

112TH CONGRESS
2D SESSION

H. R. 5650

To amend title X of the Public Health Service Act to provide for no discrimination under the family planning program under such title on the basis of separate provision of abortion.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2012

Mr. DOLD introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title X of the Public Health Service Act to provide for no discrimination under the family planning program under such title on the basis of separate provision of abortion.

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 “Protecting Women’s
5 Access to Health Care Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The family planning program under title X
2 of the Public Health Service Act was created in
3 1970 to ensure low-income women have access to
4 birth control, breast and cervical cancer screenings,
5 and other basic health care services.

6 (2) Under current law, funds provided under
7 such title X cannot be used in programs where abor-
8 tion is a method of family planning.

9 (3) Federal courts have consistently held that it
10 is a violation of Federal law for States to discrimi-
11 nate against health care providers by excluding such
12 providers from participating in title X on the basis
13 that such providers provide abortion services using
14 funds that are not provided under such title X (re-
15 ferred to in this section as “non-title X funding”).

16 (4) Despite these court findings, State and local
17 governments continue to seek to pass laws intended
18 to prevent health care providers from being eligible
19 for funding under such title X on the basis that such
20 providers provide abortion services with non-title X
21 funding.

22 (5) These State laws threaten access to life-
23 saving cancer screenings, birth control, and
24 screenings for sexually transmitted infections for
25 women across the country.

1 (6) Therefore, this Act clarifies and reaffirms
 2 existing Federal law that prohibits a Federal agency
 3 or program or a State or local government from ex-
 4 cluding qualified health care providers from partici-
 5 pating in the Federal title X program on the basis
 6 of the scope of practice of such providers and the
 7 provision by such providers of abortion services with
 8 non-title X funding.

9 **SEC. 3. NO DISCRIMINATION UNDER THE TITLE X FAMILY**
 10 **PLANNING PROGRAM ON BASIS OF SEPARATE**
 11 **PROVISION OF ABORTION WITH NON-TITLE X**
 12 **FUNDING.**

13 Title X of the Public Health Service Act is amended
 14 by adding at the end the following new section:

15 **“SEC. 1009. NO DISCRIMINATION ON BASIS OF SEPARATE**
 16 **PROVISION OF ABORTION WITH NON-TITLE X**
 17 **FUNDING.**

18 “(a) IN GENERAL.—Any entity that receives a grant
 19 or contract under this title may not subject any institu-
 20 tional or individual health care entity to discrimination on
 21 the basis of whether the health care entity separately pro-
 22 vides or refers for abortions, provides employees coverage
 23 of abortions, or provides or requires training in the per-
 24 formance of abortions.

1 “(b) HEALTH CARE ENTITY DEFINED.—In this sec-
2 tion, the term ‘health care entity’ includes an individual
3 physician or other health care professional, a hospital, or
4 any other kind of health care facility or organization.”.

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