

112TH CONGRESS
1ST SESSION

H. R. 3

To prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2011

Mr. SMITH of New Jersey (for himself, Mr. LIPINSKI, Mr. AKIN, Mr. ALEXANDER, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARLETTA, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BENISHEK, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BONNER, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROOKS, Mr. BROUN of Georgia, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CANSECO, Mr. CARTER, Mr. CASSIDY, Mr. CHABOT, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CONAWAY, Mr. COSTELLO, Mr. CRAVAACK, Mr. CRAWFORD, Mr. CRENSHAW, Mr. CRITZ, Mr. DAVIS of Kentucky, Mr. DESJARLAIS, Mr. DIAZ-BALART, Mr. DONNELLY of Indiana, Mr. DUFFY, Mr. DUNCAN of South Carolina, Mr. DUNCAN of Tennessee, Mrs. EMERSON, Mr. FITZPATRICK, Mr. FLAKE, Mr. FLEMING, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARDNER, Mr. GARRETT, Mr. GERLACH, Mr. GIBBS, Mr. GINGREY of Georgia, Mr. GOWDY, Ms. GRANGER, Mr. GRAVES of Missouri, Mr. GRIMM, Mr. GUTHRIE, Mr. HALL, Mr. HARPER, Mr. HARRIS, Mrs. HARTZLER, Mr. HENSARLING, Mr. HERGER, Mr. HUELSKAMP, Mr. HUNTER, Mr. HURT, Ms. JENKINS, Mr. JOHNSON of Illinois, Mr. JONES, Mr. JORDAN, Mr. KELLY, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. KLINE, Mr. LAMBORN, Mr. LANDRY, Mr. LANKFORD, Mr. LATOURETTE, Mr. LATTA, Mr. LEE of New York, Mr. LOBIONDO, Mr. LONG, Mr. LUETKEMEYER, Mr. DANIEL E. LUNGREN of California, Mr. MANZULLO, Mr. MARCHANT, Mr. MARINO, Mr. MCCARTHY of California, Mr. MCCAUL, Mr. MCCCLINTOCK, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCINTYRE, Mr. MCKINLEY, Mrs. MCMORRIS RODGERS, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MULVANEY, Mr. MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mrs. NOEM, Mr. NUNNELEE, Mr. OLSON, Mr. PAUL, Mr. PENCE, Mr. PETERSON, Mr. PITTS, Mr. POMPEO, Mr. POSEY, Mr. PRICE of Georgia, Mr. RAHALL, Mr. RIBBLE, Mr. RIGELL, Mr. ROE of Tennessee, Mr. ROGERS of Kentucky, Mr. ROKITA, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. ROSS of Arkansas, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SCALISE, Mr. SCHILLING, Mrs. SCHMIDT,

1 **“CHAPTER 4—PROHIBITING TAXPAYER**
2 **FUNDED ABORTIONS AND PROVIDING**
3 **FOR CONSCIENCE PROTECTIONS**

4 **“SEC. 301. PROHIBITION ON FUNDING FOR ABORTIONS.**

5 “No funds authorized or appropriated by Federal
6 law, and none of the funds in any trust fund to which
7 funds are authorized or appropriated by Federal law, shall
8 be expended for any abortion.

9 **“SEC. 302. PROHIBITION ON FUNDING FOR HEALTH BENE-**
10 **FITS PLANS THAT COVER ABORTION.**

11 “None of the funds authorized or appropriated by
12 Federal law, and none of the funds in any trust fund to
13 which funds are authorized or appropriated by Federal
14 law, shall be expended for health benefits coverage that
15 includes coverage of abortion.

16 **“SEC. 303. PROHIBITION ON TAX BENEFITS RELATING TO**
17 **ABORTION.**

18 “For taxable years beginning after the date of the
19 enactment of this section—

20 “(1) no credit shall be allowed under the inter-
21 nal revenue laws with respect to amounts paid or in-
22 curred for an abortion or with respect to amounts
23 paid or incurred for a health benefits plan (including
24 premium assistance) that includes coverage of abor-
25 tion,

1 “(2) for purposes of determining any deduction
2 for expenses paid for medical care of the taxpayer or
3 the taxpayer’s spouse or dependents, amounts paid
4 or incurred for an abortion or for a health benefits
5 plan that includes coverage of abortion shall not be
6 taken into account, and

7 “(3) in the case of any tax-preferred trust or
8 account the purpose of which is to pay medical ex-
9 penses of the account beneficiary, any amount paid
10 or distributed from such an account for an abortion
11 shall be included in the gross income of such bene-
12 ficiary.

13 **“SEC. 304. LIMITATION ON FEDERAL FACILITIES AND EM-**
14 **PLOYEES.**

15 “‘No health care service furnished—

16 “(1) by or in a health care facility owned or op-
17 erated by the Federal Government; or

18 “(2) by any physician or other individual em-
19 ployed by the Federal Government to provide health
20 care services within the scope of the physician’s or
21 individual’s employment,

22 may include abortion.

1 **“SEC. 305. CONSTRUCTION RELATING TO SEPARATE COV-**
2 **ERAGE.**

3 “Nothing in this chapter shall be construed as pro-
4 hibiting any individual, entity, or State or locality from
5 purchasing separate abortion coverage or health benefits
6 coverage that includes abortion so long as such coverage
7 is paid for entirely using only funds not authorized or ap-
8 propriated by Federal law and such coverage shall not be
9 purchased using matching funds required for a federally
10 subsidized program, including a State’s or locality’s con-
11 tribution of Medicaid matching funds.

