

PROVIDING FOR THE CONSIDERATION OF H.R. 2264, THE
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERV-
ICES, AND EDUCATION APPROPRIATIONS BILL, 1998

JULY 28, 1997.—Referred to the House Calendar and ordered to be printed

Mr. DREIER, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 199]

The Committee on Rules, having had under consideration House Resolution 199, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 2264, the “Departments of Labor, Health and Human Services, and Education Appropriations Bill for FY 1998” under an open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the bill. The waiver includes waivers of clause 2(l)(6) of rule XI (three-day availability of reports), clause 7 of rule XXI (three-day availability of printed hearings), and sections 302 (prohibiting consideration of legislation providing new entitlement authority in excess of a committee’s allocation), 306 (prohibits consideration of legislation within Budget Committee’s jurisdiction, unless the Budget Committee has reported it), and 308 (requiring a CBO cost estimate in the committee report on legislation containing new entitlement spending, or budget authority, or a change in revenues) of the Congressional Budget Act of 1974 against the consideration of the bill.

The rule also waives clause 2 of rule XXI (prohibiting unauthorized and legislative provisions in an appropriations bill) against provisions in the bill and clause 6 (prohibiting reappropriations in

an appropriations bill) of rule XXI against provisions in the bill except as otherwise specified in the rule.

The rule makes in order those amendments printed in the Rules Committee report which may only be offered by the Member designated, shall be considered as read, shall not to be subject to amendment except as specified in the report and except pro forma amendments offered for the purpose of debate, and shall not be subject to a demand for a division of the question. All points of order against the amendments printed in the report are waived.

The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the *Congressional Record*. The rule also allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to five minutes on a postponed question if the vote follows a fifteen minute vote.

The rule waives clause 2(e) of rule XXI (prohibiting non-emergency amendments to be offered to a bill containing an emergency designation under the Budget Act) against amendments to the bill.

Finally, the rule provides for one motion to recommit, with or without instructions.

AMENDMENTS MADE IN ORDER BY THE RULE FOR H.R. 2264—LABOR,
HHS APPROPRIATIONS BILL, FY 1998

1. Hyde: Updates the Hyde amendment so that the current restriction on the use of federal funds for abortions will apply to managed care plans. It contains three exceptions: for acts of rape, incest and the life of the mother. The life of the mother language has been revised to ensure that managed care plans interpret this exception correctly.

2. Lowey: Substitute amendment to the Hyde amendment. Clarifies that federal funding may not be used for abortion services for Medicaid recipients in traditional fee for service arrangements or in managed care plans.

3. Istook: Requires written consent or proof of actual notice from a parent or guardian before a minor could receive contraceptive drugs or devices at a Title X clinic. Provides the alternative of court review and consent if parent's consent cannot be obtained. Applies to contraceptive drugs and devices only, not to any family planning information and counseling. Requires that staff at Title X clinics report evidence of child abuse, child molestation, sexual abuse, rape or incest.

4. Porter: Substitute amendment to the Istook amendment. To qualify for Title X family planning funds, the grantee must certify that it (1) encourages family involvement and (2) counsels minors on how to resist coercive sexual activity.

AMENDMENTS MADE IN ORDER BY THE RULE

1. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE HYDE OF
ILLINOIS OR A DESIGNEE

Page 94, strike lines 16 through 21 and insert the following (and redesignate the succeeding sections accordingly):

SEC. 508. (a) None of the funds appropriated under this Act shall be expended for any abortion.

(b) None of the funds appropriated under this Act shall be expended for health benefits coverage that includes coverage of abortion.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest;

or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as affecting the expenditure by a State or private person of State or private funds (other than a State's contribution of Medicaid matching funds).

2. A SUBSTITUTE AMENDMENT TO THE AMENDMENT OFFERED BY REPRESENTATIVE HYDE TO BE OFFERED BY REPRESENTATIVE LOWEY OF NEW YORK, OR A DESIGNEE

Page 94, strike lines 16 through 21 and insert the following (and redesignate the succeeding sections accordingly):

SEC. 508. (a) None of the funds appropriated under this Act shall be expended for any abortion.

(b) None of the funds appropriated under this Act shall be expended to contract with any health plan for the provision of abortion.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion when such an abortion is necessary to save the life of the mother or when the pregnancy is the result of an act of rape or incest.

(b) Nothing in the preceding section shall be construed as affecting the expenditure by a State or private person with State or private funds (other than a State's contribution of Medicaid matching funds).

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ISTOOK OF OKLAHOMA, OR REPRESENTATIVE MANZULLO OF ILLINOIS OR A DESIGNEE

At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. . (a) Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

(b) None of the funds appropriated in this Act or any other Act for any fiscal year may be made available to any provider of services under title X of the Public Health Service Act if such provider knowingly provides contraceptive drugs or devices to a minor, unless—

(1) the minor is emancipated under applicable State law;

(2) the minor has the written consent of a custodial parent or custodial legal guardian to receive the drugs or devices;

(3) a court of competent jurisdiction has directed that the minor may receive the drugs or devices; or

(4) such provider of services has given actual written notice to a custodial parent or custodial legal guardian of the minor, notifying the parent or legal guardian of the intent to provide the drugs or devices, at least five business days before providing the drugs or devices.

(c) Each provider of services under title X of the Public Health Service Act shall each year certify to the Secretary of Health and Human Services compliance with this section. Such Secretary shall prescribe such regulations as may be necessary to effectuate this section.

4. A SUBSTITUTE AMENDMENT TO THE AMENDMENT OFFERED BY REPRESENTATIVE ISTOOK OR REPRESENTATIVE MANZULLO TO BE OFFERED BY REPRESENTATIVE PORTER OF ILLINOIS, OR A DESIGNEE

At the end of title of the bill, insert after the last section (preceding the short title) the following section:

SEC. . None of the funds appropriated in the Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.