

THE WHITE HOUSE
WASHINGTON

*file Title X
gag rule*

June 30, 2000

MEMORANDUM FOR HILLARY RODHAM CLINTON

FROM: HEATHER HOWARD ^{sk}

CC: MELANNE VERVEER
SHIRLEY SAGAWA
LISSA MUSCATINE
ANN O'LEARY

SUBJECT: TITLE X GAG RULE

I wanted to let you know that the final rule codifying the revocation of the Title X "gag rule" is being made public on June 30th.

BACKGROUND

As you know, in 1993 the President revoked the gag rule, which prevented medical practitioners in Title X family planning clinics from providing abortion information or referrals, even when a woman specifically requested such information. When the President suspended the 1988 gag rule he directed the Secretary of HHS to develop a new rule reinstating pre-1988 policy. The final rule was submitted to OMB for review this winter, and we have been reviewing proposed language.

Instead of merely re-publishing the original pre-1988 rule, many pro-choice groups urged through comment that we make the rule stronger and clearer. Specifically, they recommended moving, from the guidance into the rule, language that defines nondirective counseling and clarifies the right to a referral for an abortion. The groups argued that inclusion of this language in the rule itself is important because 1) they claim that clinics are uncertain about what they can and cannot do and will feel they have more legal protection if the provisions are in the actual rule; and 2) codification would make it harder for a future administration to prevent clinics from providing referrals or to define nondirective counseling in such a way that excludes abortion.

The final rule being released today reflects these comments. It strengthens Title X policy by clarifying, in the body of the rule rather than the guidance, the requirement that family planning clinics offer patients neutral and nondirective counseling on all of their options: prenatal care and delivery; infant care, foster care or adoption; and pregnancy termination. Consistent with accepted medical practice, the rule also makes clear that clinics must provide their patients referrals for any of these options, if a patient so requests.

Following is the relevant language:

(a) Projects supported under this rule must

(5) Not provide abortion as a method of family planning.¹ Each project must offer pregnant women the opportunity to be provided information and counseling regarding:

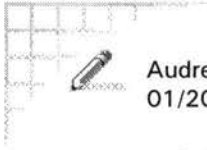
- (A) prenatal care and delivery;*
- (B) infant care, foster care or adoption; and*
- (C) pregnancy termination.*

If requested to provide such information and counseling, projects must provide neutral and nondirective counseling, and appropriate referral on request, on each of the options, except for any options about which the pregnant woman indicates that she does not wish to receive information and counseling.

We have worked with HHS on a quiet roll-out of the new rule, to minimize provoking a legislative backlash. HHS has briefed the pro-choice community, which is pleased that the Administration has seized this opportunity to strengthen the Title X program.

¹ The Title X program is statutorily prohibited from paying for abortion services.

fee Title 10



Audrey T. Haynes
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Record Type: Record

To: Katharine Button/WHO/EOP, Susan M. Liss/OVP @ OVP, Lucia F. Gilliland/OVP @ OVP

cc:

Subject: Thanks

Many thanks to each of you and Melanne (who has no E-Mail!!) for such a fabulous and successful meeting tonight. The groups are thrilled! This was no small task between getting the \$\$ up and then the groups together with the Vice President and Ms. Clinton.....but WOW!!!! it was great.

Thanks to each of you for your support on this. Please convey my thanks to the Vice President and Ms. Clinton. Their words and their time spoke more than the \$15 million, however, I'm sure the \$\$ helped!