

Union Calendar No. 28

112TH CONGRESS
1ST SESSION

H. R. 3

[Report No. 112–38, Part I]

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. McCLINTOCK, 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, Mr. AUSTIN SCOTT of Georgia, Mr. SCOTT of South Carolina, Mr. SEN-SEN-BRENNER, Mr. SHIMKUS, Mr. SHULER, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Texas, Mr. STUTZMAN, Mr. SULLIVAN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. TURNER, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WOLF, Mr. WOODALL, Mr. YOUNG of Florida, Mr. GOHMERT, Mr. WITTMAN, Mr. CANTOR, Mr. BOREN, Mr. GOODLATTE, Mr. MCKEON, Mr. ROGERS of Michigan, Mr. CALVERT, Mrs. ELLMERS, Mr. ADERHOLT, Mr. TIBERI, and Mr. SAM JOHNSON of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce and 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

MARCH 17, 2011

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MARCH 17, 2011

Referral to the Committees on Energy and Commerce and Ways and Means
extended for a period ending not later than April 7, 2011

APRIL 7, 2011

Additional sponsors: Mr. AMASH, Mr. COBLE, Mr. GOSAR, Mr. GRIFFITH of Virginia, Mr. MACK, Mr. PETRI, Mr. RIVERA, Mrs. ROBY, Mr. ROSS of Florida, Mr. SMITH of Nebraska, Mr. WALBERG, Mr. WALDEN, Mrs. BLACK, Mr. CAMPBELL, Mr. DENHAM, Mr. FARENTHOLD, Mr. FINCHER, Mr. FLEISCHMANN, Mr. FLORES, Mr. GALLEGLY, Mr. HUIZENGA of Michigan, Mr. LANCE, Mr. LATHAM, Mrs. MYRICK, Mr. PALAZZO, Mr. PEARCE, Mr. PLATTS, Mr. POE of Texas, Mr. QUAYLE, Mr. ROGERS of Alabama, Mr. SCHOCK, Mr. SCHWEIKERT, Mr. SESSIONS, Mr. SOUTHERLAND, Mr. STEARNS, Mr. THORNBERRY, Mr. WALSH of Illinois, Mr. WOMACK, Mr. YOUNG of Indiana, Mr. BERG, Mr. GRIFFIN of Arkansas, Mr. HULTGREN, Mr. LUCAS, Mr. STIVERS, Mr. NUNES, Mr. JOHNSON of Ohio, Mr. LABRADOR, Mr. WEST, Mr. ISSA, Mr. YODER, Mrs. ADAMS, Mr. BILBRAY, Mr. BUCSHON, Mr. CULBERSON, Mr. HECK, Mrs. LUMMIS, Mr. MICA, Mr. REED, Mr. ROONEY, Mr. REHBERG, Mr. GUINTA, Mr. LEWIS of California, Mr. HOLDEN, Mr. UPTON, Mr. NUGENT, and Mr. GRAVES of Georgia

APRIL 7, 2011

The Committees on Energy and Commerce and Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on January 20, 2011]

A BILL

To prohibit taxpayer funded abortions and to provide for
conscience protections, 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 “No Taxpayer Funding*
 5 *for Abortion Act”.*

6 **SEC. 2. PROHIBITING TAXPAYER FUNDED ABORTIONS AND**
 7 **PROVIDING FOR CONSCIENCE PROTECTIONS.**

8 *Title 1, United States Code is amended by adding at*
 9 *the end the following new chapter:*

10 **“CHAPTER 4—PROHIBITING TAXPAYER**
 11 **FUNDED ABORTIONS AND PROVIDING**
 12 **FOR CONSCIENCE PROTECTIONS**

“Sec.

“301. Prohibition on funding for abortions.

“302. Prohibition on funding for health benefits plans that cover abortion.

“303. Prohibition on tax benefits relating to abortion.

“304. Limitation on Federal facilities and employees.

“305. Construction relating to separate coverage.

“306. Construction relating to the use of non-Federal funds for health coverage.

“307. Non-preemption of other Federal laws.

“308. Construction relating to complications arising from abortion.

“309. Treatment of abortions related to rape, incest, or preserving the life of the
mother.

“310. Application to District of Columbia.

“311. No government discrimination against certain health care entities.

13 **“§ 301. Prohibition on funding for abortions**

14 *“No funds authorized or appropriated by Federal law,*
 15 *and none of the funds in any trust fund to which funds*
 16 *are authorized or appropriated by Federal law, shall be ex-*
 17 *pended for any abortion.*

1 **“§ 302. Prohibition on funding for health benefits**
2 **plans that cover abortion**

3 *“None of the funds authorized or appropriated by Fed-*
4 *eral law, and none of the funds in any trust fund to which*
5 *funds are authorized or appropriated by Federal law, shall*
6 *be expended for health benefits coverage that includes cov-*
7 *erage of abortion.*

8 **“§ 303. Prohibition on tax benefits relating to abortion**

9 *“For taxable years beginning after the date of the en-*
10 *actment of this section—*

11 *“(1) no credit shall be allowed under the internal*
12 *revenue laws with respect to amounts paid or in-*
13 *curring for an abortion or with respect to amounts*
14 *paid or incurred for a health benefits plan (including*
15 *premium assistance) that includes coverage of abor-*
16 *tion,*

