

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Title X -- ugly scene on Hs Labor-HHS bill

It looks like the House Labor HHS bill will go to the Rules Committee tomorrow, and to the floor on Tuesday, along the following lines:

Currently, the bill contains an Istook provision which requires parental consent for Title X family planning.

1) Greenwood will be allowed to strike the Istook language and offer his friendly substitute which emphasizes that Title X providers should encourage minors to abstain from sexual activity and involve their parents in their decision to seek family planning services. Unfortunately, anti-choice members will be able to second degree this amendment with whatever they want. This is a bad procedural situation -- the vote on the second degree will come first, so if it passes Greenwood does not get a vote.

2) Brady will be allowed to offer an amendment saying that states can pass their own legislation requiring parental consent, thus overriding existing federal requirements guaranteeing confidential services to teens. The pro-choice side apparently will be allowed to offer a substitute (the groups are drafting language and talking to Castle about offering it).

3) Tihart will be allowed to offer an amendment saying that Title X clinics which perform abortions must have both financial and physical separation between the title X and abortion services. Currently, there must be financial separation. The pro-choice side apparently will be allowed to offer a substitute (the groups are drafting language and talking to Nancy Johnson about offering it).

So this means that there will be at least 6 votes on family planning, and a lot of opportunity for confusion among members.

Message Sent To:

Jennifer L. Klein/OPD/EOP
Neera Tanden/WHO/EOP
Nicole R. Rabner/WHO/EOP
Laura Emmett/WHO/EOP
Elena Kagan/OPD/EOP
Peter G. Jacoby/WHO/EOP
Daniel N. Mendelson/OMB/EOP

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET**

**OFFICE OF HEALTH AND PERSONNEL
OLD EXECUTIVE OFFICE BUILDING, ROOM 238
FAX NUMBER: (202) 395-5631**

FAX SHEET

DATE: 9/14/98

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Janet Murguia, Nicole Rabner

FAX NUMBER: 66220, 62878

NUMBER OF PAGES (Including cover page): 8

FROM:

**DANIEL N. MENDELSON
GINA C. MOOERS**

**395-5718 X
395-9132**

COMMENTS: Abortion-Related Provisions in FY 1999 Appropriations Bills.

Status as of: August 5, 1998

ABORTION-RELATED PROVISIONS IN FY 1999 APPROPRIATIONS BILLS

AGRICULTURE/RURAL DEVELOPMENT

Status:

- o Passed the Senate on 7/16/98, 97-2. Passed the House 6/24/98, 373-48.

Provisions:

- o FDA Drug Research Restrictions:
 - House. Section 739 prohibits the FDA from using funds for the testing, development, or approval of any drug for the chemical inducement of abortion (the Coburn (R-OK) amendment). This provision would intervene in the drug safety practices of the FDA and place restrictions on scientific research that can protect women's health and offer safe medical choices. (This is a new provision in the FY 1999 bill.)
 - Senate. The Senate bill contains no similar provision.

COMMERCE/JUSTICE/STATE

Status:

- o Passed the Senate 7/23/98, 99-0. House Full Committee reported the bill 7/15/98.

Provisions:

- o Abortions for Federal Prisoners:
 - House. Section 103 of the House bill would prohibit the Department of Justice (DOJ) from funding abortions except in the case of rape or where the life of the mother is endangered. (This provision is current law contained in the FY 1998 Act.) A DeGette (D-CO) amendment to strike the provision was defeated on the House Floor, 148-271.

- Senate. Section 102 of the Senate bill contains the same prohibition as the House bill on the use of DOJ funds regarding abortions.
- o U.N. Arrears/Mexico City:
 - House. The House bill includes the requested arrears payment of \$475 million, but the funds remain unavailable subject to authorization. The authorization conference report contains Mexico City family planning language that prohibits international family planning organizations that receive Federal funding from performing or lobbying for abortions even if these organizations use their own funds. (Arrearage payments contained in the FY 1998 Act were also subject to authorization.)
 - Senate. The Senate bill contains similar language.

DEFENSE

Status:

- o Passed the Senate 7/30/98, 97-2. Passed the House 6/24/98, 358-61.

Provisions:

- o Forced Abortion:
 - House. The House bill does not address this issue.
 - Senate. An amendment to prohibit visas to Chinese officials involved in forced abortions, forced sterilizations, or religious persecution was adopted on the Floor. (This is a new provision.)

DISTRICT OF COLUMBIA

Status:

- o The bill was reported by the House Committee on July 30th. The bill was reported by the Senate Committee on July 21st.

Provisions:

- o Use of Federal and District Funds:
 - House. Section 132 of the House bill prohibits any of the funds under the Act (Federal or District) from being used for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest. (This is current law contained in the FY 1998 Act.)
 - Senate. Section 129 of the Senate Committee bill contains language identical to the provision of the House bill.

NOTE: The language of the FY 1999 bill is the same language used since FY 1996. In FY 1994 and FY 1995, the restriction on funding for abortions only applied to Federal funds, not local funds.

FOREIGN OPERATIONS**Status:**

- o Senate Full Committee reported the bill 7/21/98. House Subcommittee marked up the bill on 7/15/98.

Provisions:

- o "Mexico City" Language:
 - House. As in previous years, it is anticipated that Rep. Chris Smith (R-NJ) will offer an amendment on the House Floor that would prohibit Federal funding to organizations that perform or lobby for or against abortions, even if these organizations use their own funds.

Last year, the President threatened to veto the FY 1998 Foreign Operations bill if it included the "Mexico City" provision. The enacted bill did not include the provision but had a limitation of \$385 million on total population spending from foreign aid accounts and "metering" of obligation of the funds at one-twelfth of the total available per month.

- Senate. The Senate Committee bill has no comparable provision.
- o Other Family Planning:
 - House. In section 518 of the General Provisions, the House bill contains language that bars the use of funds appropriated in the bill for performance of abortion or involuntary sterilization as a method of family planning, or for lobbying for or against abortion. (This is current law contained in the FY 1998 Act.) The Administration supports this language. There is, however, a limitation of \$385 million on family planing funding.

In Subcommittee, a Pelosi (R-CA) amendment was adopted, 8-7, restoring language to the bill that has been included for many years, concerning "natural family planning." The amendment restores language that requires family planning organizations that do not offer certain types of family planning services to provide referrals for or information on access to such services to any client seeking such information.
 - Senate. Section 518 of the Senate Committee bill contains language identical to that of section 518 of the House bill. The Senate bill also contains appropriations language (under the "Development Assistance" heading) requiring that not less than \$435 million of Development Assistance funds be spent on family planning.
- o Peace Corps:
 - House. The Subcommittee bill would bar any Peace Corps funds from being used to pay for abortions. (This provision is current law contained in the FY 1998 Act.)
 - Senate. The Senate Committee bill includes the same language.

LABOR/HHS/EDUCATION**Status:**

- o House Full Committee reported the bill on July 14th. Senate action expected in September.

Provisions:

- o Medicare + Choice program:
 - House. A manager's amendment offered by Rep. Porter (R-IL) was adopted in Committee that would prohibit funding for the Medicare + Choice program if HHS excludes health care providers that do not offer abortion services from participating in the Medicare + Choice program. The provision would require the plan to inform enrollees where to obtain information about all Medicare-covered services and would reduce payments to Medicare + Choice program plans not providing these services. (This is a new provision in the FY 1999 bill.)
 - Senate. No action to date.
- o Use of Federal Funds for Embryo Research:
 - House. Funds are prohibited for creation of embryos for research purposes, i.e., research in which a human embryo is destroyed, discarded, or knowingly subjected to risk or injury. (This provision is current law contained in the FY 1998 Act.)
 - Senate. No action to date.
- o Family Planning:
 - House. The House Committee bill requires family planning grantees either to receive written parental consent or provide advance notification to parents before giving contraceptives to minors. Participating clinics are required to certify compliance to HHS. The House bill also requires clinics to follow State laws regarding notification or reporting of child abuse, incest, rape, or other sexual abuse. (The FY

1998 Act did not include provisions regarding parental consent or advance notification. Other provisions regarding compliance certification, and adherence to State laws are current law included in the FY 1998 Act).

