

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3495) TO AMEND TITLE XIX OF THE SOCIAL SECURITY ACT TO ALLOW FOR GREATER STATE FLEXIBILITY WITH RESPECT TO EXCLUDING PROVIDERS WHO ARE INVOLVED IN ABORTIONS, AND WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

SEPTEMBER 28, 2015.—Referred to the House Calendar and ordered to be printed

Ms. FOXX, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 444]

The Committee on Rules, having had under consideration House Resolution 444, by a record vote of 9 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3495, the Women's Public Health and Safety Act, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce or their respective designees. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment printed in this report shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any resolution reported from the Rules Committee through the legislative day of October 1, 2015.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in the bill, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 103

Motion by Ms. Slaughter to report an open rule. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Cole	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Burgess	Nay	Mr. Polis	Yea
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 104

Motion by Ms. Foxx to report the rule. Adopted: 9–4

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter	Nay
Mr. Cole	Yea	Mr. McGovern	Nay
Mr. Woodall	Yea	Mr. Hastings of Florida	Nay
Mr. Burgess	Yea	Mr. Polis	Nay
Mr. Stivers	Yea		
Mr. Collins	Yea		
Mr. Byrne	Yea		
Mr. Newhouse	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENT CONSIDERED AS ADOPTED

Blackburn (TN): Ensures that the policy aims of the underlying bill are achieved in a sound and comprehensive manner. The changes enhance State flexibility while minimizing HHS’s ability to interfere with State choices. The changes also ensure that the bill applies to managed care plans. Finally, the bill also makes clear that the focus is on elective abortions, not abortions provided in the case of rape, incest, or endangerment to the mother.

TEXT OF AMENDMENT CONSIDERED AS ADOPTED

Page 1, strike line 6 and all that follows through page 2, line 5 and insert the following:

SEC. 2. INCREASING STATE FLEXIBILITY IN DETERMINING PARTICIPATION OF PROVIDERS WHO PERFORM, OR PARTICIPATE IN THE PERFORMANCE OF, ABORTIONS.

Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(23), by striking “subsection (g)” and inserting “subsection (g), subsection (ll),”; and

(2) by adding at the end the following new subsection:

“(11) RULES WITH RESPECT TO DETERMINATION OF PARTICIPATION OF PROVIDERS WHO PERFORM, OR PARTICIPATE IN THE PERFORMANCE OF, ABORTIONS.—

“(1) IN GENERAL.—Beginning October 1, 2015, subject to paragraph (2), for purposes of this title, a State, at its option, may establish criteria with respect to the participation under the State plan (or under a waiver of the plan) of an institution, agency, entity, or person who performs, or participates in the performance of, abortions.

“(2) EXCEPTION.—Paragraph (1) shall not apply to an abortion—

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

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

“(3) DEFINITIONS.—For purposes of this subsection, the terms ‘institution’, ‘agency’, or ‘entity’ mean the entire legal institution, agency, or entity, or any part thereof, including any institution, agency, or entity that controls, is controlled by, or is under common control with such institution, agency, or entity.”.