

113TH CONGRESS  
1ST SESSION

# S. 135

To amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24 (legislative day, JANUARY 3), 2013

Mr. VITTER (for himself, Mr. COATS, Mr. BOOZMAN, Mr. RISCH, Mr. ENZI, Mr. COBURN, and Mr. JOHANNES) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Title X Abortion Pro-  
5 vider Prohibition Act”.

1 **SEC. 2. PROHIBITION ON ABORTION.**

2 Title X of the Public Health Service Act (42 U.S.C.  
3 300 et seq.) is amended by adding at the end the fol-  
4 lowing:

5 **“SEC. 1009. ADDITIONAL PROHIBITION REGARDING ABOR-**  
6 **TION.**

7 “(a) PROHIBITION.—The Secretary shall not provide  
8 any assistance under this title to an entity unless the enti-  
9 ty certifies that, during the period of such assistance, the  
10 entity will not perform, and will not provide any funds  
11 to any other entity that performs, an abortion.

12 “(b) EXCEPTION.—Subsection (a) does not apply  
13 with respect to an abortion where—

14 “(1) the pregnancy is the result of rape or in-  
15 cest; or

16 “(2) a physician certifies that the woman suf-  
17 fers from a physical disorder, physical injury, or  
18 physical illness that would place the woman in dan-  
19 ger of death unless an abortion is performed, includ-  
20 ing a life-threatening physical condition caused by or  
21 arising from the pregnancy itself.

22 “(c) HOSPITALS.—Subsection (a) does not apply with  
23 respect to a hospital, so long as such hospital does not,  
24 during the period of assistance described in subsection (a),  
25 provide funds to any non-hospital entity that performs an

1 abortion (other than an abortion described in subsection  
2 (b)).

3 “(d) ANNUAL REPORT.—Not later than 60 days after  
4 the date of the enactment of the Title X Abortion Provider  
5 Prohibition Act, and annually thereafter, for the fiscal  
6 year involved, the Secretary shall submit a report to the  
7 Congress containing—

8 “(1) a list of each entity receiving a grant  
9 under this title;

10 “(2) for each such entity performing abortions  
11 under the exceptions described in subsection (b)—

12 “(A) the total number of such abortions;

13 “(B) the number of such abortions where  
14 the pregnancy is the result of rape;

15 “(C) the number of such abortions where  
16 the pregnancy is the result of incest; and

17 “(D) the number of such abortions where  
18 a physician provides a certification described in  
19 subsection (b)(2);

20 “(3) a statement of the date of the latest cer-  
21 tification under subsection (a) for each entity receiv-  
22 ing a grant under this title; and

23 “(4) a list of each entity to which an entity de-  
24 scribed in paragraph (1) makes available funds re-  
25 ceived through a grant under this title.

1 “(e) DEFINITIONS.—In this section:

2 “(1) The term ‘entity’ means the entire legal  
3 entity, including any entity that controls, is con-  
4 trolled by, or is under common control with such en-  
5 tity.

6 “(2) The term ‘hospital’ has the meaning given  
7 to such term in section 1861(e) of the Social Secu-  
8 rity Act.”.

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