- Senate. No action to date.
- o Hyde-Amendment Language:
 - House. Both sections 508 and 509 of the bill include provisions maintaining current law "Hyde" language barring the use of funds in the Act for abortions. New language extends this ban to all trust fund appropriation accounts in the Act. The bill contains language that prohibits the use of Medicaid funding for abortions except in cases of rape, incest, or when the life of the mother is endangered.
 - Senate. No action to date.

TREASURY/GENERAL GOVERNMENT

Status:

- o Senate Floor debate on the bill began 7/28/98 but was postponed on 7/30/98 until after the August recess. Passed the House 7/16/98, 218-203.

Provisions:

- o Federal Employees Health Benefits Program (abortion):
 - House. The House-passed bill includes language (section 508) that prohibits Federal Employees Health Benefits Program (FEHBP) coverage of abortions, with no exceptions. DeLauro (D-CT) amendments to strike the restrictive language were defeated during Committee and Floor consideration. Section 515, the provision of the Committee bill that included exceptions to the restriction (rape, incest, life of the mother), was struck on the House Floor on a point of order for lack of authorization.

- Senate. The Senate bill includes an amendment adopted on the Senate Floor that would reinstate objectionable current law restrictions on FEHBP coverage for abortion services. This amendment also includes a provision allowing for rape, incest, life-of-the-mother exceptions.
- o Federal Employees Health Benefits Program (contraceptives):
 - House. A Lowey (D-NY) amendment (section 624 -- similar to section 516 language of the Committee bill but written only as a funding issue) to require FEHBP insurers to cover prescription contraceptives (with exceptions for certain religiously oriented plans) was adopted on the House Floor, 224-198. A Smith amendment to exclude abortion-inducing chemical contraceptive prescriptions from the Lowey amendment was defeated 198-222.
 - Senate. A Snowe (R-ME)/Reid (D-NV) amendment requiring FEHBP coverage of prescription contraceptives was adopted during Senate Floor consideration, including a second-degree amendment to clarify that nothing in the amendment is to be construed to apply to abortion or abortion-related services.

7-23-98

THE WHITE HOUSE
WASHINGTON

July 22, 1998

MR. PRESIDENT:

Attached for your approval are letters to Reps. Greenwood and Hoyer on partial birth abortion legislation (Tab A).

Tomorrow, the House is scheduled to vote to override your October, 1997 veto of H.R. 1122, the partial birth abortion ban. Reps. Greenwood and Hoyer have previously introduced legislation, which you have supported, that would ban the procedure except in cases affecting the health or life of the mother. Though they cannot bring their bill to the floor, their proposal will highlight the fact that there is a reasonable alternative to H.R. 1122 that you support, which would ban late term abortions with appropriate exceptions. As you know, it is likely that the House will override your veto.

Elena Kagan drafted the attached letter, with comments from John Podesta, Maria Echaveste and Rahm. You sent a similar letter last year (Tab B). The idea is to frame the debate on favorable terms, especially as the issue moves to the Senate. *If you approve, please sign the letters.*

Phil Caplan
Sean Maloney 

copied
Kagan
COS
Emanuel
Podesta
Echaveste
Klein

THE WHITE HOUSE

WASHINGTON

July 22, 1998

The Honorable James C. Greenwood
House of Representatives
Washington, D.C. 20515

Dear Representative Greenwood:

I am writing to express my concern over Congress's intention to override my veto of H.R. 1122, the so-called partial birth bill, rather than to pass the legislation I have called for to prohibit this procedure except when necessary to save the life of the mother or prevent serious harm to her health. In taking this approach, Congress is jeopardizing the safety of women and using this painful issue as an opportunity to score political points, rather than to pass appropriate legislation.

The procedure addressed in H.R. 1122 poses a difficult and disturbing issue. I strongly believe that we generally should prohibit the use of this procedure. I have insisted, however, on exempting those few but tragic cases in which this procedure is necessary to save a woman's life or to protect her against serious injury. I again call upon Congress to add such a narrow, tightly drawn exception to this bill, so that I can sign the legislation and put an end to all other uses of this procedure.

As you know, I have long opposed late-term abortions regardless of the procedure used, and as Governor of Arkansas, I signed into law a bill that banned them, with an appropriate exception for the life or health of the mother. The legislation that you have sponsored with Representative Hoyer -- which prohibits all late-term abortions, except those necessary to save the life of a woman or prevent serious harm to her health -- is consistent with my principles. If Congress were to pass your bill, I would sign it immediately.

Congress's refusal to consider such constructive proposals -- proposals that would put an end to inappropriate abortions while protecting women from death or serious injury -- prevents us from resolving these issues and moving forward. Similarly, Congress's recent votes restricting safe medical choices and access to family planning information and services stand in the way of progress on these issues. I urge Congress once again to move beyond ideology and political maneuvering, to protect women's lives and health, and to reduce the need for abortions.

Sincerely,

Bill Clinton

THE WHITE HOUSE

WASHINGTON

July 22, 1998

The Honorable Steny Hoyer
House of Representatives
Washington, D.C. 20515

Dear Steny:

I am writing to express my concern over Congress's intention to override my veto of H.R. 1122, the so-called partial birth bill, rather than to pass the legislation I have called for to prohibit this procedure except when necessary to save the life of the mother or prevent serious harm to her health. In taking this approach, Congress is jeopardizing the safety of women and using this painful issue as an opportunity to score political points, rather than to pass appropriate legislation.

The procedure addressed in H.R. 1122 poses a difficult and disturbing issue. I strongly believe that we generally should prohibit the use of this procedure. I have insisted, however, on exempting those few but tragic cases in which this procedure is necessary to save a woman's life or to protect her against serious injury. I again call upon Congress to add such a narrow, tightly drawn exception to this bill, so that I can sign the legislation and put an end to all other uses of this procedure.

As you know, I have long opposed late-term abortions regardless of the procedure used, and as Governor of Arkansas, I signed into law a bill that banned them, with an appropriate exception for the life or health of the mother. The legislation that you have sponsored with Representative Greenwood -- which prohibits all late-term abortions, except those necessary to save the life of a woman or prevent serious harm to her health -- is consistent with my principles. If Congress were to pass your bill, I would sign it immediately.

Congress's refusal to consider such constructive proposals -- proposals that would put an end to inappropriate abortions while protecting women from death or serious injury -- prevents us from resolving these issues and moving forward. Similarly, Congress's recent votes restricting safe medical choices and access to family planning information and services stand in the way of progress on these issues. I urge Congress once again to move beyond ideology and political maneuvering, to protect women's lives and health, and to reduce the need for abortions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill Clinton", with a horizontal line extending from the end of the signature.

THE WHITE HOUSE

WASHINGTON

March 19, 1997

Dear Steny:

I am writing to express support for your bill to prohibit late-term abortions. I would sign this bill if Congress were to pass it in its current form.

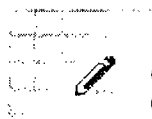
As you know, I have long opposed late-term abortions, and I continue to do so except in those instances necessary to save the life of a woman or prevent serious harm to her health. When I was Governor of Arkansas, I signed a bill into law that barred third-trimester abortions, with an appropriate exception for life or health.

Your bill contains an exception that will adequately protect the lives and health of the small group of women in tragic circumstances who need an abortion performed at a late stage of pregnancy. At the same time, your bill prohibits any late-term abortions performed for reasons not related to the health or the life of the mother. This balance is an appropriate one which I -- and, I believe most Americans -- would gladly make the nation's law.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Clinton", with a stylized flourish at the end.

The Honorable Steny Hoyer
House of Representatives
Washington, D.C. 20515



Olga Garcia
07/27/98 12:18:55 PM

Record Type: Record

To: Jennifer L. Klein/OPD/EOP

cc: See the distribution list at the bottom of this message

Subject: Family Planning Amendment in the House Rules L/HHS SAP

Daniel Mendelson asked us to consult with you regarding the family planning language in the House Rules L/HHS SAP. The House Rules L/HHS Committee is scheduled to meet tomorrow (7/29) and OMB intends to clear the SAP this afternoon. **We would appreciate your comments by 1:30 this afternoon.**

A family planning amendment was offered by Istook which stated the following:

"Section 220. (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 or any other Act for any fiscal year for carrying out title X of the Public Health Service Act may be made available to any family planning project under section 1001 of such title if any provider of services in the project 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."

