

FAMILY PLANNING SERVICES AND POPULATION  
RESEARCH ACT OF 1970

DECEMBER 3, 1970.—Ordered to be printed

Mr. STAGGERS, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany S. 2108]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill following the enacting clause and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

SECTION 1. *This Act may be cited as the "Family Planning Services and Population Research Act of 1970".*

DECLARATION OF PURPOSE

SEC. 2. *It is the purpose of this Act—*

(1) *to assist in making comprehensive voluntary family planning services readily available to all persons desiring such services;*

(2) *to coordinate domestic population and family planning research with the present and future needs of family planning programs;*

(3) *to improve administrative and operational supervision of domestic family planning services and of population research programs related to such services;*

(4) *to enable public and nonprofit private entities to plan and develop comprehensive programs of family planning services;*

(5) to develop and make readily available information (including educational materials) on family planning and population growth to all persons desiring such information;

(6) to evaluate and improve the effectiveness of family planning service programs and of population research;

(7) to assist in providing trained manpower needed to effectively carry out programs of population research and family planning services; and

(8) to establish an Office of Population Affairs in the Department of Health, Education, and Welfare as a primary focus within the Federal Government on matters pertaining to population research and family planning, through which the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") shall carry out the purposes of this Act.

#### OFFICE OF POPULATION AFFAIRS

SEC. 3. (a) There is established within the Department of Health, Education, and Welfare an Office of Population Affairs to be directed by a Deputy Assistant Secretary for Population Affairs under the direct supervision of the Assistant Secretary for Health and Scientific Affairs. The Deputy Assistant Secretary for Population Affairs shall be appointed by the Secretary.

(b) The Secretary is authorized to provide the Office of Population Affairs with such full-time professional and clerical staff and with the services of such consultants as may be necessary for it to carry out its duties and functions.

#### FUNCTIONS OF THE DEPUTY ASSISTANT SECRETARY FOR POPULATION AFFAIRS

SEC. 4. The Secretary shall utilize the Deputy Assistant Secretary for Population Affairs—

(1) to administer all Federal laws for which the Secretary has administrative responsibility and which provide for or authorize the making of grants or contracts related to population research and family planning programs;

(2) to administer and be responsible for all population and family planning research carried on directly by the Department of Health, Education, and Welfare or supported by the Department through grants to, or contracts with, entities and individuals;

(3) to act as a clearinghouse for information pertaining to domestic and international population research and family planning programs for use by all interested persons and public and private entities;

(4) to provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government relating to population research and family planning;

(5) to provide or support training for necessary manpower for domestic programs of population research and family planning programs of service and research; and

(6) to coordinate and be responsible for the evaluation of the other Department of Health, Education, and Welfare programs related to population research and family planning and to make periodic recommendations to the Secretary.

## PLANS AND REPORTS

SEC. 5. (a) Not later than six months after the date of enactment of this Act the Secretary shall make a report to the Congress setting forth a plan, to be carried out over a period of five years, for extension of family planning services to all persons desiring such services, for family planning and population research programs, for training of necessary manpower for the programs authorized by title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, and for carrying out the other purposes set forth in this Act and in such title X.

(b) Such a plan shall, at a minimum, indicate on a phased basis—

(1) the number of individuals to be served by family planning programs under title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

(2) an estimate of the costs and personnel requirements needed to meet these objectives; and

(3) the steps to be taken to establish a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

(c) On or before January 1, 1972, and on or before each January 1 thereafter for a period of five years, the Secretary shall submit to the Congress a report which shall—

(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan;

(2) indicate steps being taken to achieve the objective during the remaining fiscal years of the plan and any revisions necessary to meet these objectives; and

(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan.

## AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 6. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to IX" and inserting in lieu thereof "Titles I to IX".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014 (as in effect prior to the enactment of this Act), and references thereto, as sections 1101 through 1114, respectively.

