

EXECUTIVE ORDER
ABORTION

Women's Domestic Issues

PHOTOCOPY
PRESERVATION

THE WHITE HOUSE
WASHINGTON

January 21, 1993

MEMORANDUM FOR RAHM EMANUEL
ALEXIS HERMAN
BRUCE LINDSEY
HOWARD PASTER
CAROL RASCO
MAGGIE WILLIAMS

FROM: JOHN PODESTA *JP*
SUBJECT: Presidential Memoranda on Reproductive Rights

As you know, tomorrow at 3 p.m. the President is scheduled to sign several Presidential Memoranda relating to reproductive rights. We wanted you to be aware of the attached materials and get any input from you as early as possible tomorrow.

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THE WHITE HOUSE
WASHINGTON, DC
JANUARY 22, 1993

STATEMENT OF THE PRESIDENT

On this day twenty years ago, the United States Supreme Court declared that the liberty of every American includes the right to be free from governmental intrusion into deeply personal decisions about pregnancy and childbearing. As a result of that landmark decision in Roe v. Wade, a generation of women have come of age secure in the knowledge that the most profound decisions affecting their lives and the lives of their families would be theirs to make. At the same time, however, we have experienced divisive and counterproductive conflict over whether this right, once secure, should be taken away.

This conflict over abortion has distorted our politics; turned health care facilities into battlegrounds; inhibited critically important scientific and medical research; produced a web of regulations that interfere with the right of medical professionals to give full and uncensored counseling to their patients; severely hampered family planning programs here and abroad; and threatened the lives and health of women. And all the while, we have done far too little to reduce the need for abortion by preventing unintended pregnancy.

We need a new beginning. Our vision should be of an America in which abortion is safe, legal -- and rare. We need a positive national reproductive health policy that addresses the social, economic, and political conditions that contribute to the need for abortion. We must actively promote the prevention of unintended pregnancy, especially among teenagers. We need to engage in research and development necessary to produce safer and more effective contraception. We need to provide the kind of prenatal care, child care, and family medical leave that will lead to healthy childbearing and that will support the families of America. And we must free science and medicine from the grasp of abortion politics. Overall, our goal as a nation should be to protect individual freedom while fostering responsible decisionmaking -- an approach that seeks to protect the right to choose while reducing the number of abortions.

As a start on the path toward a more positive reproductive health policy, I am today taking the following actions.

AID'S "MEXICO CITY" RESTRICTIONS

Second, I have ordered the Director of the Agency for International Development to repeal immediately what has become known as the "Mexico City" policy, named after the city in which the United States announced the policy at an international family planning conference. In essence, the Mexico City policy is the application of the "gag rule" world-wide. It prohibits any nongovernmental organization that receives federal funds from providing information regarding abortion to individuals in foreign nations, even where the organization uses non-AID funds for these activities. The AID's version of the gag rule is unwarranted. It is not mandated by the Foreign Assistance Act of 1961, which only prohibits the use of federal funds for certain abortion-related activities. Moreover, it has seriously undermined much-needed efforts to promote safe and effective family planning programs abroad. As a result of the action that I have taken today, any conditions not explicitly required by the Foreign Assistance Act will be removed from all current AID grants to nongovernmental organizations, and such conditions will be excluded from all future AID grants.

PRIVATELY FUNDED ABORTIONS AT U.S. MILITARY HOSPITALS

Third, I have directed the Secretary of Defense to lift immediately the nearly total ban on abortions at U.S. military facilities, and to permit abortions to be performed at those facilities if the procedure is paid for entirely with private funds. Congress has only prohibited the use of Department of Defense funds to pay for abortions. The present Department of Defense ban goes well beyond this statutory requirement, and applies even where an abortion is privately funded by the men and women of our nation's military. The ban has adversely affected the lives of scores of men and women who are either themselves serving in our nation's armed forces around the world, or who are married to members of the military.

As a result of the action that I have taken today abortions may be performed at U.S. military hospitals, provided that the procedure is not paid for with Department of Defense funds.