We are objecting to the current version of the amendment in the House Rules L/HHS SAP. The language included in the SAP under Family Planning is included in a list of objectionable HHS provisions:

"Other troublesome HHS-related funding and language issues, with which the Administration has serious concerns, include the following:

Family Planning. The House Committee bill requires family planning grantees to either receive written parental consent or provide advance notification to parents before giving contraceptives to minors. Mandating parental consent could discourage sexually active minors from seeking health care and reproductive counseling services and thus lead to more unwarranted pregnancies, more abortions and more sexually transmitted diseases, including HIV, among our nation's youth."

Background - - FY 1998 language

Last year, the House Rules L/HHS SAP included the following language on family planning:

"The Administration supports efforts to encourage minors to discuss their health care needs with their families. However, it would oppose a potential amendment on the House floor requiring parents consent for minors to receive reproductive health services in Title X Family Planning clinics. Mandating parental consent could discourage sexually active minors from seeking health care and reproductive counseling services and thus lead to more unwarranted pregnancies, more abortions and more sexually transmitted diseases, including HIV, among our nation's youth. As an alternative, the Administration supports the amendment adopted in Committee that requires clinics to certify that they encourage family participation in the decision of minors to seek family planning services and provide counseling to minors on resisting attempts to coerce minors into engaging in sexual activities."

The following amendment was ultimately adopted - - and deemed acceptable by HHS and the Administration - - in the FY98 Appropriations:

"None of the funds appropriated un 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."

Message Copied To:

Daniel N. Mendelson/OMB/EOP
Gina C. Mooers/OMB/EOP
Richard J. Turman/OMB/EOP
Chin-Chin Ip/OMB/EOP
Barry T. Clendenin/OMB/EOP
Thomas Reilly/OMB/EOP



Cynthia Dailard
07/28/98 11:56:56 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP, Jennifer L. Klein/OPD/EOP, Peter G. Jacoby/WHO/EOP

cc: Nicole R. Rabner/WHO/EOP

Subject: Title X -- DC Appropriations Vote

Senator Brownback is circulating an amendment to the DC appropriations bill which would require organizations receiving Title X funds to provide adoption counseling and referral services to pregnant teens. Current Title X guidelines require Title X providers to provide non-directive counseling for the following three options: prenatal care, adoption, and abortion. Brownback's amendment would codify only adoption. His language says:

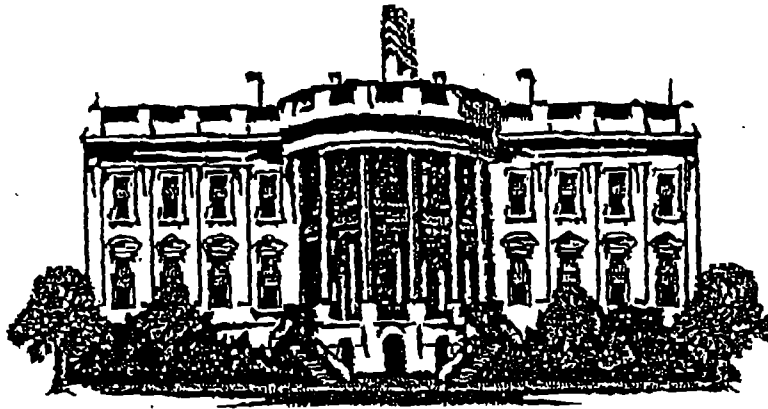
"Notwithstanding any other provision of law, a family planning organization that is conducting operations in the District of Columbia and that receives funds under Title X of the Public Health Service Act may use such funds to provide adoption services as described in [the Adolescent Family Life Program Act]".

The pro-choice community is torn over this amendment. Some of the groups (AGI, Planned Parenthood) believe that this puts adoption on a higher plane than the other options, and that it sets a bad precedent for the entire Title X program. (But practically speaking, this amendment should not have any effect on the program, since the clinics already provide adoption counseling). They want a second-degree amendment offered to Brownback's which says that nothing in the Brownback language is intended to negate the obligation of providers to provide non-directive counseling which includes the three options mentioned above. They will probably go to Boxer to offer this amendment (she is ranking member on the subcommittee).

NFPRHA (National Family Planning Assn) doesn't think it a second degree amendment is a good idea. They don't want anyone reminded that Title X clinics provide abortion referrals, because that could plant gag clause ideas in the minds of anti-choice members. I agree with this line of thinking.

Apparently, Boxer has tried to talk to Brownback to find out whether his intentions are evil (ie. he wants to undermine the entire Title X program) or benign. While she wasn't able to elicit that information, she did find out that he is adamant about bringing this up for a vote -- he wants the Senate to be on record regarding adoption.

FYI. Any thoughts?



THE WHITE HOUSE

Domestic Policy Council

DATE: _____

FACSIMILE FOR: Jan Klein

PHONE: () - FAX: () - 62818

FACSIMILE FROM: Cynthia D

PHONE: () - FAX: () -

NUMBER OF PAGES (INCLUDING COVER): 1

- ☐ FOR YOUR REVIEW
- ☐ PER MY E-MAIL OR VOICE-MAIL MESSAGE TO YOU
- ☐ PER YOUR REQUEST

COMMENTS: Abraham will offer as an
amendment to Treasury Postal.

SPENCER ABRAHAM
MICHIGAN

United States Senate

WASHINGTON, DC 20510-2203
July 27, 1998

LR

Family Impact Statement Act

Dear Colleague:

This week, we will be offering the Family Impact Statement Act (S. 1002) as an amendment to the Treasury Postal Appropriations bill. As you may be aware, last year President Clinton repealed an executive order that required agencies to review proposed policies and regulations for their impact on the family.

We believe that protecting America's families should be a priority for any government agency when considering new regulations. That is why we introduced legislation last year to reinstate this policy. We can think of no better requirement--for any regulation--or policy proposal than a review of how it could impact the American family.

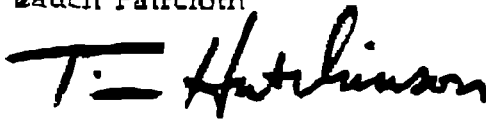
This legislation would simply require agencies to issue a statement on how the policies and regulations it implements effects families in the following ways:

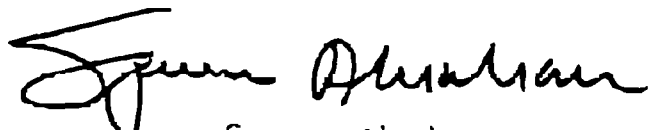
- Does this action strengthen or erode the authority and rights of parents in education, nurturing, and supervising their children?
- Does it strengthen or erode the stability of the family, particularly the marital commitment?
- Does it help the family perform its function, or does it substitute government activity for that function?
- Does it increase or decrease family earnings, and do the proposed benefits justify the impact on the family budget?
- Can the activity be carried out by a lower level of government or by the family itself?
- What message, intended or otherwise, does this program send concerning the status of the family?
- What message does it send to young people concerning the relationship between their behavior, their personal responsibility, and the norms of our society?

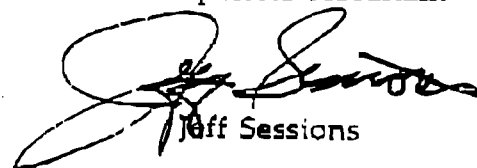
Please contact Brandi Laperriere (4-3807) with Senator Abraham's office if you need any additional information.

Sincerely,


Lauch Faircloth


Tim Hutchinson


Spencer Abraham


Jeff Sessions

3

1 (3) the action helps the family perform its func-
2 tions, or substitutes governmental activity for the
3 function;

4 (4) the action increases or decreases disposable
5 family income;

6 (5) the proposed benefits of the action justify
7 the financial impact on the family;

8 (6) the action may be carried out by State or
9 local government or by the family; and

10 (7) the action establishes an implicit or explicit
11 policy—

12 (A) concerning the status of the family;
13 and

14 (B) concerning the relationship between
15 the behavior and personal responsibility of
16 youth, and the norms of society.

