

111TH CONGRESS  
2D SESSION

# H. R. 5939

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2010

Mr. SMITH of New Jersey (for himself, Mr. LIPINSKI, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHNER, Mr. BONNER, Mr. BOOZMAN, Mr. BOREN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BRIGHT, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMP, Mr. CAMPBELL, Mr. CANTOR, Mr. CAO, Mr. CARTER, Mr. CASSIDY, Mr. CHILDERS, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CONAWAY, Mr. COSTELLO, Mr. CRENSHAW, Mr. CRITZ, Mr. CULBERSON, Mrs. DAHLKEMPER, Mr. DAVIS of Kentucky, Mr. DAVIS of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DONNELLY of Indiana, Mr. DUNCAN, Mr. EHLERS, Mr. ELLSWORTH, Mrs. EMERSON, Ms. FALLIN, Mr. FLEMING, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GOODLATTE, Ms. GRANGER, Mr. GRAVES of Missouri, Mr. GRIFFITH, Mr. GUTHRIE, Mr. HALL of Texas, Mr. HARPER, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. INGLIS, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES, Mr. JORDAN of Ohio, Mr. KANJORSKI, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATOURETTE, Mr. LATTA, Mr. LINDER, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. MANZULLO, Mr. MARCHANT, Mr. MARSHALL, Mr. MCCARTHY of California, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCINTYRE, Mr. McKEON, Mrs. McMORRIS RODGERS, Mr. MICA, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MORAN of Kansas, Mr. TIM MURPHY of Pennsylvania, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. OBERSTAR, Mr. OLSON, Mr. ORTIZ, Mr. PAULSEN, Mr. PENCE, Mr. PETERSON, Mr. PITTS, Mr. PLATTS, Mr. POE of Texas, Mr. POSEY, Mr. PRICE of Georgia, Mr. RADANOVICH, Mr. RA-

HALL, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. ROGERS of Kentucky, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. SCALISE, Mrs. SCHMIDT, Mr. SCHOCK, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHUSTER, Mr. SMITH of Nebraska, Mr. SMITH of Texas, Mr. STEARNS, Mr. SULLIVAN, Mr. TAYLOR, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. TIAHRT, Mr. TIBERI, Mr. TURNER, Mr. UPTON, Mr. WAMP, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WITTMAN, and Mr. WOLF) 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

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## 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 of the United States Code is amended by add-  
9       ing at the end the following new chapter:

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 law,  
6 and none of the funds in any trust fund to which funds  
7 are authorized or appropriated by federal law, shall be ex-  
8 pended 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 law,  
14 shall be expended for health benefits coverage that in-  
15 cludes 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 nonfederal 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 law

1 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 is the result of an act of  
16 forcible rape, or incest with a minor; or

17 “(2) in the case where a woman suffers from a  
18 physical disorder, physical injury, or physical illness  
19 that would, as certified by a physician, place the  
20 woman in danger of death unless an abortion is per-  
21 formed, including a life-endangering physical condi-  
22 tion caused by or arising from the pregnancy itself.

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

24 “In this chapter:

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

8           “(2) The term ‘Federal government’ includes  
9       the government of the District of Columbia.

10   **“SEC. 311. NO GOVERNMENT DISCRIMINATION AGAINST**  
11                   **CERTAIN HEALTH CARE ENTITIES.**

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

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

1       “(c) ADMINISTRATION.—The Office for Civil Rights  
2 of the Department of Health and Human Services is des-  
3 ignated to receive complaints of discrimination based on  
4 this subsection, and coordinate the investigation of such  
5 complaints.

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

7       “‘In this chapter the term ‘health benefits coverage’  
8 means the package of services covered by a managed care  
9 provider or organization pursuant to a contract or other  
10 arrangement.’”.

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