RU-486 AND FETAL TISSUE TRANSPLANTATION RESEARCH

I am also acting today to separate our national health and medical policy from the conflict over abortion. The confusion of these issues has excluded from the United States medical options available overseas, and brought to a halt promising research on treatment for serious conditions and diseases that afflict millions of American men, women and children. My actions in this area are designed to ensure that the United States will continue to be in the forefront of scientific research, thereby giving Americans access to the very latest and best in medical treatment. To these ends, I have instructed the Secretary of Health and Human Services to take immediate action in two critical areas.

First, I have directed the Secretary to instruct the Food and Drug Administration to determine whether there is sufficient evidence to justify the current import ban on Mifepristone -- the drug that is commonly known as RU-486 -- and to rescind the ban immediately if the FDA concludes that there is no basis for it. RU-486 is currently used in other countries as a non-surgical means of abortion, and moreover, is being tested as a possible treatment for cancer, brain tumors, and other serious diseases and medical conditions. Here in the United States, RU-486 has been held hostage by the ideological divide over abortion.

It is time to liberate science from politics. We should learn what the health and safety risks of RU-486 really are, and what potential medical advances the drug may bring. Under the action that I have taken today, if the FDA determines that the import ban may be rescinded, Americans will be able to bring RU-486 into this country for their personal use, consistent with existing FDA policies and procedures governing the use of drugs that have not yet been approved by the FDA for distribution. To advance the possibility that RU-486 could be distributed in the United States, I have also ordered a prompt assessment of initiatives through which the Department of Health and Human Services can promote the testing of the drug here, as well as its possible licensing and manufacturing.

My second action in the medical and scientific fields today is to direct the Secretary of HHS immediately to lift the moratorium on federal funding of research involving transplantation of fetal tissue. The moratorium is another example of abortion politics at work. Initially imposed in March 1988, the moratorium was extended indefinitely in November 1989, notwithstanding the recommendation of a blue ribbon National Institute of Health advisory panel that it be ended. After five years, the moratorium has dramatically limited the development of possible treatments for individuals suffering from serious diseases and disorders, including Parkinson's disease, Alzheimer's disease, diabetes, and leukemia. As is true with RU-

486, we must let medicine and science proceed unencumbered by anti-abortion politics.

MEMORANDUM FROM THE PRESIDENT

To: The Secretary of Health and Human Services

Re: The Title X "Gag Rule"

Title X of the Public Health Services Act provides federal funding for family planning clinics to provide services for low-income patients. The Act specifies that Title X funds may not be used for the performance of abortions, but places no restrictions on the ability of clinics that receive Title X funds to provide abortion counseling and referrals or to perform abortions using non-Title X funds. During the first 18 years of the program, medical professionals at Title X clinics provided complete, uncensored information, including nondirective abortion counseling. In February 1988, the Department of Health and Human Services adopted regulations, which have become known as the "Gag Rule," prohibiting Title X recipients from providing their patients with information, counseling or referrals concerning abortion. Subsequent attempts by the Bush Administration to modify the Gag Rule and ensuing litigation have created confusion and uncertainty about the current legal status of the regulations.

The Gag Rule endangers women's lives and health by preventing them from receiving complete and accurate medical information, and interferes with the doctor-patient relationship by prohibiting information that medical professionals are otherwise ethically and legally required to provide to their patients. Furthermore, the Gag Rule contravenes the clear intent of a majority of the members of both the U.S. Senate and House of Representatives, which twice passed legislation to block the Gag Rule's enforcement but failed to override presidential vetoes.

For these reasons, you have informed me that you will suspend the Gag Rule pending the promulgation of new regulations in accordance with the "notice and comment" procedures of the Administrative Procedure Act. I hereby direct you to take that action as soon as possible. I further direct that, within 30 days, you publish in the Federal Register new proposed regulations for public comment.

You are hereby authorized and directed to publish this memorandum in the Federal Register.