17 **SEC. 4. GOVERNMENTWIDE FAMILY POLICY COORDINA-**
18 **TION AND REVIEW.**

19 (a) **CERTIFICATION AND RATIONALE.**—With respect
20 to each proposed policy or regulation that may affect fam-
21 ily well-being, the head of each agency shall—

22 (1) submit a written certification to the Direc-
23 tor of the Office of Management and Budget and to
24 Congress that such policy or regulation has been as-
25 sessed in accordance with this Act; and

1 (2) provide an adequate rationale for implemen-
2 tation of each policy or regulation that may nega-
3 tively affect family well-being.

4 (b) OFFICE OF MANAGEMENT AND BUDGET.—The
5 Director of the Office of Management and Budget shall—

6 (1) ensure that policies and regulations pro-
7 posed by agencies are implemented consistent with
8 this Act; and

9 (2) compile, index, and submit annually to the
10 Congress the written certifications received pursuant
11 to subsection (a)(1).

12 (c) OFFICE OF POLICY DEVELOPMENT.—The Office
13 of Policy Development shall—

14 (1) assess proposed policies and regulations in
15 accordance with this Act;

16 (2) provide evaluations of policies and regula-
17 tions that may affect family well-being to the Direc-
18 tor of the Office of Management and Budget; and

19 (3) advise the President on policy and regu-
20 latory actions that may be taken to strengthen the
21 institutions of marriage and family in the United
22 States.

1 SEC. 5. ASSESSMENTS UPON REQUEST BY MEMBERS OF
2 CONGRESS.

3 Upon request by a Member of Congress relating to
4 a proposed policy or regulation, an agency shall conduct
5 an assessment in accordance with section 3, and shall pro-
6 vide a certification and rationale in accordance with sec-
7 tion 4.

○

implemen-
lay nega-
ET.—The
et shall—
ions pro-
tent with

lly to the
pursuant

he Office

ations in

d regula-
he Direc-
t; and
nd regu-
then the
e United



Cynthia Dailard
07/27/98 10:15:26 AM

Record Type: Record

To: Jennifer L. Klein/OPD/EOP, Neera Tanden/WHO/EOP

cc:

Subject: THIS WEEK AND NEXT WEEK 4

----- Forwarded by Cynthia Dailard/OPD/EOP on 07/27/98 10:20 AM -----



clare_coleman @ ppfa.org
07/26/98 03:53:10 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: THIS WEEK AND NEXT WEEK 4

There is one week to go before the Senate starts recess and two weeks to go before the House adjourns until September. Here's what is ahead for us this week:

TREASURY/POSTAL APPROPRIATIONS (Clare)

SENATE THIS WEEK - We will have a chance to build on our huge House victory of last week when the Treasury/Postal Appropriations bill comes to the Senate. The crucial vote will be an amendment offered by Sens. Snowe (R-ME) and Reid (D-NV) to provide parity in coverage of prescription contraceptive drugs and devices for federal employees in FEHB plans. We expect a "conscience clause" provision to be offered, as well, but the details are not yet available.

LABOR-HHS-EDUCATION APPROPRIATIONS (Clare and Addy)

HOUSE COULD TAKE IT UP THIS WEEK: Labor-H may get to the House floor Wednesday or Thursday, although this is not definite. Floor consideration may slip to the week of August 3. An attempt to strike the Istook parental consent requirements is expected -- not clear if Rep. Porter will offer it or if another member will. We lost the committee vote on this restriction 32-24, and the floor vote is expected to be dangerously close. The field and legislative teams are coordinating on a special "TNT" group of affiliates with House members whose votes we must have.

FOREIGN OPERATIONS APPROPRIATIONS (Julia)

Senate bill is expected to come up before the Senate recesses on July

31. An amendment is expected to be offered on the floor that would strike the statutory language offered by Sen. Patrick Leahy (D-VT) and approved this past Tuesday. The Leahy language would prevent the imposition of a global gag rule. In place of this language, the amendment will seek to insert the restrictive global gag rule language originated by Rep. Chris Smith (R-NJ). This amendment is expected to be offered possibly by Sen. Mitch McConnell (R-KY) or Sen. Tim Hutchinson (R-AR).

House: Due to a major internal Republican party dispute over the International Monetary Fund (IMF) the full House Appropriations Committee postponed mark up of the FY 1999 Foreign Operations Appropriations bill until after the August recess. This is a surprise reprieve that gives us more time to plan for the inevitable fight we will face in September when we expect a global gag rule amendment to be offered either in the full Committee mark up or on the floor.

DC APPROPRIATIONS (Clare and Addy)

SENATE: An amendment allowing family planning organizations operating in DC and receiving Title X funds (read: PPMW) to use Title X funds for adoption services may be offered. We are working with Sen. Boxer's staff to assure that the amendment not harm PPMW's programs, or create a precedent that could harm Title X programs nationwide.

CCPA (Estelle)

SENATE: May be on the Senate floor, but is not in the schedule.

Message Sent To:

Cynthia Dailard/OPD/EOP
gloria_feldt @ ppfa.org
kim_lafferty @ ppfa.org
barbara_snow @ ppfa.org
roger_rathman @ ppfa.org
andrea_miller @ ppfa.org
steve_plever @ ppfa.org
roberta_synal @ ppfa.org
adrienne_verrilli @ ppfa.org
veronica_todaro @ ppfa.org
madeleine_greenwald @ ppfa.org
jane_reilly @ ppfa.org
connie_watts-edwards @ ppfa.org
jennifer_savage @ ppfa.org
margaret_conway @ ppfa.org
nina_miller @ ppfa.org
jacquelyn_lendsey @ ppfa.org
estelle_rogers @ ppfa.org
julia_cohen @ ppfa.org
adabelle_schmitt @ ppfa.org
molly_smith @ ppfa.org
james_minow @ ppfa.org
roger_evans @ ppfa.org
eve_gartner @ ppfa.org
dara_klassel @ ppfa.org



Cynthia Dailard
07/23/98 04:41:34 PM

Record Type: Record

To: Laura Emmett/WHO/EOP, Jennifer L. Klein/OPD/EOP, Neera Tanden/WHO/EOP
cc:
Subject: House override quickie analysis

----- Forwarded by Cynthia Dailard/OPD/EOP on 07/23/98 04:45 PM -----



clare_coleman @ ppfa.org
07/23/98 04:52:45 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: House override quickie analysis

Veto override vote analysis

October 8, 1997 final 295-133 6 absences
July 23, 1998 final 296-132 7 absences

New members since October 8, 1997, vote and how they voted:

Mary Bono	-	replaced Sonny Bono	-
Robert Brady	missed the vote	Tom Foglietta	-
Lois Capps	+	Walter Capps	+
Vito Fossella	-	Susan Molinari	-
Barbara Lee	+	Ron Dellums	+
Gregory Meeks	+ spoke on floor	Floyd Flake	-
Heather Wilson	-	Steve Schiff	-

Missed the vote, but were with us in the past:

Ford
Lewis (GA)
Markey
Serrano

Missed the last vote, but were with us today:

Hilliard
Payne

Daniel N. Mendelson

07/22/98 02:23:43 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Draft AG Conference Language for Coburn

Please review and reply with language changes to Jim Esquea by 6pm. TJ -- is agriculture still OK with this joint statement? Jim -- please share draft language with HHS leg affairs after 6 pm.

The Administration would strongly oppose any amendment that would prohibit FDA from using funds for the testing, development, or approval of any drug for the chemical inducement of abortion. The determination of safety and effectiveness is the cornerstone of the consumer protection established by the Food, Drug, and Cosmetic Act and must continue to be based on the scientific evidence available to FDA. Prohibiting FDA from reviewing applications for particular products or classes of products could deprive patients of new therapies that are safer and more effective than those currently approved. If the bill were presented to the President with this provision, the Secretaries of HHS and Agriculture would recommend that he veto it.

