

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3
OFFERED BY MR. FRANKS OF ARIZONA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “No Taxpayer Funding
3 for Abortion Act”.

4 **SEC. 2. PROHIBITING TAXPAYER FUNDED ABORTIONS AND**
5 **PROVIDING FOR CONSCIENCE PROTECTIONS.**

6 Title 1 of the United States Code is amended by add-
7 ing at the end the following new chapter:

8 **“CHAPTER 4—PROHIBITING TAXPAYER**
9 **FUNDED ABORTIONS AND PROVIDING**
10 **FOR CONSCIENCE PROTECTIONS**

“Sec.

“301. Prohibition on funding for abortions.

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

“303. Prohibition on tax benefits relating to abortion.

“304. Limitation on Federal facilities and employees.

“305. Construction relating to separate coverage.

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

“307. Non-preemption of other Federal laws.

“308. Construction relating to complications arising from abortion.

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

“310. Application to District of Columbia.

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

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

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

6 **“§ 302. Prohibition on funding for health benefits**
7 **plans that cover abortion**

8 “None of the funds authorized or appropriated by
9 Federal law, and none of the funds in any trust fund to
10 which funds are authorized or appropriated by Federal
11 law, shall be expended for health benefits coverage that
12 includes coverage of abortion.

13 **“§ 303. Prohibition on tax benefits relating to abor-**
14 **tion**

15 “For taxable years beginning after the date of the
16 enactment of this section—

17 “(1) no credit shall be allowed under the inter-
18 nal revenue laws with respect to amounts paid or in-
19 curred for an abortion or with respect to amounts
20 paid or incurred for a health benefits plan (including
21 premium assistance) that includes coverage of abor-
22 tion,

23 “(2) for purposes of determining any deduction
24 for expenses paid for medical care of the taxpayer or
25 the taxpayer’s spouse or dependents, amounts paid

1 or incurred for an abortion shall not be taken into
2 account, and

3 “(3) in the case of any tax-preferred trust or
4 account the purpose of which is to pay medical ex-
5 penses of the account beneficiary, any amount paid
6 or distributed from such an account for an abortion
7 shall be included in the gross income of such bene-
8 ficiary.

9 **“§ 304. Limitation on Federal facilities and employees**

10 “No health care service furnished—

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

13 “(2) by any physician or other individual em-
14 ployed by the Federal Government to provide health
15 care services within the scope of the physician’s or
16 individual’s employment,

17 may include abortion.

18 **“§ 305. Construction relating to separate coverage**

19 “Nothing in this chapter shall be construed as pro-
20 hibiting any individual, entity, or State or locality from
21 purchasing separate abortion coverage or health benefits
22 coverage that includes abortion so long as such coverage
23 is paid for entirely using only funds not authorized or ap-
24 propriated by Federal law and such coverage shall not be
25 purchased using matching funds required for a federally

1 subsidized program, including a State's or locality's con-
2 tribution of Medicaid matching funds.

3 **“§ 306. Construction relating to the use of non-Fed-
4 eral funds for health coverage**

5 “Nothing in this chapter shall be construed as re-
6 stricting the ability of any non-Federal health benefits cov-
7 erage provider from offering abortion coverage, or the abil-
8 ity of a State or locality to contract separately with such
9 a provider for such coverage, so long as only funds not
10 authorized or appropriated by Federal law are used and
11 such coverage shall not be purchased using matching
12 funds required for a federally subsidized program, includ-
13 ing a State's or locality's contribution of Medicaid match-
14 ing funds.

15 **“§ 307. Non-preemption of other Federal laws**

16 “Nothing in this chapter shall repeal, amend, or have
17 any effect on any other Federal law to the extent such
18 law imposes any limitation on the use of funds for abortion
19 or for health benefits coverage that includes coverage of
20 abortion, beyond the limitations set forth in this chapter.

21 **“§ 308. Construction relating to complications arising
22 from abortion**

23 “Nothing in this chapter shall be construed to apply
24 to the treatment of any infection, injury, disease, or dis-
25 order that has been caused by or exacerbated by the per-

1 formance of an abortion. This rule of construction shall
2 be applicable without regard to whether the abortion was
3 performed in accord with Federal or State law, and with-
4 out regard to whether funding for the abortion is permis-
5 sible under section 309 of this Act.

6 **“§ 309. Treatment of abortions related to rape, incest,**
7 **or preserving the life of the mother**

8 “The limitations established in sections 301, 302,
9 303, and 304 shall not apply to an abortion—

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

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

18 **“§ 310. Application to District of Columbia**

19 “In this chapter:

20 “(1) Any reference to funds appropriated by
21 Federal law shall be treated as including any
22 amounts within the budget of the District of Colum-
23 bia that have been approved by Act of Congress pur-
24 suant to section 446 of the District of Columbia

1 Home Rule Act (or any applicable successor Federal
2 law).

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

5 **“§ 311. No government discrimination against certain**
6 **health care entities**

7 “(a) NONDISCRIMINATION.—A Federal agency or
8 program, and any State or local government that receives
9 Federal financial assistance (either directly or indirectly),
10 may not subject any individual or institutional health care
11 entity to discrimination on the basis that the health care
12 entity does not provide, pay for, provide coverage of, or
13 refer for abortions.

14 “(b) HEALTH CARE ENTITY DEFINED.—For pur-
15 poses of this section, the term ‘health care entity’ includes
16 an individual physician or other health care professional,
17 a hospital, a provider-sponsored organization, a health
18 maintenance organization, a health insurance plan, or any
19 other kind of health care facility, organization, or plan.

20 “(c) REMEDIES.—

21 “(1) IN GENERAL.—The courts of the United
22 States shall have jurisdiction to prevent and redress
23 actual or threatened violations of this section by
24 issuing any form of legal or equitable relief, includ-
25 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 subsection 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 of Health
17 and Human Services shall designate the Director of the
18 Office for Civil Rights of the Department of Health and
19 Human Services—

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

22 “(2) subject to paragraph (3), to pursue the in-
23 vestigation of such complaints in coordination with
24 the Attorney General; and

1 “(3) in the case of a complaint related to a
2 Federal agency (other than with respect to the De-
3 partment of Health and Human Services) or pro-
4 gram administered through such other agency or
5 any State or local government receiving Federal fi-
6 nancial assistance through such other agency, to
7 refer the complaint to the appropriate office of such
8 other agency.”.

9 **SEC. 3. AMENDMENT TO TABLE OF CHAPTERS.**

10 The table of chapters for title 1, United States Code,
11 is amended by adding at the end the following new item:

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