Bill Clinton
The White House
January 22, 1993

MEMORANDUM FROM THE PRESIDENT

To: The Administrator of the Agency for International Development

Re: AID Family Planning Grants/Mexico City Policy

The Foreign Assistance Act of 1961 prohibits nongovernmental organizations ("NGO's") that receive federal funds from using those funds "to pay for the performance of abortions as a method of family planning, or to motivate or coerce any person to practice abortions." 22 U.S.C. § 2151b(f)(i). Since the August 1984 announcement by President Reagan of what has become known as the "Mexico City Policy," the Agency for International Development ("AID") has expanded this limitation and withheld AID funds from NGO's that engage in a wide range of activities, including providing advice, counseling or information regarding abortion, or lobbying a foreign government to legalize or make abortion available. AID imposes these conditions even where an NGO uses non-AID funds for abortion-related activities.

These excessively broad anti-abortion conditions are unwarranted. I am informed that the conditions are not mandated by the Foreign Assistance Act. Moreover, they have seriously undermined efforts to promote safe and efficacious family planning programs in foreign nations. Accordingly, I hereby direct that AID remove the conditions not explicitly mandated by the Foreign Assistance Act from all current AID grants to NGO's, and exclude them from future grants.

Bill Clinton
The White House
January 22, 1993

MEMORANDUM FROM THE PRESIDENT

To: The Secretary of Defense

Re: Privately Funded Abortions at Military Hospitals

Section 1093 of Title 10 of the United States Code prohibits the use of Department of Defense ("DOD") funds to perform abortions except where the life of a woman would be endangered if the fetus were carried to term. By memoranda of December 21, 1987 and June 21, 1988, DOD has gone beyond what I am informed are the requirements of the statute and has banned all abortions at U.S. military facilities, even where the procedure is privately funded. This ban is unwarranted. Accordingly, I hereby direct that you reverse the ban immediately, and permit abortion services to be provided, if paid for entirely with non-DOD funds, and in accordance with other relevant DOD policies and procedures.

You are hereby authorized and directed to publish this memorandum in the Federal Register.

Bill Clinton
The White House
January 22, 1993

MEMORANDUM FROM THE PRESIDENT

To: The Secretary of Health and Human Services

Re: Federal Funding of Fetal Tissue Transplantation Research

On March 22, 1988, the Assistant Secretary for Health of Health and Human Services ("HHS") imposed a temporary moratorium on federal funding of research involving transplantation of fetal tissue from induced abortions. Contrary to the recommendations of a National Institute of Health Advisory panel, on November 2, 1989, the Secretary of HHS extended the moratorium indefinitely. This moratorium has significantly hampered the development of possible treatments for individuals afflicted with serious diseases and disorders, such as Parkinson's disease, Alzheimer's disease, diabetes, and leukemia. Accordingly, I hereby direct that you immediately lift the moratorium.

You are hereby authorized and directed to publish this memorandum in the Federal Register.

Bill Clinton
The White House
January 22, 1993

MEMORANDUM FROM THE PRESIDENT

To: The Secretary of Health and Human Services

Re: Importation of RU-486

In Import Alert 66-47, the Food and Drug Administration ("FDA") excluded the drug Mifepristone -- commonly known as RU-486 -- from the list of drugs that individuals can import into the United States for their "personal use," although the drugs have not yet been approved for distribution by the FDA. (See FDA Regulatory Procedures Manual, Chapter 9-71.) Import Alert 66-47 effectively bans the importation into this nation of a drug that is used in other nations as a nonsurgical means of abortion, and that is being tested as a possible treatment for cancer and other serious diseases.

I am informed that in excluding RU-486 from the personal use importation exemption, the FDA appears to have based its decision on factors other than an assessment of the possible health and safety risks of the drug. Accordingly, I hereby direct that you promptly instruct the FDA to determine whether there is sufficient evidence to warrant exclusion of RU-486 from the list of drugs that qualify for the personal use importation exemption. Furthermore, if the FDA concludes that RU-486 meets the criteria for the personal use importation exemption, I direct that you immediately take steps to rescind Import Alert 66-47.

In addition, I direct that you promptly assess initiatives by which the Department of Health and Human Services can promote the testing, licensing, and manufacturing in the United States of RU-486 or other antiprogestins.

You are hereby authorized and directed to publish this memorandum in the Federal Register.

Bill Clinton
The White House
January 22, 1993