Message Sent To:

Charles E. Kieffer/OMB/EOP
T J. Glauthier/OMB/EOP
Martha Foley/WHO/EOP
Tracey E. Thornton/WHO/EOP
Jennifer L. Klein/OPD/EOP
Jim R. Esquea/OMB/EOP
Gina C. Mooers/OMB/EOP
Sylvia M. Mathews/OMB/EOP

Q&A
July 23, 1998

Q. The House is currently voting on whether to override the President's veto on the Partial Birth Abortion Act. Has the President changed his position on this legislation?

A. No. The President has not changed his position on the bill because he is still not convinced that it adequately protects women from grievous harm. He has said over and over that if Congress were to add a narrow exception covering the few cases where this procedure is needed to prevent women in dire circumstances from suffering serious injury, then he would gladly sign it. But until Congress does add that narrow exception, he will oppose the bill -- no matter how many votes there are in favor of it -- because it does not adequately protect women from serious injury.

Q. Does the recent account of a botched abortion procedure in Arizona (where a doctor began to perform an abortion on what he thought was a 23-week fetus but ended up delivering a 37-week baby) have any affect on the President's position regarding this legislation?

A. From everything we know about this story, the attempted abortion here would be prohibited by the legislation that the President has called for. If Congress would stop playing politics with this issue and send the President a bill that banned late term abortions except when necessary to save a woman's life or protect her from serious injury, we could put an end to these inappropriate procedures.

THE WHITE HOUSE
WASHINGTON

July 22, 1998

The Honorable James C. Greenwood
House of Representatives
Washington, D.C. 20515

Dear Representative Greenwood:

I am writing to express my concern over Congress's intention to override my veto of H.R. 1122, the so-called partial birth bill, rather than to pass the legislation I have called for to prohibit this procedure except when necessary to save the life of the mother or prevent serious harm to her health. In taking this approach, Congress is jeopardizing the safety of women and using this painful issue as an opportunity to score political points, rather than to pass appropriate legislation.

The procedure addressed in H.R. 1122 poses a difficult and disturbing issue. I strongly believe that we generally should prohibit the use of this procedure. I have insisted, however, on exempting those few but tragic cases in which this procedure is necessary to save a woman's life or to protect her against serious injury. I again call upon Congress to add such a narrow, tightly drawn exception to this bill, so that I can sign the legislation and put an end to all other uses of this procedure.

As you know, I have long opposed late-term abortions regardless of the procedure used, and as Governor of Arkansas, I signed into law a bill that banned them, with an appropriate exception for the life or health of the mother. The legislation that you have sponsored with Representative Hoyer -- which prohibits all late-term abortions, except those necessary to save the life of a woman or prevent serious harm to her health -- is consistent with my principles. If Congress were to pass your bill, I would sign it immediately.

Congress's refusal to consider such constructive proposals -- proposals that would put an end to inappropriate abortions while protecting women from death or serious injury -- prevents us from resolving these issues and moving forward. Similarly, Congress's recent votes restricting safe medical choices and access to family planning information and services stand in the way of progress on these issues. I urge Congress once again to move beyond ideology and political maneuvering, to protect women's lives and health, and to reduce the need for abortions.

Sincerely,

Bill Clinton

THE WHITE HOUSE

WASHINGTON

July 22, 1998

The Honorable Steny Hoyer
House of Representatives
Washington, D.C. 20515

Dear Steny:

I am writing to express my concern over Congress's intention to override my veto of H.R. 1122, the so-called partial birth bill, rather than to pass the legislation I have called for to prohibit this procedure except when necessary to save the life of the mother or prevent serious harm to her health. In taking this approach, Congress is jeopardizing the safety of women and using this painful issue as an opportunity to score political points, rather than to pass appropriate legislation.

The procedure addressed in H.R. 1122 poses a difficult and disturbing issue. I strongly believe that we generally should prohibit the use of this procedure. I have insisted, however, on exempting those few but tragic cases in which this procedure is necessary to save a woman's life or to protect her against serious injury. I again call upon Congress to add such a narrow, tightly drawn exception to this bill, so that I can sign the legislation and put an end to all other uses of this procedure.

As you know, I have long opposed late-term abortions regardless of the procedure used, and as Governor of Arkansas, I signed into law a bill that banned them, with an appropriate exception for the life or health of the mother. The legislation that you have sponsored with Representative Greenwood -- which prohibits all late-term abortions, except those necessary to save the life of a woman or prevent serious harm to her health -- is consistent with my principles. If Congress were to pass your bill, I would sign it immediately.

Congress's refusal to consider such constructive proposals -- proposals that would put an end to inappropriate abortions while protecting women from death or serious injury -- prevents us from resolving these issues and moving forward. Similarly, Congress's recent votes restricting safe medical choices and access to family planning information and services stand in the way of progress on these issues. I urge Congress once again to move beyond ideology and political maneuvering, to protect women's lives and health, and to reduce the need for abortions.

Sincerely,

A handwritten signature in dark ink, reading "Bill Clinton". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Talking Points on Late-Term Abortion

5/21/97

- The President will veto the Santorum bill because it does not adequately protect women from grievous physical harm.
- The American College of Obstetricians and Gynecologists (ACOG), which is the organization of specialists who know the most about this issue, agrees with the President that the bill endangers women, because it prevents doctors from using a procedure that in a few cases best protects women from serious injury.
- The AMA's last-minute endorsement of the Act will not lead the President to change his position. The changes that the AMA bargained for in the bill protect doctors from criminal prosecution, but do not protect women from serious physical injury.
- The AMA insisted that a peer review process take place before any criminal prosecution so that doctors can obtain favorable testimony from others in the medical profession. The AMA also bargained for legislative language that defines more clearly the procedure that the bill prohibits.
- But these changes do not help the few women -- like the women who were with the President when he signed the bill -- who need the procedure that the bill prohibits in order to prevent grievous injury. The President vetoed the bill last year to protect these women, and he will veto the bill again to protect them.
- The AMA itself concedes that the procedure may be necessary to save a woman's life and that the bill must have a life exception to protect the few women faced with this danger. The President is saying only that this exception must extend to the few other cases in which the procedure is necessary to save a woman from serious physical harm, such as loss of the ability to have other children.

Q&A on Late-Term Abortion

Question: Does the AMA's endorsement of the Partial Birth Abortion Act -- and its statement that the partial-birth procedure is not good medicine -- change your view of this legislation?

Answer: No, because I am still not convinced that this bill adequately protects women from grievous injury. Let me remind you that the American College of Obstetricians and Gynecologists, which is the organization of doctors that knows the most about this issue, opposes this bill for the same reason I do -- because it prevents doctors from using a procedure that in a small group of cases best protects women from serious physical injury. The AMA endorsed this bill after bargaining for a change that protects doctors. I've implored Congress to make a narrow change in the bill to protect women -- to ensure that they don't suffer grievous injury because Congress has tied the hands of their doctors -- and I will not sign the bill until I get it.

Question: Senator Daschle has now said that he will vote for the Partial Birth Abortion Act. Does this mean that your veto will be overridden?

Answer: We'll have to see how the votes line up -- but that's not going to affect my decision. I will veto this bill because I think it doesn't adequately protect women from serious physical injury. I have said over and over that if Congress were to add a narrow exception covering these few cases, I would gladly sign the bill. But I will not sign the bill until it has that narrow exception for grievous injury, no matter how the votes stack up in Congress.

Abortion - partial birth -
talking points

Q&A on Late Term Abortion

Question: Do you remain committed to vetoing the partial birth abortion bill? Didn't you base your prior veto of the bill on false information -- i.e., that this procedure is performed on only a few hundred women in desperate circumstances?

Answer: I will veto the bill, for the same reason as before -- because it doesn't adequately protect women from serious harm. I based my veto on the fact that there are a small group of women in desperate circumstances who need this procedure in order to save their lives or prevent serious injury to their health. Let's be clear: I've never said that these are the only circumstances in which the procedure is used; I've just said that these few women need to be protected. If Congress does so, I will gladly sign the bill, because I think this kind of procedure should be banned except when necessary to save the life of a woman or prevent serious harm to her health.

Question: If Congress were to add a health exception to the partial birth bill you vetoed last year, that bill would prohibit all partial birth abortions -- even if done before viability -- that aren't done for life or serious health reasons. Would you really sign a bill of that kind?

