

113TH CONGRESS
1ST SESSION

S. 137

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

IN THE SENATE OF THE UNITED STATES

JANUARY 24 (legislative day, JANUARY 3), 2013

Mr. VITTER (for himself, Mr. COATS, Mr. BOOZMAN, Mr. RISCH, Mr. ENZI, Mr. COBURN, Mr. CHAMBLISS, and Mr. JOHANNES) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 2013”.

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.”.

○