

119<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2226

To amend the Public Health Service Act to prohibit discrimination against entities that do not participate in abortion and to strengthen implementation and enforcement of Federal conscience laws.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2025

Mr. SMITH of New Jersey (for himself, Ms. TENNEY, and Mr. ADERHOLT) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to prohibit discrimination against entities that do not participate in abortion and to strengthen implementation and enforcement of Federal conscience laws.

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 “Let Pregnancy Centers  
5       Serve Act of 2025”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) Pregnancy centers are community-based,  
2 nonprofit organizations that provide free compas-  
3 sionate care, support, and resources to help meet the  
4 physical, psychological, emotional, and spiritual  
5 needs of women, girls, couples, and families navi-  
6 gating pregnancy and offer life-affirming alter-  
7 natives to abortion. These services can include preg-  
8 nancy tests, ultrasounds, STD/STI tests, prenatal  
9 education programs, parenting education programs,  
10 after-abortion support, lactation consultations, cer-  
11 tified dietician and nutritionist consultations, and  
12 well-women exams.

13           (2) Pregnancy care centers are committed to  
14 providing clients with complete and accurate infor-  
15 mation regarding their pregnancy options and the  
16 development of an unborn baby. Most pregnancy  
17 centers are affiliated with at least one of three na-  
18 tional networks. These networks require their affili-  
19 ates to adopt a Commitment of Care and Com-  
20 petence, setting ethical, legal, and regulatory stand-  
21 ards.

22           (3) In 2022 alone, 2,750 pregnancy centers  
23 across the United States provided an estimated  
24 3,255,856 total client sessions, including in-person  
25 and virtual sessions. 97.4 percent of clients seen by

1 pregnancy centers reported having a positive experi-  
2 ence with pregnancy centers.

3 (4) The total values of the material goods and  
4 services provided by pregnancy centers in 2022 was  
5 at least \$367 million. 808,737 clients received mate-  
6 rial resources, which included packs of diapers and  
7 wipes, baby formula, baby clothes, new cribs, new  
8 car seats, and strollers.

9 (5) Out of the 62,576 individuals who worked  
10 at pregnancy centers in 2022, 44,930 (7 in 10 work-  
11 ers) were volunteers.

12 (6) Many pregnancy centers offer medical serv-  
13 ices. In 2022, 10,175 medical staff and volunteers  
14 provided care to clients across the Nation. Preg-  
15 nancy centers performed 546,683 free ultrasounds,  
16 at an estimated total value of \$136 million.

17 **SEC. 3. PROHIBITING DISCRIMINATION AGAINST ENTITIES**  
18 **THAT DO NOT PARTICIPATE IN ABORTION.**

19 Title II of the Public Health Service Act (42 U.S.C.  
20 202 et seq.) is amended by inserting after section 245 the  
21 following:

1 **“SEC. 245A. PROHIBITING DISCRIMINATION AGAINST ENTI-**  
2 **TIES THAT DO NOT PARTICIPATE IN ABOR-**  
3 **TION.**

4 “(a) IN GENERAL.—Notwithstanding any other law,  
5 the Federal Government, and any individual or entity that  
6 receives Federal financial assistance, including any State  
7 or local government, may not discriminate against, penal-  
8 ize, or retaliate against an entity because the entity offers  
9 life-affirming support and resources to women facing un-  
10 expected pregnancy, offers life-affirming alternatives to  
11 abortion, or refrains from actions that counsel in favor  
12 of, suggest, recommend, assist, provide, promote, or in any  
13 way participate in the performance of abortions.

14 “(b) PROHIBITED ACTIONS.—The actions that are  
15 prohibited under subsection (a) include, at a minimum—

16 “(1) requiring an entity to offer or perform an  
17 abortion;

18 “(2) requiring an entity to offer, provide, or  
19 distribute an abortion-inducing drug;

20 “(3) requiring an entity to refer a person for an  
21 abortion or an abortion-inducing drug;

22 “(4) requiring an entity to counsel in favor of  
23 an abortion or an abortion-inducing drug;

24 “(5) requiring an entity to post any advertise-  
25 ment, sign, flyer, or similar material that promotes

1 or provides information about obtaining an abortion  
2 or an abortion-inducing drug; and

3 “(6) prohibiting an entity from providing infor-  
4 mation, care, counseling, classes, or other services  
5 related to pregnancy, childbirth, or parenting be-  
6 cause the entity does not perform, refer, or counsel  
7 in favor of an abortion or an abortion-inducing drug.

8 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
9 tion shall be construed—

10 “(1) to prevent any entity from voluntarily  
11 electing to participate in abortions or abortion refer-  
12 rals where not prohibited by any other law; or

13 “(2) to affect, or be affected by, any Federal  
14 law that requires stabilizing treatment for a preg-  
15 nant woman or her unborn child when either needs  
16 emergency care.

17 “(d) DEFINITIONS.—For purposes of this section:

18 “(1) ABORTION.—The term ‘abortion’ means  
19 the use or prescription of any instrument, medicine,  
20 drug, or any other substance or device—

21 “(A) to intentionally kill the unborn child  
22 of a woman known to be pregnant; or

23 “(B) to intentionally terminate the preg-  
24 nancy of a woman known to be pregnant, with  
25 an intention other than—

1                   “(i) after viability to produce a live  
2                   birth and preserve the life and health of  
3                   the child born alive;

4                   “(ii) to remove a dead unborn child;  
5                   or

6                   “(iii) to remove an ectopic pregnancy  
7                   or other pregnancy implanted outside the  
8                   uterus.

