

10.5 TITLE X LAW

**Public Law 91-572
91st Congress, S.2108
December 24, 1970***

AN ACT

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the “Family Planning Services and Population Research Act of 1975.”

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 populations 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.

*As amended by Public Law 98-572 (98th Congress). Previously amended by P.L 97-35 (97th Congress) on August 13, 1981, P.L. 95-613 (95th Congress) on November 8, 1979, P.L. 94-63 (94th Congress) on July 29, 1975, and by P.L.93-45 (93rd Congress) in 1973.

Revised 11/5/84

OFFICE OF POPULATION AFFAIRS

Sec. 3. (a) There is established within the Department of Health, Education and Welfare and 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 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 seven months after the close of each fiscal year, the Secretary shall make a report to the Congress setting forth a plan to be carried out over the next five fiscal years for-
- 1) extension of family planning services to all persons desiring such services,
 - 2) family planning and population research programs,
 - 3) training of necessary manpower for the programs authorized by this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning, and
 - 4) carrying out the other purposes set forth in this title and the Family Planning Service and Population Research Act of 1970.
- (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 this title 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 need to meet the purposes of this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs; and

- 3) the steps to be taken to maintain a systematic reporting system capable to yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education and Welfare shall be based.
- (c) Each report submitted under subsection (a) shall
- 1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan contained in the previous such report;
 - 2) indicate steps being taken to achieve the objectives during the fiscal years covered by the plan contained in such report and any revisions to plans in previous reports necessary to meet those objectives; and
 - 3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan contained in such report.

Revised 1/8/82

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

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

(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 section 1001 through 1014 (as in effect prior enactment of this Act), and references thereto, as sections 1101 through 1114, respectively.

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

Revised 1/19/79

TITLE X- POPULATION RESEARCH AND VOLUNTARY FAMILY PLANNING SERVICES

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 which shall offer a broad range of acceptable and effective Family Planning methods and services (including natural Family Planning methods, infertility services, and services to adolescents). To the extent practical, entities which receive grants or contracts under this subsection shall encourage family participation in projects assisted under this subsection.

(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. Local and regional entities shall be assured the right to apply for direct grants and contracts under this section and the Secretary shall by regulation fully provide for and protect such right.

(c) The Secretary, at the request of a recipient of a grant under subsection (a), may reduce the amount of such grant by the fair market value of any supplies or equipment furnished the grant recipient by the Secretary. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment on which the reduction of such grant is based. Such amount shall be deemed as part of the grant and shall be deemed to have been paid to the grant recipient.

(d) 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; \$111,500,000 for the fiscal year ending June 30, 1973; \$111,500,000 for the fiscal year ending June 30, 1974; \$11,500,000 for the fiscal year ending June 30, 1975; \$111,500,000 for the fiscal year ending 1976; \$115,000,000 for the fiscal year 1977; \$136,400,000 for fiscal year 1978; \$200,000,000 for the fiscal year ending September 30, 1979; \$230,000,000 for the fiscal year ending September 30, 1980; \$264,500,000 for the fiscal year ending September 30, 1981; \$126,510,000 for the fiscal year ending September 30, 1982; \$139,200,000 for the fiscal year ending September 30, 1983; \$260,830,000 for the fiscal year ending September 30, 1984; and \$158,400,000 for the fiscal year ending September 30, 1985.

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 the 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.

Revised 11/5/84

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; \$4,000,000 for the fiscal year ending June 30, 1973; \$3,000,000 for the fiscal year ending June 30, 1974; \$3,000,000 for the fiscal year ending June 30, 1975; \$4,000,000 for fiscal year 1976; \$5,000,000 for fiscal year 1977; \$3,000,000 for fiscal year 1978; \$3,100,000 for the fiscal year ending September 30, 1979; \$3,600,000 for the fiscal year ending September 30, 1980; \$4,100,000 for the fiscal year ending September 30, 1981; \$2,920,000 for the fiscal year ending September 30, 1982; \$3,200,000 for the fiscal year ending September 30, 1983; \$3,500,000 for the fiscal year ending September 30, 1984; and \$3,500,000 for the fiscal year ending September 30, 1985.

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 education 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; \$1,250,000 for the fiscal year ending June 30, 1973; \$909,000 for the fiscal year ending June 30, 1974; \$909,000 for the fiscal year ending June 20, 1975; \$2,000,000 for fiscal year 1976; \$2,500,000 for fiscal year 1977; \$600,000 for fiscal year 1978; \$700,000 for the fiscal year ending September 30, 1979; \$805,000 for the fiscal year ending September 30, 1980; \$926,000 for the fiscal year ending September 30, 1981; \$570,000 for the fiscal year ending September 30, 1982; \$600,000 for the fiscal year ending September 30, 1983; \$670,000 for the fiscal year ending September 30, 1984; and \$700,000 for the fiscal year ending September 30, 1985.

Revised 11/26/84

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. The amount of any grant under any section of this title shall be determined by the Secretary; except that no grant under any such section for any program or project for a fiscal year beginning after June 30, 1975, may be made for less than 90 per centum of its costs (as determined under regulations of the Secretary) unless the grant is to be made for a program or project for which a grant was made (under the same section) for fiscal year ending June 30, 1975, for less than 90 per centum of its costs (as so determined); in which case a grant under such section for that program or project for a fiscal year beginning after that date may be made for a percentage which shall not be less than the percentage of its costs for which the fiscal year 1975 grant was made.

(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 the purposes of this subsection, the term "low-income family" shall be defined by the Secretary in accordance with such criteria as he may prescribe so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title.

(d) (1) A grant may be made or a contract entered into under section 1001 or 1005 only upon assurances satisfactory to the Secretary that informational or educational materials developed or made available under the grant or contract will be suitable for the purposes of this title and for the population or community to which they are to be made available, taking into account the educational and cultural

background of the individuals to whom such materials are addressed and the standards of such population or community with respect to such materials.

(d)(2) In the case of any grant or contract under section 1001, such assurances shall provide for the review and approval of the suitability of such materials, prior to their distribution, by an advisory committee established by the grantee or contractor in accordance with the Secretary's regulations. Such a committee shall include individuals broadly representative of the population or community to which the materials are to be made available.

Revised 11/5/84

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. (300a-6) None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.