

[FULL COMMITTEE PRINT]

Union Calendar No. _____

112TH CONGRESS
2D SESSION

H. R. _____

[Report No. 112-____]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

____ --, 2012

Mr. REIBERG, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

1 ties to the same extent as they may be awarded against
2 other persons and entities.

3 (B) For the purposes of this subsection—

4 (i) the term “State governmental entity” means
5 a state, or any agency or other governmental unit or
6 authority of a State; and

7 (ii) the term “State” shall have the same mean-
8 ing in this section as in 42 USC § 201.

9 (4) In an action under this section, the court shall
10 grant—

11 (A) all necessary equitable and legal relief, in-
12 cluding, where appropriate, declaratory relief and
13 compensatory damages, to prevent the occurrence,
14 continuance, or repetition of the designated violation
15 and to compensate for losses resulting from the des-
16 ignated violation; and

17 (B) to a prevailing plaintiff, reasonable attor-
18 neys’ fees and litigation expenses as part of the
19 costs.

20 SEC. 538. (a) IN GENERAL.—Section 245 of the Pub-
21 lic Health Service Act (42 U.S.C. 238n) is amended—

22 (1) in the section heading, by striking “**AND**
23 **LICENSING OF PHYSICIANS**” and inserting “**, LI-**
24 **CENSING, AND PRACTICE OF PHYSICIANS AND**
25 **OTHER HEALTH CARE ENTITIES**”;

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

3 “(1) the entity refuses—

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

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

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

9 “(D) to provide referrals for such training
10 or such abortions;”;

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

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

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

22 “(2) The term ‘health care entity’ includes an
23 individual physician or other health professional, a
24 postgraduate physician training program, a partici-
25 pant in a program of training in the health profes-

1 sions, a hospital, a provider sponsored organization,
2 a health maintenance organization, an accountable
3 care organization, a health insurance plan, any other
4 kind of health care facility, organization, or plan,
5 and an entity that provides or authorizes referrals
6 for health care services.”;

7 (5) in subsection (c), by adding at the end the
8 following:

9 “(4) The term ‘State or local government that
10 receives Federal financial assistance’ includes any
11 agency or other governmental unit of a State or
12 local government if such government receives Fed-
13 eral financial assistance.”;

14 (6) by redesignating subsection (c) as sub-
15 section (d); and

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

18 “(c) 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.”.

1 (b) REMEDIES.—Title II of the Public Health Service
2 Act (42 U.S.C. 202 et seq.) is amended by inserting after
3 section 245 the following:

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

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

8 “(b) DEFINITIONS.—In this section—

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

10 “(A) the Attorney General; or

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

13 “(2) the term ‘designated violation’ means an
14 actual or threatened violation of section 245 of this
15 Act or any of subsections (b) through (e) of section
16 401 of the Health Programs Extension Act of 1973.

17 “(c) ADMINISTRATIVE REMEDIES NOT REQUIRED.—

18 An action under this section may be commenced without
19 regard to whether the party commencing the action has
20 sought or exhausted available administrative remedies.

21 “(d) DEFENDANTS IN ACTIONS UNDER THIS SEC-
22 TION MAY INCLUDE GOVERNMENTAL ENTITIES AS WELL
23 AS OTHERS.—

24 “(1) GENERALLY.—An action under this sec-
25 tion may be maintained against a party who is a

1 Federal or State governmental entity. Money dam-
2 ages and any other relief may be awarded against
3 State and Federal governmental entities to the same
4 extent as they may be awarded against other per-
5 sons and entities.

6 “(2) DEFINITION.—For the purposes of this
7 subsection, the term ‘State governmental entity’
8 means a State, a local government within a State,
9 or any agency or other governmental unit or author-
10 ity of a State or of such a local government.

11 “(e) NATURE OF RELIEF.—The court shall grant—

12 “(1) all necessary equitable and legal relief, in-
13 cluding, where appropriate, declaratory relief and
14 compensatory damages, to prevent the occurrence,
15 continuance, or repetition of the designated violation
16 and to compensate for losses resulting from the des-
17 ignated violation; and

18 “(2) to a prevailing plaintiff, reasonable attor-
19 neys fees and litigation expenses as part of the
20 costs.”.

21 ~~SPENDING REDUCTION ACCOUNT~~
22 ~~SEC. 539. The amount by which the applicable alloca-~~
23 ~~tion of new budget authority made by the Committee on~~
24 ~~Appropriations of the House of Representatives under sec-~~