17 *“(2) for purposes of determining any deduction*
18 *for expenses paid for medical care of the taxpayer or*
19 *the taxpayer’s spouse or dependents, amounts paid or*
20 *incurred for an abortion shall not be taken into ac-*
21 *count, and*

22 *“(3) in the case of any tax-preferred trust or ac-*
23 *count the purpose of which is to pay medical expenses*
24 *of the account beneficiary, any amount paid or dis-*
25 *tributed from such an account for an abortion shall*
26 *be included in the gross income of such beneficiary.*

1 **“§ 304. Limitation on Federal facilities and employees**

2 *“No health care service furnished—*

3 *“(1) by or in a health care facility owned or op-*
4 *erated by the Federal Government; or*

5 *“(2) by any physician or other individual em-*
6 *ployed by the Federal Government to provide health*
7 *care services within the scope of the physician’s or in-*
8 *dividual’s employment,*

9 *may include abortion.*

10 **“§ 305. Construction relating to separate coverage**

11 *“Nothing in this chapter shall be construed as prohib-*
12 *iting any individual, entity, or State or locality from pur-*
13 *chasing separate abortion coverage or health benefits cov-*
14 *erage that includes abortion so long as such coverage is paid*
15 *for entirely using only funds not authorized or appro-*
16 *priated by Federal law and such coverage shall not be pur-*
17 *chased using matching funds required for a federally sub-*
18 *sidized program, including a State’s or locality’s contribu-*
19 *tion of Medicaid matching funds.*

20 **“§ 306. Construction relating to the use of non-Federal**
21 ***funds for health coverage***

22 *“Nothing in this chapter shall be construed as restrict-*
23 *ing the ability of any non-Federal health benefits coverage*
24 *provider from offering abortion coverage, or the ability of*
25 *a State or locality to contract separately with such a pro-*
26 *vider for such coverage, so long as only funds not authorized*

1 *or appropriated by Federal law are used and such coverage*
2 *shall not be purchased using matching funds required for*
3 *a federally subsidized program, including a State's or local-*
4 *ity's contribution of Medicaid matching funds.*

5 **“§ 307. Non-preemption of other Federal laws**

6 *“Nothing in this chapter shall repeal, amend, or have*
7 *any effect on any other Federal law to the extent such law*
8 *imposes any limitation on the use of funds for abortion or*
9 *for health benefits coverage that includes coverage of abor-*
10 *tion, beyond the limitations set forth in this chapter.*

11 **“§ 308. Construction relating to complications arising**
12 ***from abortion***

13 *“Nothing in this chapter shall be construed to apply*
14 *to the treatment of any infection, injury, disease, or dis-*
15 *order that has been caused by or exacerbated by the perform-*
16 *ance of an abortion. This rule of construction shall be appli-*
17 *cable without regard to whether the abortion was performed*
18 *in accord with Federal or State law, and without regard*
19 *to whether funding for the abortion is permissible under*
20 *section 309 of this Act.*

21 **“§ 309. Treatment of abortions related to rape, incest,**
22 ***or preserving the life of the mother***

23 *“The limitations established in sections 301, 302, 303,*
24 *and 304 shall not apply to an abortion—*

1 *does not provide, pay for, provide coverage of, or refer for*
2 *abortions.*

3 “(b) *HEALTH CARE ENTITY DEFINED.*—*For purposes*
4 *of this section, the term ‘health care entity’ includes an in-*
5 *dividual physician or other health care professional, a hos-*
6 *pital, a provider-sponsored organization, a health mainte-*
7 *nance organization, a health insurance plan, or any other*
8 *kind of health care facility, organization, or plan.*

9 “(c) *REMEDIES.*—

10 “(1) *IN GENERAL.*—*The courts of the United*
11 *States shall have jurisdiction to prevent and redress*
12 *actual or threatened violations of this section by*
13 *issuing any form of legal or equitable relief, includ-*
14 *ing—*

15 “(A) *injunctions prohibiting conduct that*
16 *violates this section; and*

17 “(B) *orders preventing the disbursement of*
18 *all or a portion of Federal financial assistance*
19 *to a State or local government, or to a specific*
20 *offending agency or program of a State or local*
21 *government, until such time as the conduct pro-*
22 *hibited by this section has ceased.*

23 “(2) *COMMENCEMENT OF ACTION.*—*An action*
24 *under this subsection may be instituted by—*

1 “(A) any health care entity that has stand-
2 ing to complain of an actual or threatened viola-
3 tion of this section; or

4 “(B) the Attorney General of the United
5 States.

6 “(d) ADMINISTRATION.—The Secretary of Health and
7 Human Services shall designate the Director of the Office
8 for Civil Rights of the Department of Health and Human
9 Services—

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

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

15 “(3) in the case of a complaint related to a Fed-
16 eral agency (other than with respect to the Depart-
17 ment of Health and Human Services) or program ad-
18 ministered through such other agency or any State or
19 local government receiving Federal financial assist-
20 ance through such other agency, to refer the complaint
21 to the appropriate office of such other agency.”.

22 **SEC. 3. AMENDMENT TO TABLE OF CHAPTERS.**

23 The table of chapters for title 1, United States Code,
24 is amended by adding at the end the following new item:

“4. **Prohibiting taxpayer funded abortions and providing
for conscience protections** **301**”.

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112TH CONGRESS
1ST Session

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