after the date of enactment of this Act.

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