(c) The Public Health Service Act (42 U.S.C., ch. 6A) is further amended by adding after title IX the following new title:

**"TITLE X—POPULATION RESEARCH AND VOLUNTARY  
FAMILY PLANNING PROGRAMS**

**"PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES**

*"SEC. 1001. (a) The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects.*

*"(b) In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance.*

*"(c) For the purpose of making grants and contracts under this section, there are authorized to be appropriated \$30,000,000 for the fiscal year ending June 30, 1971; \$60,000,000 for the fiscal year ending June 30 1972; and \$90,000,000 for the fiscal year ending June 30, 1973.*

**"FORMULA GRANTS TO STATES FOR FAMILY PLANNING SERVICES**

*"SEC. 1002. (a) The Secretary is authorized to make grants, from allotments made under subsection (b), to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services. No grant may be made to a State health authority under this section unless such authority has submitted, and had approved by the Secretary, a State plan for a coordinated and comprehensive program of family planning services.*

*"(b) The sums appropriated to carry out the provisions of this section shall be allotted to the States by the Secretary on the basis of the population and the financial need of the respective States.*

*"(c) For the purposes of this section, the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the District of Columbia, and the Trust Territory of the Pacific Islands.*

*"(d) For the purpose of making grants under this section, there are authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1971; \$15,000,000 for the fiscal year ending June 30, 1972; and \$20,000,000 for the fiscal year ending June 30, 1973.*

**"TRAINING GRANTS AND CONTRACTS**

*"SEC. 1003. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002.*

*"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1971; \$3,000,000 for the fiscal year ending June 30, 1972; and \$4,000,000 for the fiscal year ending June 30, 1973.*

**"RESEARCH GRANTS AND CONTRACTS**

*"SEC. 1004. (a) In order to promote research in the biomedical, contraceptive development, behavioral, and program implementation fields related*

to family planning and population, the Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals for projects for research and research training in such fields.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated \$30,000,000 for the fiscal year ending June 30, 1971; \$50,000,000 for the fiscal year ending June 30, 1972; and \$65,000,000 for the fiscal year ending June 30, 1973.

#### "INFORMATIONAL AND EDUCATIONAL MATERIALS

"SEC. 1005. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated \$750,000 for the fiscal year ending June 30, 1971; \$1,000,000 for the fiscal year ending June 30, 1972; and \$1,250,000 for the fiscal year ending June 30, 1973.

#### "REGULATIONS AND PAYMENTS

"SEC. 1006. (a) Grants and contracts made under this title shall be made in accordance with such regulations as the Secretary may promulgate.

"(b) Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

"(c) A grant may be made or contract entered into under section 1001 or 1002 for a family planning service project or program only upon assurances satisfactory to the Secretary that—

"(1) priority will be given in such project or program to the furnishing of such services to persons from low-income families; and

"(2) no charge will be made in such project or program for services provided to any person from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge.

For purposes of this subsection, the term 'low-income family' shall be defined by the Secretary in accordance with such criteria as he may prescribe.

#### "VOLUNTARY PARTICIPATION

"SEC. 1007. The acceptance by any individual of family planning services or family planning or population growth information (including educational materials) provided through financial assistance under this title (whether by grant or contract) shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program of the entity or individual that provided such service or information.

“PROHIBITION OF ABORTION

“SEC. 1008. None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.”

And the House agree to the same.

The Senate recedes from its disagreement to the amendment of the House to the preamble of the bill and agrees to the same.

HARLEY O. STAGGERS,  
JOHN JARMAN,  
PAUL G. ROGERS,  
TIM LEE CARTER,  
JAMES F. HASTINGS,

*Managers on the Part of the House.*

RALPH W. YARBOROUGH,  
HARRISON WILLIAMS,  
EDWARD M. KENNEDY,  
GAYLORD NELSON,  
THOMAS F. EAGLETON,  
ALAN CRANSTON,  
HAROLD E. HUGHES,  
PETER H. DOMINICK,  
J. JAVITS,  
GEORGE MURPHY,  
WINSTON PROUTY,  
WM. B. SAXBE,

*Managers on the Part of the Senate.*

## STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the text of the bill following the enacting clause struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House amendment and the substitute agreed to in conference.