Answer: I have made very clear my condition for signing the partial birth bill. I told Congress that I would sign the bill if it protected women who need the procedure to save their lives or avert serious harm to their health. I continue to take that position. If Congress adds a provision to the bill that protects women who need the procedure for life or serious health reasons, I will sign that bill.

Question: Would you sign Senator Daschle's bill prohibiting all post-viability abortions except when done to save the life of a woman or avert serious harm to her health?

Answer: I have not seen Senator Daschle's language, but I believe that I could sign his bill. I have long opposed elective late-term abortions, regardless what procedure is used: when I was Governor of Arkansas, I signed into law a bill that barred all third-trimester abortions, with an appropriate exception for life or health. And last year, I said I would sign such a bill at the federal level. Assuming Senator Daschle's bill adequately protects women who need late abortion to prevent serious harm to their health, I will make it the nation's law.

TALKING POINTS ON FITZSIMMONS STORY

- Nothing that Mr. Fitzsimmons now says contradicts or undermines the President's position, which is that so-called partial-birth abortions should be banned except when they are necessary to save the life of a woman or prevent serious harm to her health.
- The President has never claimed that partial-birth abortions are used only, or even primarily, to prevent death or serious harm. What he has said is that when (but only when) the procedure is necessary for these reasons, a doctor must be allowed to perform it.
- The President has recognized that some doctors may use the procedure for elective reasons and has called for an end to this practice. He has stated on several occasions: "The procedure may well be used in situations where a woman's serious health interests are not at issue. But I do not support such uses, I do not defend them, and I would sign appropriate legislation banning them."
- The President's position today remains what it has always been: that he will sign a bill banning partial-birth abortions, but only if it has an exception that will protect those women -- even if few in number -- who need this procedure to save their lives or prevent serious harm to their health.

Background

Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, said this week that partial birth abortions are (1) performed more frequently than pro-choice groups have acknowledged and (2) often performed on healthy women with healthy fetuses.

There are no good statistics on these questions, and it would be a great mistake to challenge Fitzsimmons on the facts. The important point is that even if true, Fitzsimmons's claims do not undermine the President's position, as explained above.

Question: Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, said this week that he lied about partial birth abortions -- that they're performed more frequently than pro-choice groups have acknowledged and that they're often performed on healthy women with healthy fetuses. In light of his statements, are you going to change your position?

Answer: No. My position remains what it has always been -- that so-called partial-birth abortions should be banned except when they are necessary to save the life of a woman or prevent serious harm to her health.

Nothing Mr. Fitzsimmons has said conflicts with that position. I've never claimed that partial-birth abortions are used only to prevent death or serious harm. What I've said is that when the procedure is necessary for these reasons -- in those few cases when there are tragic circumstances involving serious harm to the woman -- a doctor must be allowed to perform it. But when the procedure isn't necessary for these reasons, a doctor should not be allowed to perform it.

So I will say again what I've said before: that I will sign a bill banning partial-birth abortions, but only if it has an exception that will protect those women -- even if few in number -- who need this procedure to save their lives or prevent serious harm to their health.

Question: Didn't you base your veto of the partial-birth abortion bill on false information -- i.e., that this procedure is performed only on a few hundred women in desperate circumstances?

Answer: No. I based my veto on the fact that there are a small group of women in desperate circumstances who need this procedure in order to save their lives or prevent serious injury to their health. I've never said that these are the only circumstances in which the procedure is used. Indeed, I've acknowledged that there are cases where the procedure is not necessary for life or serious health reasons -- and I've made very clear that I would sign legislation banning the procedure in those cases.

Question: If Congress were to add a health exception to the partial birth bill you vetoed last year, that bill would prohibit all partial birth abortions -- including pre-viability partial birth abortions -- that aren't done for life or serious health reasons. Are you really saying that you would sign a bill of that kind -- a bill that prohibited a particular procedure (except if done for life or serious health reasons) in the pre-viability period?

Answer: I have made very clear my condition for signing the partial birth bill. I told Congress that I would sign the bill if it protected women who needed the procedure to save their lives or avert serious harm to their health. I implored Congress to send me such a bill. I continue to take that position. If Congress adds a provision to the bill that protects women who need the procedure for life or serious health reasons, I will sign that bill.

July 22, 1998

Dear Steny:

I am writing to express my concern over the Congress' plans to override my veto of H.R. 1122, a bill banning so-called partial birth abortions. In this vote, Congress is once again opting for partisanship over progress; it is turning the painful debate over this issue into an opportunity to score political points, rather than to pass legislation restricting this procedure.

The procedure addressed in H.R. 1122 poses a difficult and disturbing issue. I strongly believe that we generally should prohibit the use of this procedure. I have insisted, however, on exempting those few but tragic cases in which this procedure is necessary to save a woman's life or to protect her against serious injury. I again call upon Congress to add such a narrow, tightly drawn exception to this bill, so that I can sign the legislation and put an end to all other uses of this procedure.

The legislation that you have sponsored with Representative Greenwood -- which prohibits all late-term abortions, except those necessary to save the life of a woman or prevent serious harm to her health -- is also consistent with my principles. As you know, I have long opposed late-term abortions, and as Governor of Arkansas, I signed into law a bill that banned them, with an appropriate exception for life or health. If Congress were to pass your bill, I would sign it immediately.

Congress's refusal to consider such constructive proposals -- proposals that would put an end to inappropriate abortions while protecting women from death or serious injury -- prevents us from resolving these issues and moving forward. Similarly, Congress's recent votes restricting safe medical choices and access to family planning information and services stand in the way of progress on these issues. I urge Congress once again to move beyond ideology and political maneuvering and to protect the lives and health of women.

Sincerely,

The Honorable Steny Hoyer
House of Representatives
Washington, D.C. 20515



Peter D. Greenberger
07/22/98 03:38:15 PM

Record Type: Record

To: Phillip Caplan/WHO/EOP, Sean P. Maloney/WHO/EOP

cc: Laura Emmett/WHO/EOP, Peter G. Jacoby/WHO/EOP

Subject: late-term abortion letter

I am waiting for Janet Murguia to sign off on this -- in the meantime, pls review. It has been approved by DPC (Reed, Kagan, Klein), Echaveste, Jacoby, and is being reviewed by Rahm and Podesta now. We are trying to get this letter out ASAP -- the vote is tomorrow.



hoyer.72



greenwoo.72

July 22, 1998

Dear Representative Greenwood:

I am writing to express my concern over the Congress' plans to override my veto of H.R. 1122, a bill banning so-called partial birth abortions. In this vote, Congress is once again opting for partisanship over progress; it is turning the painful debate over this issue into an opportunity to score political points, rather than to pass legislation restricting this procedure.

The procedure addressed in H.R. 1122 poses a difficult and disturbing issue. I strongly believe that we generally should prohibit the use of this procedure. I have insisted, however, on exempting those few but tragic cases in which this procedure is necessary to save a woman's life or to protect her against serious injury. I again call upon Congress to add such a narrow, tightly drawn exception to this bill, so that I can sign the legislation and put an end to all other uses of this procedure.

The legislation that you have sponsored with Representative Hoyer -- which prohibits all late-term abortions, except those necessary to save the life of a woman or prevent serious harm to her health -- is also consistent with my principles. As you know, I have long opposed late-term abortions, and as Governor of Arkansas, I signed into law a bill that banned them, with an appropriate exception for life or health. If Congress were to pass your bill, I would sign it immediately.

Congress's refusal to consider such constructive proposals -- proposals that would put an end to inappropriate abortions while protecting women from death or serious injury -- prevents us from resolving these issues and moving forward. Similarly, Congress's recent votes restricting safe medical choices and access to family planning information and services stand in the way of progress on these issues. I urge Congress once again to move beyond ideology and political maneuvering, to protect women's lives and health, and to reduce the need for abortions.

Sincerely,

The Honorable James C. Greenwood
House of Representatives
Washington, D.C. 20515

1

July 22, 1998

Dear Steny:

I am writing to express my concern over the Congress' plans to override my veto of H.R. 1122, a bill banning so-called partial birth abortions. In this vote, Congress is once again opting for partisanship over progress; it is turning the painful debate over this issue into an opportunity to score political points, rather than to pass legislation restricting this procedure.

