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(Original Signature of Member)

112TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities.

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IN THE HOUSE OF REPRESENTATIVES

Mr. FLEMING introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities.

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 “Abortion Non-Dis-  
5 crimination Act of 2011”.

6 **SEC. 2. ABORTION NON-DISCRIMINATION.**

7 Section 245 of the Public Health Service Act (42  
8 U.S.C. 238n) is amended—

1 (1) in the section heading, by striking “AND LI-  
2 CENSING OF PHYSICIANS” and inserting “, LICENS-  
3 ING, AND PRACTICE OF PHYSICIANS AND OTHER  
4 HEALTH CARE ENTITIES”;

5 (2) in subsection (a), by amending paragraph  
6 (1) to read as follows:

7 “(1) the entity refuses—

8 “(A) to undergo training in the perform-  
9 ance of induced abortions;

10 “(B) to require or provide such training;

11 “(C) to perform, participate in, provide  
12 coverage of, or pay for induced abortions; or

13 “(D) to provide referrals for such training  
14 or such abortions;”;

15 (3) in subsection (b), by striking “an accredita-  
16 tion standards that requires” and inserting “an ac-  
17 creditation standard that requires”;

18 (4) in subsection (c), by amending paragraphs  
19 (1) and (2) to read as follows:

20 “(1) The term ‘financial assistance’, with re-  
21 spect to a government program, means governmental  
22 payments to cover the cost of health care services or  
23 benefits, or other Federal payments, grants, or loans  
24 to promote or otherwise facilitate health-related ac-  
25 tivities.

1           “(2) The term ‘health care entity’ includes an  
2 individual physician or other health professional, a  
3 postgraduate physician training program, a partici-  
4 pant in a program of training in the health profes-  
5 sions, a hospital, a provider sponsored organization,  
6 a health maintenance organization, an accountable  
7 care organization, a health insurance plan, or any  
8 other kind of health care facility, organization, or  
9 plan.”;

10           (5) in subsection (c), by adding a new para-  
11 graph (4) as follows:

12           “(4) The term ‘State or local government that  
13 receives Federal financial assistance’ includes any  
14 agency or other governmental unit of a State or  
15 local government that receives Federal financial as-  
16 sistance.”.

17           (6) by redesignating subsection (c) as sub-  
18 section (e); and

19           (7) by inserting after subsection (b) the fol-  
20 lowing:

21           “(c) REMEDIES.—

22           “(1) IN GENERAL.—The courts of the United  
23 States shall have jurisdiction to prevent and redress  
24 actual or threatened violations of this section by

1 issuing any form of legal or equitable relief, includ-  
2 ing—

3 “(A) injunctions prohibiting conduct that  
4 violates this section; and

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

11 “(2) COMMENCEMENT OF ACTION.—An action  
12 under this section may be instituted by—

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

16 “(B) the Attorney General of the United  
17 States.

18 “(d) ADMINISTRATION.—The Secretary shall des-  
19 ignate the Director of the Office for Civil Rights of the  
20 Department of Health and Human Services—

21 “(1) to receive complaints alleging a violation of  
22 this section; and

23 “(2) to pursue the investigation of such com-  
24 plaints, in coordination with the Attorney General.”.