

109TH CONGRESS
1ST SESSION

S. 755

To authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2005

Mr. BUNNING introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, 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 “Informed Choice Act”.

1 **SEC. 2. GRANTS FOR PURCHASE OF ULTRASOUND EQUIP-**
2 **MENT.**

3 (a) IN GENERAL.—The Secretary of Health and
4 Human Services may make grants for the purchase of
5 ultrasound equipment. Such ultrasound equipment shall
6 be used by the recipients of such grants to provide, under
7 the direction and supervision of a licensed medical physi-
8 cian, free ultrasound examinations to pregnant women
9 needing such services.

10 (b) ELIGIBILITY REQUIREMENTS.—An entity may re-
11 ceive a grant under subsection (a) only if the entity meets
12 the following conditions:

13 (1) The entity is a nonprofit private organiza-
14 tion that is approved by the Internal Revenue Serv-
15 ice as a tax-exempt entity under section 501(c)(3) of
16 the Internal Revenue Code of 1986.

17 (2) The entity operates as a community based
18 pregnancy help medical clinic, as defined in sub-
19 section (f).

20 (3) The entity provides medical services to
21 pregnant women under the guidance and supervision
22 of a physician who serves as the medical director of
23 the clinic and is duly licensed to practice medicine
24 in the State in which the entity is located.

25 (4) The entity is legally qualified to provide
26 such medical services to pregnant women and is in

1 compliance with all Federal, State, and local require-
2 ments for the provision of such services.

3 (5) The entity agrees to comply with the fol-
4 lowing medical procedures:

5 (A) Each pregnant woman upon whom the
6 ultrasound equipment is used will be shown the
7 visual image of the fetus from the ultrasound
8 examination and will be given a general ana-
9 tomical and physiological description of the
10 characteristics of the fetus.

11 (B) Each pregnant women will be given,
12 according to the best medical judgment of the
13 physician performing the ultrasound examina-
14 tion or the physician's agent performing such
15 exam, the approximate age of the embryo or
16 fetus considering the number of weeks elapsed
17 from the probable time of the conception of the
18 embryo or fetus, based upon the information
19 provided by the client as to the time of her last
20 menstrual period, her medical history, a phys-
21 ical examination, or appropriate laboratory
22 tests.

23 (C) Each pregnant woman will be given in-
24 formation on abortion and alternatives to abor-
25 tion such as childbirth and adoption and infor-

1 mation concerning public and private agencies
2 that will assist in those alternatives.

3 (D) The entity will obtain and maintain
4 medical malpractice insurance in an amount not
5 less than \$1,000,000, and such insurance will
6 cover all activities relating to the use of the
7 ultrasound machine purchased with the grant
8 under subsection (a).

9 (6) The entity does not receive more than 30
10 percent of its gross annual revenue from a single
11 source or donor.

12 (c) LIMITATION ON INDIVIDUAL GRANT AMOUNT.—
13 No grant under subsection (a) may be made in an amount
14 that exceeds an amount equal to 50 percent of the pur-
15 chase price cost of the ultrasound machine involved, or
16 \$20,000, whichever is less.

17 (d) APPLICATION FOR GRANT.—A grant may be
18 made under subsection (a) only if an application for the
19 grant is submitted to the Secretary and the application
20 is in such form, is made in such manner, and contains
21 such agreements, assurances, and information as the Sec-
22 retary determines to be necessary to carry out this section.

23 (e) ANNUAL REPORT TO SECRETARY.—A grant may
24 be made under subsection (a) only if the applicant for the
25 grant agrees to report on an annual basis to the Secretary,

1 in such form and manner as the Secretary may require,
2 on the ongoing compliance of the applicant with the eligi-
3 bility conditions established in subsection (b).

4 (f) DEFINITIONS.—For purposes of this Act:

5 (1) The term “community based pregnancy help
6 medical clinic” means a facility that—

7 (A) provides free medical services to preg-
8 nant women under the supervision and direction
9 of a licensed physician who serves as the med-
10 ical director for such clinic; and

11 (B) does not charge for any services ren-
12 dered to its clients, whether or not such services
13 are for pregnancy or nonpregnancy related mat-
14 ters.

15 (2) The term “Secretary” means the Secretary
16 of Health and Human Services.

17 (g) AUTHORIZATION OF APPROPRIATIONS.—For the
18 purpose of carrying out this section, there are authorized
19 to be appropriated \$3,000,000 for fiscal year 2006, and
20 such sums as may be necessary for each of the fiscal years
21 2007 through 2009.

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