9                   “(2) FEDERAL FINANCIAL ASSISTANCE.—The  
10                  term ‘Federal financial assistance’ means Federal  
11                  payments to cover the cost of health care services or  
12                  benefits, or other Federal payments, grants, or loans  
13                  to promote or otherwise facilitate health-related ac-  
14                  tivities. Such term does not include expenditures  
15                  made under direct spending programs.

16                  “(3) LIFE-AFFIRMING ALTERNATIVES TO ABOR-  
17                  TION.—The term ‘life-affirming alternatives to abor-  
18                  tion’ means one or more programs that promote  
19                  childbirth as an alternative to abortion, through life-  
20                  affirming social services providers, which may in-  
21                  clude pregnancy centers, adoption assistance pro-  
22                  viders, and maternity homes. For purposes of the  
23                  preceding sentence, the term ‘life-affirming social  
24                  services providers’ does not include entities that pro-

1       vide, facilitate, counsel in favor of, or refer for abor-  
2       tions.

3               “(4) LIFE-AFFIRMING SUPPORT AND RE-  
4       SOURCES TO WOMEN FACING UNEXPECTED PREG-  
5       NANCY.—

6               “(A) IN GENERAL.—The term ‘life-affirm-  
7       ing support and resources to women facing un-  
8       expected pregnancy’ means one or more of the  
9       following:

10               “(i) Providing information, care,  
11       counseling, classes, or other services re-  
12       lated to pregnancy, childbirth, or parenting  
13       without providing, referring, or counseling  
14       in favor of abortion or abortion-inducing  
15       drugs.

16               “(ii) Providing prenatal and postnatal  
17       resources, such as diapers, baby clothes,  
18       baby furniture, formula, and similar items.

19               “(iii) Providing medical testing, coun-  
20       seling, and care related to pregnancy or  
21       childbirth.

22               “(iv) Counseling a woman on preg-  
23       nancy-related care or treatment, including  
24       care or treatment that may reverse the ef-  
25       fects of abortion-inducing drugs.

1           “(B) LIMITATION.—The term ‘life-affirm-  
2           ing support and resources to women facing un-  
3           expected pregnancy’ does not include per-  
4           forming, referring, or counseling in favor of  
5           abortion or abortion-inducing drugs.

6           “(5) STATE OR LOCAL GOVERNMENT.—The  
7           term ‘State or local government’ includes every  
8           agency and other governmental unit and subdivision  
9           of a State or local government, if such State or local  
10          government, or any agency or governmental unit or  
11          subdivision thereof, receives Federal financial assist-  
12          ance.”.

13 **SEC. 4. STRENGTHENING ENFORCEMENT OF FEDERAL**  
14 **CONSCIENCE LAWS.**

15          Title II of the Public Health Service Act (42 U.S.C.  
16 202 et seq.), as amended by section 3, is further amended  
17 by inserting after section 245A the following:

18 **“SEC. 245B. CIVIL ACTION FOR DISCRIMINATION AGAINST**  
19 **ENTITIES OFFERING ABORTION ALTER-**  
20 **NATIVES.**

21          “(a) IN GENERAL.—A qualified party may, in a civil  
22 action, obtain relief described in subsection (e) with re-  
23 spect to a designated violation.

24          “(b) DEFINITIONS.—For purposes of this section:

1           “(1) DESIGNATED VIOLATION.—The term ‘des-  
2           ignated violation’ means an actual or threatened vio-  
3           lation of any provision of law described in section  
4           245A.

5           “(2) QUALIFIED PARTY.—The term ‘qualified  
6           party’ means—

7                   “(A) the Attorney General; or

8                   “(B) any individual or entity adversely af-  
9                   fected by the designated violation.

10          “(c) ADMINISTRATIVE REMEDIES NOT REQUIRED.—  
11          An action under this section may be commenced, and relief  
12          may be granted, without regard to whether the party com-  
13          mencing the action has sought or exhausted any available  
14          administrative remedies.

15          “(d) DEFENDANTS IN ACTIONS UNDER THIS SEC-  
16          TION MAY INCLUDE GOVERNMENTAL ENTITIES AS WELL  
17          AS OTHERS.—

18               “(1) IN GENERAL.—An action under this sec-  
19               tion may be maintained against any individual or en-  
20               tity receiving Federal financial assistance (as defined  
21               in section 245A(c)), including a State governmental  
22               entity. Relief in an action under this section may in-  
23               clude money damages even if the defendant is a gov-  
24               ernmental entity.

1           “(2) DEFINITION.—For the purposes of this  
2 subsection, the term ‘State governmental entity’  
3 means a State, a local government within a State,  
4 and any agency or other governmental unit or sub-  
5 division of a State, or of such a local government.

6           “(e) NATURE OF RELIEF.—In an action under this  
7 section, the court shall grant—

8           “(1) all appropriate relief, including injunctive  
9 relief, declaratory relief, and compensatory damages  
10 to prevent the occurrence, continuance, or repetition  
11 of the designated violation and to compensate for  
12 losses resulting from the designated violation; and

13           “(2) to a prevailing plaintiff, reasonable attor-  
14 neys’ fees and litigation costs.”.

15 **SEC. 5. SEVERABILITY.**

16       If any provision of this Act or an amendment made  
17 by this Act, or the application of such a provision or  
18 amendment to any individual, entity, government, or cir-  
19 cumstance, is held to be unconstitutional, the remainder  
20 of this Act and the amendments made by this Act, and  
21 the application of such provision or amendment to any  
22 other individual, entity, government, or circumstance,  
23 shall not be affected.

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