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(Original Signature of Member)

113TH CONGRESS  
1ST SESSION

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

To amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mrs. BLACK introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health Care Con-  
3 science Rights Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) As Thomas Jefferson declared to New Lon-  
7 don Methodists in 1809, “[n]o provision in our Con-  
8 stitution ought to be dearer to man than that which  
9 protects the rights of conscience against the enter-  
10 prises of the civil authority”.

11 (2) Jefferson’s conviction on respect for con-  
12 science is deeply embedded in the history and tradi-  
13 tions of our Nation, and codified in numerous Fed-  
14 eral laws approved by congressional majorities and  
15 Presidents of both parties, including in the Public  
16 Health Service Act; the United States Leadership  
17 Against HIV/AIDS, Tuberculosis, and Malaria Act;  
18 the Religious Freedom Restoration Act; long-  
19 standing provisions on respect for conscience rights  
20 in the Federal Employees Health Benefits Program  
21 and District of Columbia appropriations; and laws to  
22 protect individuals from being forced to participate  
23 in federal executions or prosecutions.

24 (3) Following enactment of the Patient Protec-  
25 tion and Affordable Care Act (Public Law 111–148,  
26 in this section referred to as “PPACA”), the Fed-

1       eral Government has sought to impose specific re-  
2       quirements that infringe on the rights of conscience  
3       of those who offer or purchase health coverage.

4           (4) While PPACA provides an exemption for  
5       some religious groups that object to participation in  
6       health insurance generally, and exempts millions of  
7       Americans from most of the Act's provisions, includ-  
8       ing the preventive services mandate, it fails to pro-  
9       vide statutory protection for those seeking to offer  
10      and purchase health coverage who have a religious  
11      or moral objection only to specific items or services.

12          (5) Nurses and other health care providers have  
13      increasingly been subjected to discrimination for  
14      abiding by their conscience rather than providing,  
15      paying for, or referring for abortion.

16          (6) Conscience rights protections for health care  
17      providers are an important part of civil rights pro-  
18      tections in Federal law and are indispensable to the  
19      continued viability of the health care system in the  
20      United States. The increasingly significant discrimi-  
21      nation suffered by faith-based nonprofit health care  
22      providers risks undermining access to high-quality  
23      compassionate care for some of the most vulnerable  
24      populations in our country.

1 **SEC. 3. APPLYING LONGSTANDING POLICY ON CON-**  
2 **SCIENCE RIGHTS TO THE AFFORDABLE CARE**  
3 **ACT.**

4 (a) IN GENERAL.—Title I of the Patient Protection  
5 and Affordable Care Act (Public Law 111–148) is amend-  
6 ed—

7 (1) by redesignating the second section 1563  
8 (relating to conforming amendments and as redesignig-  
9 nated by section 10107(b)(1) of the Patient Protec-  
10 tion and Affordable Care Act) as section 1564;

11 (2) by redesignating the third section 1563 (re-  
12 lating to the Sense of the Senate promoting fiscal  
13 responsibility) as section 1565; and

14 (3) by adding at the end the following new sec-  
15 tion:

16 **“SEC. 1566. RESPECTING CONSCIENCE RIGHTS IN HEALTH**  
17 **COVERAGE.**

18 “(a) IN GENERAL.—Notwithstanding any other pro-  
19 vision of this title, no provision of this title (and no amend-  
20 ment made by any such provision) shall—

21 “(1) require an individual to purchase indi-  
22 vidual health insurance coverage that includes cov-  
23 erage of an abortion or other item or service to  
24 which such individual has a moral or religious objec-  
25 tion, or prevent an issuer from offering or issuing,

1 to such individual, individual health insurance cov-  
2 erage that excludes such item or service;

3 “(2) require a sponsor (or, in the case of health  
4 insurance coverage offered to students through an  
5 institution of higher education, the institution of  
6 higher education offering such coverage) to sponsor,  
7 purchase, or provide any health benefits coverage or  
8 group health plan that includes coverage of an abor-  
9 tion or other item or service to which such sponsor  
10 or institution, respectively, has a moral or religious  
11 objection, or prevent an issuer from offering or  
12 issuing to such sponsor or institution, respectively,  
13 health insurance coverage that excludes such item or  
14 service;

15 “(3) require an issuer of health insurance cov-  
16 erage or the sponsor of a group health plan to in-  
17 clude, in any such coverage or plan, coverage of an  
18 abortion or other item or service to which such  
19 issuer or sponsor has a moral or religious objection;  
20 or

21 “(4) authorize the imposition of a tax, penalty,  
22 fee, fine, or other sanction, or the imposition of cov-  
23 erage of the item or service to which there is a moral  
24 or religious objection, in relation to health insurance

1 coverage or a group health plan that excludes an  
2 item or service pursuant to this section.

3 “(b) RESTRICTION ON CONTRARY GOVERNMENTAL  
4 ACTION.—No provision in this title (or amendment made  
5 by such provision) or law, regulation, guideline or other  
6 governmental action that implements such provision or  
7 amendment, or derives its authority therefrom, shall be  
8 given legal effect to the extent that it violates this section.

9 “(c) NO EFFECT ON OTHER LAWS.—Nothing in this  
10 section shall be construed to preempt, modify, or otherwise  
11 have any effect on—

12 “(1) the Civil Rights Act of 1964;

13 “(2) the Americans with Disabilities Act of  
14 1990;

15 “(3) the Pregnancy Discrimination Act of 1978;

16 “(4) the Mental Health Parity Act of 1996; or

17 “(5) any other State or Federal law, other than  
18 a provision in this title (or an amendment made by  
19 such provision) or a law, regulation, guideline or  
20 other governmental action that implements such pro-  
21 vision or amendment or derives its authority there-  
22 from.

