

111TH CONGRESS
1ST SESSION

S. 85

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

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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.

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 Family Plan-
5 ning Act”.

6 **SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE**
7 **ACT.**

8 Section 1008 of the Public Health Service Act (42
9 U.S.C. 300a–6) is amended to read as follows:

1 **“SEC. 1008. PROHIBITION ON ABORTION.**

2 “(a) IN GENERAL.—None of the funds appropriated
3 under this title shall be distributed to grantees who per-
4 form abortions or whose subgrantees perform abortions,
5 except where a woman suffers from a physical disorder,
6 physical injury, or physical illness, including a life-endan-
7 gering physical condition caused by or arising from the
8 pregnancy itself, that would, as certified by a physician,
9 place the woman in danger of death unless an abortion
10 is performed. The preceding sentence shall not apply to
11 a grantee or subgrantee that is a hospital, so long as such
12 hospital does not subgrant to a non-hospital entity that
13 performs abortions.

14 “(b) LIST.—Not later than 6 months after the date
15 of enactment of the Title X Family Planning Act, and
16 each fiscal year thereafter, the Secretary shall submit to
17 Congress a list of grantees, to which subsection (a) ap-
18 plies, under this title for the fiscal year involved that per-
19 form abortions regardless of how such abortions are fund-
20 ed.

21 “(c) LIMITATIONS ON ELIGIBILITY.—

22 “(1) GRANTEEES ON LIST.—A grantee who ap-
23 pears on the list submitted under subsection (b) for
24 a fiscal year shall not be eligible to receive assistance
25 under this title for subsequent fiscal years unless the
26 grantee submits to the Secretary a certification that

1 such grantee, and the subgrantees of such grantee,
2 no longer perform abortions.

3 “(2) APPLICATIONS FOR ASSISTANCE.—To be
4 eligible to receive assistance under this title, a grant-
5 ee to which subsection (a) applies shall submit to the
6 Secretary a certification that such grantee, and the
7 subgrantees of such grantee, do not perform abor-
8 tions other than those abortions explicitly permitted
9 under subsection (a).

10 “(d) DEFINITIONS.—In this section:

11 “(1) GRANTEE.—The term ‘grantee’ means the
12 organizational entity or individual to which a grant,
13 under this title is awarded and which is responsible
14 and accountable both for the use of the funds pro-
15 vided under the grant and for the performance of
16 the grant-supported project or activities. A grantee
17 is the entire legal entity even if only a particular
18 component is designated in the award document.

19 “(2) HOSPITAL.—The term ‘hospital’ has the
20 meaning given that term in section 1861(e) of the
21 Social Security Act.

22 “(3) SUBGRANTEE.—The term ‘subgrantee’
23 means the government or other legal entity to which
24 a subgrant is awarded under this title and which is

- 1 accountable to the grantee for the use of the funds
- 2 provided under the subgrant.”.