The conference agreement is the same as the legislation passed by the House in every respect but one. The one departure from the House version is with respect to the authorization of appropriations for project grants and contracts for family planning services and for research grants and contracts. The Senate authorizations were accepted with respect to these areas. The need for these levels of authorization is reflected in the following letter from the Secretary of Health, Education, and Welfare, the Honorable Elliot L. Richardson.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,  
*Washington, D.C., December 1, 1970.*

HON. HARLEY O. STAGGERS,  
*Chairman, Interstate and Foreign Commerce Committee,  
House of Representatives,  
Washington, D.C.*

DEAR MR. CHAIRMAN: The Department and the Administration were very pleased with the passage of S. 2108, the Family Planning Services and Population Research Bill. I know how deeply involved you were with each step in its progress.

As you approach the conference with the Senate members, there is a matter of particular concern to the Department of which you should be aware. During the hearings before your Committee, the Department provided an estimate of the expenditures necessary in services and research to achieve the Administration's goals in family planning services and population research. In certain instances these estimates exceed the authorization levels contained in the Bill passed by the Senate. Therefore, we were particularly distressed by the cuts in authorizations for family planning services project grants and contracts. We would appreciate your giving this problem particular

consideration. For your convenience, I am enclosing a copy of the cost estimates which were previously provided the Committee.

With regard to another difference between the House and Senate Bills, we appreciate the action of your committee in removing the authorization of grants for the construction of population research facilities. We regret that the Committee did not delete the authorization for formula grants to the States for family planning services.

Thank you again, Mr. Chairman, for the actions of you and your committee in assisting the administration towards solutions to these important problems.

With best regards,  
Sincerely,

ELLIOT L. RICHARDSON,  
*Secretary.*

Enclosure.

SELECTED POPULATION AND FAMILY PLANNING ACTIVITIES—COST ESTIMATES<sup>1</sup>

[In millions]

Organization	Authorizing legislation	Fiscal year				
		1971 budget	1972 estimate	1973 estimate	1974 estimate	1975 estimate
<b>Maternal and Child Health Services, HSMHA:</b>						
(1) Maternal and child health formula grant to the States.	Title V, Social Security Act.	\$13.1	\$15.0	\$15.0	\$15.0	\$15.0
(2) Maternity and infant care project grants.	-----do-----	4.7	5.0	5.0	5.0	5.0
<b>National Center for Family Planning Services, HSMHA:</b>						
(1) Project grants for services, operational research and training.	-----do-----	33.5	34.0	-----	-----	-----
	Administration proposal (H.R. 15159).	12.0	51.0	130.0	175.0	220.0
<b>Total services</b> -----		<b>63.3</b>	<b>105.0</b>	<b>150.0</b>	<b>195.0</b>	<b>240.0</b>
<b>National Institutes of Child Health and Human Development—Center for Population Research.</b>	Public Health Service Act.	28.3	50.0	75.0	100.0	100.0

<sup>1</sup> These figures represent only staff estimates of costs under these programs. They should not be construed as committing the Department or the Administration to requesting or spending such funds for fiscal years after 1971.

Adoption of the Senate's authorization levels with respect to project grants and contracts for family planning services and research grants and contracts will increase the authorizations in the conference agreement by \$120,000,000 over the authorizations in the House version. To place this amount in perspective it should be pointed out that the House version provided an authorization of \$267,000,000 over the three-year period covered by it. The Senate passed bill was a five-year program with authorizations aggregating \$991,250,000.

It is, and has been, the intent of both Houses that the funds authorized under this legislation be used only to support preventive family planning services, population research, infertility services, and other related medical, informational, and educational activities. The conferees have adopted the language contained in section 1008, which prohibits the use of such funds for abortion, in order to make clear this intent. The legislation does not and is not intended to interfere with



or limit programs conducted in accordance with State or local laws and regulations which are supported by funds other than those authorized under this legislation.

HARLEY O. STAGGERS,  
JOHN JARMAN,  
PAUL G. ROGERS,  
TIM LEE CARTER,  
JAMES F. HASTINGS,

*Managers on the Part of the House.*

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