23 “(d) AGGREGATE ACTUARIAL VALUE.—Nothing in  
24 this section shall be construed to prohibit the Secretary  
25 from issuing regulations or other guidance to ensure that

1 health insurance coverage or group health plans excluding  
2 abortion or other items or services under this section shall  
3 have an aggregate actuarial value at least equivalent to  
4 that of health insurance coverage or group health plans  
5 at the same level of coverage that do not exclude such  
6 items or services.

7 “(e) CONTINUED APPLICATION OF NONDISCRIMINA-  
8 TION RULES.—Nothing in this section shall be construed  
9 to permit a health insurance issuer, group health plan, or  
10 other health care provider to act in a manner inconsistent  
11 with subparagraph (B) or (D) of section 1302(b)(4).”.

12 (b) CLERICAL AMENDMENT.—The table of contents  
13 of the Patient Protection and Affordable Care Act (Public  
14 Law 111–148) is amended—

15 (1) by striking the following items:

“1563. Conforming amendments.

“1563. Sense of the Senate promoting fiscal responsibility.”; and

16 (2) by inserting after the item relating to the  
17 section 1563 relating to small business procurement  
18 the following items:

“1564. Conforming amendments.

“1565. Sense of the Senate promoting fiscal responsibility.

“1566. Respecting conscience rights in health coverage.”.

19 **SEC. 4. ABORTION NONDISCRIMINATION FOR HEALTH**  
20 **CARE PROVIDERS.**

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

1           (1) in the section heading, by striking “**AND**  
2           **LICENSING OF PHYSICIANS**” and inserting “, **LI-**  
3           **CENSING, AND PRACTICE OF PHYSICIANS AND**  
4           **OTHER 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)(1), by striking “stand-  
16           ards” and inserting “standard”;

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

19           “(1) The term ‘financial assistance’, with re-  
20           spect to a government program, means governmental  
21           payments to cover the cost of health care services or  
22           benefits, or other Federal payments, grants, or loans  
23           to promote or otherwise facilitate health-related ac-  
24           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 as defined in section 1855(d) of the Social Security  
7 Act, a health maintenance organization, an account-  
8 able care organization, an issuer of health insurance  
9 coverage, any other kind of health care facility, orga-  
10 nization, or plan, and an entity that provides or au-  
11 thorizes referrals for health care services.”;

12           (5) by adding at the end of subsection (c) the  
13 following new paragraph:

14           “(4) The term ‘State or local government that  
15 receives Federal financial assistance’ includes any  
16 agency or other governmental unit of a State or  
17 local government if such government receives Fed-  
18 eral financial assistance.”;

19           (6) by redesignating subsection (c) as sub-  
20 section (d); and

21           (7) by inserting after subsection (b) the fol-  
22 lowing new subsection:

23           “(c) ADMINISTRATION.—The Secretary shall des-  
24 ignate the Director of the Office for Civil Rights of the  
25 Department of Health and Human Services—

1           “(1) to receive complaints alleging a violation of  
2           this section, section 1566 of the Patient Protection  
3           and Affordable Care Act, or any of subsections (b)  
4           through (e) of section 401 of the Health Programs  
5           Extension Act of 1973; and

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

8   **SEC. 5. REMEDIES FOR VIOLATIONS OF FEDERAL CON-**  
9                           **SCIENCE LAWS.**

10          Title II of the Public Health Service Act (42 U.S.C.  
11   202 et seq.) is amended by inserting after section 245 the  
12   following:

13   **“SEC. 245A. CIVIL ACTION FOR CERTAIN VIOLATIONS.**

14          “(a) IN GENERAL.—A qualified party may, in a civil  
15   action, obtain appropriate relief with regard to a des-  
16   ignated violation.

17          “(b) DEFINITIONS.—In this section—

18               “(1) the term ‘qualified party’ means—

19                       “(A) the Attorney General; or,

20                       “(B) any person or entity adversely af-  
21                       fected by the designated violation; and

22               “(2) the term ‘designated violation’ means an  
23               actual or threatened violation of section 245 of this  
24               Act, section 1566 of the Patient Protection and Af-  
25               fordable Care Act, or any of subsections (b) through

1 (e) of section 401 of the Health Programs Extension  
2 Act of 1973.

3 “(c) ADMINISTRATIVE REMEDIES NOT REQUIRED.—  
4 An action under this section may be commenced, and relief  
5 may be granted, without regard to whether the party com-  
6 mencing the action has sought or exhausted available ad-  
7 ministrative remedies.

8 “(d) DEFENDANTS IN ACTIONS UNDER THIS SEC-  
9 TION MAY INCLUDE GOVERNMENTAL ENTITIES AS WELL  
10 AS OTHERS.—

11 “(1) IN GENERAL.—An action under this sec-  
12 tion may be maintained against, among others, a  
13 party that is a Federal or State governmental entity.  
14 Relief in an action under this section may include  
15 money damages even if the defendant is such a gov-  
16 ernmental entity.

17 “(2) DEFINITION.—For the purposes of this  
18 subsection, the term ‘State governmental entity’  
19 means a State, a local government within a State,  
20 or any agency or other governmental unit or author-  
21 ity of a State or of such a local government.

22 “(e) NATURE OF RELIEF.—The court shall grant—  
23 “(1) all necessary equitable and legal relief, in-  
24 cluding, where appropriate, declaratory relief and  
25 compensatory damages, to prevent the occurrence,

1       continuance, or repetition of the designated violation  
2       and to compensate for losses resulting from the des-  
3       ignated violation; and  
4               “(2) to a prevailing plaintiff, reasonable attor-  
5       neys’ fees and litigation expenses as part of the  
6       costs.”.