

**HOUSE CONCURRENT RESOLUTION NO. 3038**

Introduced by

Representatives Warnke, Carlson, Kerzman

Senators Erbele, Krauter

1 A concurrent resolution urging Congress to permit states to enact prohibitions on the use of  
2 federal family planning funds by private and public agencies.

3 **WHEREAS**, title X of the federal Public Health Service Act [Pub. L. 91-572; 84 Stat.  
4 1506; 42 U.S.C. 300] provides grants to public and private agencies for family planning  
5 programs; and

6 **WHEREAS**, title X and its corresponding regulations require that agencies receiving  
7 title X funds provide counseling on, and referrals for, abortion; and

8 **WHEREAS**, the State of North Dakota, reflecting a policy of favoring childbirth over  
9 abortion, has enacted section 14-02.3-02, prohibiting the use of state and federal funds for  
10 family planning by any person or public or private agency that performs, refers, or encourages  
11 abortion; and

12 **WHEREAS**, the federal preemption clause prevents the state from enforcing section  
13 14-02.3-02 if a person or agency receives any title X funds; and

14 **WHEREAS**, the federal government provides title X grants to both public and private  
15 agencies, thereby compelling states to accept title X grants or lose the funds to private  
16 agencies with less accountability to the people of North Dakota;

17 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**  
18 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

19 That the Fifty-eighth Legislative Assembly urges the Congress of the United States to  
20 permit states to enact prohibitions on the use of grants provided under title X of the federal  
21 Public Health Service Act [Pub. L. 91-572; 84 Stat. 1506; 42 U.S.C. 300] by public and private  
22 agencies operating in the state; and

23 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this  
24 resolution to each member of the North Dakota Congressional Delegation.