

112TH CONGRESS
1ST SESSION

H. R. 361

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2011

Mr. FLEMING (for himself and Mr. BOREN) introduced the following bill;
which was referred to the Committee on Energy and Commerce

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—

9 (1) in the section heading, by striking “AND LI-
10 CENSING OF PHYSICIANS” and inserting “, LICENS-

1 ING, AND PRACTICE OF PHYSICIANS AND OTHER
2 HEALTH CARE ENTITIES”;

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

5 “(1) the entity refuses—

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

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

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

11 “(D) to provide referrals for such training
12 or such abortions;”;

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

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

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

24 “(2) The term ‘health care entity’ includes an
25 individual physician or other health professional, a

1 postgraduate physician training program, a partici-
2 pant in a program of training in the health profes-
3 sions, a hospital, a provider sponsored organization,
4 a health maintenance organization, an accountable
5 care organization, a health insurance plan, or any
6 other kind of health care facility, organization, or
7 plan.”;

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

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

15 (6) by redesignating subsection (c) as sub-
16 section (e); and

17 (7) by inserting after subsection (b) the fol-
18 lowing:

19 “(c) REMEDIES.—

20 “(1) IN GENERAL.—The courts of the United
21 States shall have jurisdiction to prevent and redress
22 actual or threatened violations of this section by
23 issuing any form of legal or equitable relief, includ-
24 ing—

1 “(A) injunctions prohibiting conduct that
2 violates this section; and

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

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

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

14 “(B) the Attorney General of the United
15 States.

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

19 “(1) to receive complaints alleging a violation of
20 this section; and

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

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