

110TH CONGRESS  
1ST SESSION

# H. R. 4133

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 HOUSE OF REPRESENTATIVES

NOVEMBER 9, 2007

Mr. PENCE (for himself, Mr. PITTS, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, Mr. FORTENBERRY, Mr. AKIN, Mr. GARRETT of New Jersey, Mr. BURTON of Indiana, Mr. BRADY of Texas, Mr. GINGREY, Mr. BROUN of Georgia, Mr. HERGER, Mr. HOEKSTRA, Mr. CHABOT, Mr. LAMBORN, Mr. SENSENBRENNER, Mr. DOOLITTLE, Mr. DAVID DAVIS of Tennessee, Mr. GOODE, Mr. WELDON of Florida, Mr. JORDAN of Ohio, Mr. KLINE of Minnesota, Mr. WALBERG, Mr. FEENEY, Mr. INGLIS of South Carolina, Mr. RYAN of Wisconsin, Mr. MANZULLO, Mr. CAMPBELL of California, Mrs. MUSGRAVE, Mr. SALI, Mr. FORTUÑO, Mr. BARTLETT of Maryland, Mr. FLAKE, and Mr. CONAWAY) introduced the following bill; which was referred to the Committee on Energy and Commerce

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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 300a-6) is amended by adding at the end the following:

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

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

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

13 “(1) the pregnancy is the result of an act of  
14 rape, or an act of incest against a minor; or

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

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

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

6           “(1) a list of each entity receiving a grant  
7 under this title;

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

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

11           “(B) the number of such abortions where  
12 the pregnancy is the result of an act of rape;

13           “(C) the number of such abortions where  
14 the pregnancy is the result of an act of incest  
15 against a minor; and

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

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

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

25       “(e) DEFINITIONS.—In this section:

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

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

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