The procedure addressed in H.R. 1122 poses a difficult and disturbing issue. I strongly believe that we generally should prohibit the use of this procedure. I have insisted, however, on exempting those few but tragic cases in which this procedure is necessary to save a woman's life or to protect her against serious injury. I again call upon Congress to add such a narrow, tightly drawn exception to this bill, so that I can sign the legislation and put an end to all other uses of this procedure.

The legislation that you have sponsored with Representative Greenwood -- which prohibits all late-term abortions, except those necessary to save the life of a woman or prevent serious harm to her health -- is also consistent with my principles. As you know, I have long opposed late-term abortions, and as Governor of Arkansas, I signed into law a bill that banned them, with an appropriate exception for life or health. If Congress were to pass your bill, I would sign it immediately.

Congress's refusal to consider such constructive proposals - proposals that would put an end to inappropriate abortions while protecting women from death or serious injury -- prevents us from resolving these issues and moving forward. Similarly, Congress's recent votes restricting safe medical choices and access to family planning information and services stand in the way of progress on these issues. I urge Congress once again to move beyond ideology and political maneuvering, to protect women's lives and health, and to reduce the need for abortions.

Sincerely,

The Honorable Steny Hoyer
House of Representatives
Washington, D.C. 20515

Dear Steny:

I am writing to express my concern over the Congress' plans to override my veto of, a bill banning so-called partial birth abortions. In this vote, Congress is once again opting for partisanship over progress; it is turning the painful debate over this issue into an opportunity to score political points, rather than to pass legislation restricting this procedure.

The procedure addressed in poses a difficult and disturbing issue. I strongly believe that we generally should prohibit the use of this procedure. I have insisted, however, on exempting those few but tragic cases in which this procedure is necessary to save a woman's life or to protect her against serious injury. I again call upon Congress to add such a narrow, tightly drawn exception to this bill, so that I can sign the legislation and put an end to all other uses of this procedure.

Your own legislation -- which prohibits all late-term abortions, except those necessary to save the life of a woman or prevent serious harm to her health -- is also consistent with my principles. As you know, I have long opposed late-term abortions, and as Governor of Arkansas, I signed into law a bill that banned them, with an appropriate exception for life or health. If Congress were to pass your bill, I would sign it immediately.

Congress's refusal to consider such constructive proposals -- proposals that would put an end to inappropriate abortions while protecting women from death or serious injury -- prevents us from resolving these issues and moving forward. Similarly, Congress's recent votes restricting safe medical choices and access to family planning information and services stand in the way of progress on these issues. I urge Congress once again to move beyond ideology and political maneuvering, to protect women's lives and health, and to reduce the need for abortions.

Sincerely,

THE WHITE HOUSE
WASHINGTON

OFFICE OF LEGISLATIVE AFFAIRS

FAX COVER SHEET

NOTE: THE INFORMATION CONTAINED IN THIS FACSIMILE
MESSAGE IS CONFIDENTIAL AND INTENDED FOR
THE RECIPIENT ONLY.

DATE:

7/22

TO:

Sen Klein

FAX#:

6-2878

FROM:

Peter Jacoby (202) 456-6493
FAX #: (202) 456-6468

RE:

My mistake - NO weeks
cut off but rather viability
FYI Peter

PAGE 1 OF

2

If there are any problems with this transmission,
please call (202) 456-6493

F:\M5\GREENW\GREENW.004

H.L.C.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 929, AS REPORTED
OFFERED BY MR. GREENWOOD OF PENNSYLVANIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

**2 This Act may be cited as the "Late Term Abortion
3 Restriction Act".**

4 SEC. 2. PROHIBITION ON CERTAIN ABORTIONS.

**5 (a) IN GENERAL.—It shall be unlawful, in or affect-
6 ing interstate or foreign commerce, knowingly to perform
7 an abortion after the fetus has become viable.**

**8 (b) EXCEPTION.—This section does not prohibit any
9 abortion if, in the medical judgment of the attending phy-
10 sician, the abortion is necessary to preserve the life of the
11 woman or to avert serious adverse health consequences to
12 the woman.**

**13 (c) CIVIL PENALTY.—A physician who violates this
14 section shall be subject to a civil penalty not to exceed
15 \$10,000. The civil penalty provided by this subsection is
16 the exclusive remedy for a violation of this section.**

I am writing to express my concern over the Congress's unprecedented effort in recent weeks to restrict safe reproductive choices for women. It is regrettable that some Members of Congress have chosen to pursue a series of initiatives designed to create a political issue at the risk of increasing unintended pregnancies and abortions and of compromising women's health and safety.

I have long said that I believe abortion should be safe, legal, and rare. All of the proposals being offered would restrict safe medical choices. Some would actually restrict access to family planning information and services and could have the perverse effect of increasing the number of unintended pregnancies and abortions. I urge the Congress to put partisan politics aside and instead put women's health and safety first.

In this context, I am heartened that the House defeated attempts to kill Congresswoman Lowey's amendment to require health plans participating in the Federal Employees Health Benefits Program to cover all FDA approved prescription contraceptives. The Lowey proposal will improve basic health care coverage for many women and help reduce unwanted pregnancies and the need for abortion. A bipartisan majority of the House acted in the interests of women's health when it beat back efforts to undermine this important proposal.

Congress unfortunately has not adopted this reasonable, health-oriented approach on other issues. First, I strongly object to the amendment to impose restrictions on international family planning programs. By prohibiting foreign non-governmental organizations from receiving United States funds if the organization uses any non-US government funds for abortion-related services or even advocates changes in abortion laws, the amendment jeopardizes funding to health care providers who are working to meet the growing demand for family planning and other critical health services in developing countries. The result of this amendment's provisions could be an increase in unintended pregnancies, abortions, and maternal and infant death.

Second, I find it deeply disturbing that the House would take the unprecedented step of intervening in the Food and Drug Administration's drug approval process by banning funding for the approval or testing of drugs such as RU-486. For years, the FDA has used vigorous testing and the highest scientific standards to protect public health. This amendment substitutes political ideology for sound science. It would restrict scientific research that can protect women's lives and offer them safe medical choices.

Third, I am disappointed that the House chose to reject the changes that I proposed to the Child Custody Protection Act. As my Administration conveyed to Congress, I would support properly crafted legislation that would make it illegal to transport minors across state lines for the purpose of avoiding parental involvement requirements. I have repeatedly stated that I would sign a bill if it were amended to exclude close family members from criminal and civil liability and to ensure that individuals who provide only information, counseling, referral, or medical services to the minor cannot be subject to liability. As amended in this way, the legislation would prevent the circumvention of state parental involvement laws while ensuring healthy family communications. Unfortunately, the Congress has ignored these proposed changes, as

well as those designed to address certain constitutional infirmities. In doing so, this Congress has demonstrated that it is not truly interested in passing legislation, but only in creating another partisan political issue.

Finally, Congress is again signaling that it will turn the difficult debate over so-called partial birth abortions into an opportunity to score political points, rather than to pass legislation restricting this procedure. I have long opposed late term abortions, and I believe that we generally should prohibit the use of this procedure. I have insisted, however, on exempting those few but tragic cases in which this procedure is necessary to save a woman's life or to protect her against serious injury to her health. I again call upon Congress to add such a narrow, tightly drawn exception to this bill, so that I can sign the legislation and put an end to all other uses of this procedure.

I urge Congress to move beyond ideology and political maneuvering, to abandon extremism, and to protect women's lives and health while reducing the need for abortions. Congress's current course would remove appropriate reproductive choices for women, seriously jeopardize their health, and very possibly increase the frequency of abortions. I will strongly oppose these or any other efforts to inappropriately politicize this issue.

I am writing to express my concern over the Congress's unprecedented effort in recent weeks to restrict safe reproductive choices for women. It is regrettable that some Members of Congress have chosen to pursue a series of initiatives designed to create a political issue at the risk of increasing unintended pregnancies and abortions and of compromising women's health and safety.