12 **“SEC. 306. CONSTRUCTION RELATING TO THE USE OF NON-**
13 **FEDERAL FUNDS FOR HEALTH COVERAGE.**

14 “Nothing in this chapter shall be construed as re-
15 stricting the ability of any non-Federal health benefits cov-
16 erage provider from offering abortion coverage, or the abil-
17 ity of a State or locality to contract separately with such
18 a provider for such coverage, so long as only funds not
19 authorized or appropriated by Federal law are used and
20 such coverage shall not be purchased using matching
21 funds required for a federally subsidized program, includ-
22 ing a State’s or locality’s contribution of Medicaid match-
23 ing funds.

24 **“SEC. 307. NON-PREEMPTION OF OTHER FEDERAL LAWS.**

25 “Nothing in this chapter shall repeal, amend, or have
26 any effect on any other Federal law to the extent such

1 law imposes any limitation on the use of funds for abortion
2 or for health benefits coverage that includes coverage of
3 abortion, beyond the limitations set forth in this chapter.

4 **“SEC. 308. CONSTRUCTION RELATED TO STATE OR LOCAL**
5 **LAWS.**

6 “Nothing in this chapter or any other Federal law
7 shall be construed to require any State or local govern-
8 ment to provide or pay for any abortion or any health ben-
9 efits coverage that includes coverage of any abortion.

10 **“SEC. 309. TREATMENT OF ABORTIONS RELATED TO RAPE,**
11 **INCEST, OR PRESERVING THE LIFE OF THE**
12 **MOTHER.**

13 “The limitations established in sections 301, 302,
14 303, and 304 shall not apply to an abortion—

15 “(1) if the pregnancy occurred because the
16 pregnant female was the subject of an act of forcible
17 rape or, if a minor, an act of incest; or

18 “(2) in the case where the pregnant female suf-
19 fers from a physical disorder, physical injury, or
20 physical illness that would, as certified by a physi-
21 cian, place the pregnant female in danger of death
22 unless an abortion is performed, including a life-en-
23 dangering physical condition caused by or arising
24 from the pregnancy itself.

1 **“SEC. 310. APPLICATION TO DISTRICT OF COLUMBIA.**

2 “In this chapter:

3 “(1) Any reference to funds appropriated by
4 Federal law shall be treated as including any
5 amounts within the budget of the District of Colum-
6 bia that have been approved by Act of Congress pur-
7 suant to section 446 of the District of Columbia
8 Home Rule Act (or any applicable successor Federal
9 law).

10 “(2) The term ‘Federal Government’ includes
11 the government of the District of Columbia.

12 **“SEC. 311. NO GOVERNMENT DISCRIMINATION AGAINST**
13 **CERTAIN HEALTH CARE ENTITIES.**

14 “(a) NONDISCRIMINATION.—A Federal agency or
15 program, and any State or local government that receives
16 Federal financial assistance (either directly or indirectly),
17 may not subject any individual or institutional health care
18 entity to discrimination on the basis that the health care
19 entity does not provide, pay for, provide coverage of, or
20 refer for abortions.

21 “(b) HEALTH CARE ENTITY DEFINED.—For pur-
22 poses of this section, the term ‘health care entity’ includes
23 an individual physician or other health care professional,
24 a hospital, a provider-sponsored organization, a health
25 maintenance organization, a health insurance plan, or any
26 other kind of health care facility, organization, or plan.

1 “(c) REMEDIES.—

2 “(1) IN GENERAL.—The courts of the United
3 States shall have jurisdiction to prevent and redress
4 actual or threatened violations of this section by
5 issuing any form of legal or equitable relief, includ-
6 ing—

7 “(A) injunctions prohibiting conduct that
8 violates this section; and

9 “(B) orders preventing the disbursement of
10 all or a portion of Federal financial assistance
11 to a State or local government, or to a specific
12 offending agency or program of a State or local
13 government, until such time as the conduct pro-
14 hibited by this section has ceased.

15 “(2) COMMENCEMENT OF ACTION.—An action
16 under this subsection may be instituted by—

17 “(A) any health care entity that has stand-
18 ing to complain of an actual or threatened vio-
19 lation of this section; or

20 “(B) the Attorney General of the United
21 States.

22 “(d) ADMINISTRATION.—The Secretary of Health
23 and Human Services shall designate the Director of the
24 Office for Civil Rights of the Department of Health and
25 Human Services—

1 “(1) to receive complaints alleging a violation of
2 this section;

3 “(2) subject to paragraph (3), to pursue the in-
4 vestigation of such complaints in coordination with
5 the Attorney General; and

6 “(3) in the case of a complaint related to a
7 Federal agency (other than with respect to the De-
8 partment of Health and Human Services) or pro-
9 gram administered through such other agency or
10 any State or local government receiving Federal fi-
11 nancial assistance through such other agency, to
12 refer the complaint to the appropriate office of such
13 other agency.

14 **“SEC. 312. HEALTH BENEFITS COVERAGE DEFINED.**

15 “‘In this chapter the term ‘health benefits coverage’
16 means the package of services covered by a managed care
17 provider or organization pursuant to a contract or other
18 arrangement.’”.

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