

112TH CONGRESS
1ST SESSION

S. 1484

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

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2011

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

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 “Hyde and Related
5 Amendments Codification Act”.

6 **SEC. 2. PROHIBITING TAXPAYER FUNDED ABORTIONS AND**
7 **PROVIDING FOR CONSCIENCE PROTECTIONS.**

8 (a) IN GENERAL.—Title 1, United States Code is
9 amended by adding at the end the following new chapter:

1 **“CHAPTER 4—PROHIBITING TAXPAYER**
 2 **FUNDED ABORTIONS AND PROVIDING**
 3 **FOR CONSCIENCE PROTECTIONS**

“Sec.

“301. Prohibition on funding for abortions.

“302. Prohibition on funding for health benefits plans that cover abortion.

“303. Limitation on Federal facilities and employees.

“304. Construction relating to separate coverage.

“305. Construction relating to the use of non-Federal funds for health coverage.

“306. Non-preemption of other Federal laws.

“307. Construction relating to complications arising from abortion.

“308. Treatment of abortions related to rape, incest, or preserving the life of
the mother.

“309. Application to District of Columbia.

“310. No government discrimination against certain health care entities.

4 **“§ 301. Prohibition on funding for abortions**

5 “No funds authorized or appropriated by Federal
 6 law, and none of the funds in any trust fund to which
 7 funds are authorized or appropriated by Federal law, shall
 8 be expended for any abortion.

9 **“§ 302. Prohibition on funding for health benefits**
 10 **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
 14 law, shall be expended for health benefits coverage that
 15 includes coverage of abortion.

16 **“§ 303. Limitation on Federal facilities and employees**

17 “No health care service furnished—

18 “(1) by or in a health care facility owned or op-
 19 erated by the Federal Government; or

1 “(2) by any physician or other individual em-
2 ployed by the Federal Government to provide health
3 care services within the scope of the physician’s or
4 individual’s employment,
5 may include abortion.

6 **“§ 304. Construction relating to separate coverage**

7 “Nothing in this chapter shall be construed as pro-
8 hibiting any individual, entity, or State or locality from
9 purchasing separate abortion coverage or health benefits
10 coverage that includes abortion so long as such coverage
11 is paid for entirely using only funds not authorized or ap-
12 propriated by Federal law and such coverage shall not be
13 purchased using matching funds required for a federally
14 subsidized program, including a State’s or locality’s con-
15 tribution of Medicaid matching funds.

16 **“§ 305. Construction relating to the use of non-Fed-**
17 **eral funds for health coverage**

18 “Nothing in this chapter shall be construed as re-
19 stricting the ability of any non-Federal health benefits cov-
20 erage provider from offering abortion coverage, or the abil-
21 ity of a State or locality to contract separately with such
22 a provider for such coverage, so long as only funds not
23 authorized or appropriated by Federal law are used and
24 such coverage shall not be purchased using matching
25 funds required for a federally subsidized program, includ-

1 ing a State’s or locality’s contribution of Medicaid match-
 2 ing funds.

3 **“§ 306. Non-preemption of other Federal laws**

4 “Nothing in this chapter shall repeal, amend, or have
 5 any effect on any other Federal law to the extent such
 6 law imposes any limitation on the use of funds for abortion
 7 or for health benefits coverage that includes coverage of
 8 abortion, beyond the limitations set forth in this chapter.

9 **“§ 307. Construction relating to complications arising**
 10 **from abortion**

11 “Nothing in this chapter shall be construed to apply
 12 to the treatment of any infection, injury, disease, or dis-
 13 order that has been caused by or exacerbated by the per-
 14 formance of an abortion. This rule of construction shall
 15 be applicable without regard to whether the abortion was
 16 performed in accord with Federal or State law, and with-
 17 out regard to whether funding for the abortion is permis-
 18 sible under section 308.

19 **“§ 308. Treatment of abortions related to rape, incest,**
 20 **or preserving the life of the mother**

21 “The limitations established in sections 301, 302,
 22 and 303 shall not apply to an abortion—

23 “(1) if the pregnancy is the result of an act of
 24 rape or incest; or

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

7 **“§ 309. Application to District of Columbia**

8 “In this chapter:

9 “(1) Any reference to funds appropriated by
10 Federal law shall be treated as including any
11 amounts within the budget of the District of Colum-
12 bia that have been approved by Act of Congress pur-
13 suant to section 446 of the District of Columbia
14 Home Rule Act (or any applicable successor Federal
15 law).

16 “(2) The term ‘Federal Government’ includes
17 the government of the District of Columbia.

18 **“§ 310. No government discrimination against certain**
19 **health care entities**

20 “(a) NONDISCRIMINATION.—A Federal agency or
21 program, and any State or local government that receives
22 Federal financial assistance (either directly or indirectly),
23 may not subject any individual or institutional health care
24 entity to discrimination on the basis that the health care

1 entity does not provide, pay for, provide coverage of, or
2 refer for abortions.

3 “(b) HEALTH CARE ENTITY DEFINED.—For pur-
4 poses of this section, the term ‘health care entity’ includes
5 an individual physician or other health care professional,
6 a hospital, a provider-sponsored organization, a health
7 maintenance organization, a health insurance plan, or any
8 other kind of health care facility, organization, or plan.

9 “(c) REMEDIES.—

10 “(1) IN GENERAL.—The courts of the United
11 States shall have jurisdiction to prevent and redress
12 actual or threatened violations of this section by
13 issuing any form of legal or equitable relief, includ-
14 ing—

15 “(A) injunctions prohibiting conduct that
16 violates this section; and

17 “(B) orders preventing the disbursement of
18 all or a portion of Federal financial assistance
19 to a State or local government, or to a specific
20 offending agency or program of a State or local
21 government, until such time as the conduct pro-
22 hibited by this section has ceased.

23 “(2) COMMENCEMENT OF ACTION.—An action
24 under this subsection may be instituted by—

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

4 “(B) the Attorney General of the United
5 States.

6 “(d) ADMINISTRATION.—The Secretary of Health
7 and Human Services shall designate the Director of the
8 Office for Civil Rights of the Department of Health and
9 Human Services—

10 “(1) to receive complaints alleging a violation of
11 this section;

12 “(2) subject to paragraph (3), to pursue the in-
13 vestigation of such complaints in coordination with
14 the Attorney General; and

15 “(3) in the case of a complaint related to a
16 Federal agency (other than with respect to the De-
17 partment of Health and Human Services) or pro-
18 gram administered through such other agency or
19 any State or local government receiving Federal fi-
20 nancial assistance through such other agency, to
21 refer the complaint to the appropriate office of such
22 other agency.”.

23 (b) AMENDMENT TO TABLE OF CHAPTERS.—The
24 table of chapters for title 1, United States Code, is amend-
25 ed by adding at the end the following new item:

**“4. Prohibiting taxpayer funded abortions and providing
for conscience protections 301”.**