I have long said that I believe abortion should be safe, legal, and rare. All of the proposals being offered would restrict safe medical choices. Some would actually restrict access to family planning information and services and could have the perverse effect of increasing the number of unintended pregnancies and abortions. I urge the Congress to put partisan politics aside and instead put women's health and safety first.

First, I am very disappointed that the House struck Congresswoman Lowey's proposal to require health plans participating in the Federal Employees Health Benefits Program to cover all FDA approved prescription contraceptives. The Lowey proposal would have improved basic health care coverage for many women and helped reduce unwanted pregnancies and the need for abortion.

Second, I strongly object to the amendment to impose restrictions on international family planning programs. By prohibiting foreign non-governmental organizations from receiving United States funds if the organization uses any non-US government funds for abortion-related services, the amendment jeopardizes funding to health care providers who are working to meet the growing demand for family planning and other critical health services in developing countries. Moreover, requiring recipients of US funds to refrain from advocating changes or even calling attention to alleged defects in abortion law would interfere with lawful free speech and the ability of organizations to participate in the democratic processes of their own countries. Ultimately, the result of this amendment's provisions could also be an increase in unintended pregnancies, abortions, and maternal and infant death.

Third, I find it deeply disturbing that Congress would take the unprecedented step of intervening in the Food and Drug Administration's drug approval process by banning funding for the approval or testing of drugs such as RU-486. For years, the FDA has used vigorous testing and the highest scientific standards to protect public health. This amendment substitutes political ideology for sound science. It would restrict scientific research that can protect women's lives and offer them safe medical choices.

Fourth, I am disappointed that the House chose to reject the changes that I proposed to the Child Custody Protection Act. As my Administration conveyed to Congress, I would support properly crafted legislation that would make it illegal to transport minors across state lines for the purpose of avoiding parental involvement requirements. I have repeatedly stated that I would sign a bill if it were amended to exclude close family members from criminal and civil liability and to ensure that individuals who provide only information, counseling, referral, or medical services to the minor cannot be subject to liability. As amended in this way, the legislation would prevent the circumvention of state parental involvement laws, while ensuring healthy family communications. Unfortunately, the Congress has ignored these proposed changes, as

well as those designed to address constitutional infirmities in particular provisions identified by the Department of Justice. In doing so, this Congress has demonstrated that it is not truly interested in passing legislation, but only in creating another partisan political issue.

Finally, Congress is again indicating that it will turn the difficult debate over so-called partial birth abortions into an opportunity to score political points, rather than to pass legislation restricting this procedure. I have long opposed late term abortions, and I believe that we generally should prohibit the use of this procedure. I have insisted, however, on exempting those few but tragic cases in which this procedure is necessary to save a woman's life or to protect her against serious injury to her health. I again call upon Congress to add such a narrow, tightly drawn exception to this bill, so that I can sign it and put an end to all other uses of this procedure.

I urge Congress to move beyond ideology and political maneuvering, to abandon extremism, and to protect women's lives and health, while reducing the need for abortion. Congress's current course would remove appropriate reproductive choices for women, seriously jeopardize their health, and very possibly increase the frequency of abortions. I will strongly oppose these efforts.

That's really dumb.

Reas, not partisan

Ref. to other votes

SMITH AMENDMENT ADVOCACY GAG RULE

The Smith amendment would make foreign organizations ineligible for population assistance unless they agree not to "engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated or permitted."

It has been illegal for many years to use federal funds to lobby for abortion. The Smith amendment goes further. It would require the United States to punish organizations which use their private funds for abortion advocacy activities in foreign countries by making them ineligible for the United States population assistance. This is a gag rule which would compel the United States to interfere with lawful free speech and the ability of organizations to participate in the democratic process of their countries. It would show the international community that the United States has a double standard, interfering with free speech and democratic participation in foreign countries, while cherishing and protecting those values in the United States.

The proposed Statement of Managers for the Conference Report demonstrates the alarming scope proponents of the Smith amendment would give to the gag rule by stating explicitly that it would bar more than "overt lobbying". For example, the statement would bar organizations which use their own funds to draft, or even just distribute, materials that call attention to defects in abortion laws. This restriction is not only offensive to basic American values, but is also vague. It would leave to judgement and argument whether material such as a study of maternal morbidity and mortality resulting from unsafe, illegal abortions prepared to identify areas in need of family planning services "calls attention to alleged defects in abortion laws."

The Conference Report also imposes a restriction on the issuance of "public statements" that is unprecedented in its scope. This ban would prohibit even the most basic form of free speech activity.

I am writing to express my concern over the Congress's unprecedented effort in recent weeks to restrict safe reproductive choices for women. It is regrettable that some Members of Congress have chosen to pursue a series of initiatives designed to create a political issue at the risk of increasing unintended pregnancies and abortions and of compromising women's health and safety.

I have long said that I believe abortion should be safe, legal, and rare. All of the proposals being offered would restrict safe medical choices. Some would actually restrict access to family planning information and services and could have the perverse effect of increasing the number of unintended pregnancies and abortions. I urge the Congress to put partisan politics aside and instead put women's health and safety first.

First, I oppose ~~efforts to strike or scale back~~ ^{the} Congresswoman Lowey's proposal to require health plans participating in the Federal Employees Health Benefits Program to cover all FDA approved prescription contraceptives. The Lowey proposal would improve basic health care coverage for many women and help reduce unwanted pregnancies and the need for abortion. The current attempts to strike or scale back this amendment would undermine these important goals.

Second, I strongly object to the amendment to impose restrictions on international family planning programs. By prohibiting foreign non-governmental organizations from receiving United States funds if the organization uses any non-US government funds for abortion-related services, the amendment jeopardizes funding to health care providers who are working to meet the growing demand for family planning and other critical health services in developing countries. The result of this amendment's provisions could also be an increase in unintended pregnancies, abortions, and maternal and infant death.

Third, I find it deeply disturbing that Congress would take the unprecedented step of intervening in the Food and Drug Administration's drug approval process by banning funding for the approval or testing of drugs such as RU-486. For years, the FDA has used vigorous testing and the highest scientific standards to protect public health. This amendment substitutes political ideology for sound science. It would restrict scientific research that can protect women's lives and offer them safe medical choices.

Fourth, I am disappointed that the House chose to reject the changes that I proposed to the Child Custody Protection Act. As my Administration conveyed to Congress, I would support properly crafted legislation that would make it illegal to transport minors across state lines for the purpose of avoiding parental involvement requirements. I have repeatedly stated that I would sign a bill if it were amended to exclude close family members from criminal and civil liability and to ensure that individuals who provide only information, counseling, referral, or medical services to the minor cannot be subject to liability. As amended in this way, the legislation would prevent the circumvention of state parental involvement laws, while ensuring healthy family communications. Unfortunately, the Congress has ignored these proposed changes, as well as those designed to address constitutional infirmities in particular provisions identified by the Department of Justice. In doing so, this Congress has demonstrated that it is not truly interested in passing legislation, but only in creating another partisan political issue.

Finally, Congress is again indicating that it will turn the difficult debate over so-called partial birth abortions into an opportunity to score political points, rather than to pass legislation restricting this procedure. I have long opposed late term abortions, and I believe that we generally should prohibit the use of this procedure. I have insisted, however, on exempting those few but tragic cases in which this procedure is necessary to save a woman's life or to protect her against serious injury to her health. I again call upon Congress to add such a narrow, tightly drawn exception to this bill, so that I can sign it and put an end to all other uses of this procedure.

I urge Congress to move beyond ideology and political maneuvering, to abandon extremism, and to protect women's lives and health, while reducing the need for abortion. Congress's current course would remove appropriate reproductive choices for women, seriously jeopardize their health, and very possibly increase the frequency of abortions. I will strongly oppose these efforts.

↑
+ other



Laura Emmett

07/16/98 11:32:32 AM

*This came from
Adrienne -
are you okay
w/ the language.*

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: 5:00 Mtg. TODAY to discuss attached POTUS Choice letter



ABOR.J15 Attached please find the draft choice letter from the President. Please note that we did not comment on the Istook and Porter Title X amendments to Labor, HHS, and Education Appropriations because Bruce and Elena felt that it would undermine the purpose of the letter. ✓

Please come to a brief meeting at 5:00 TODAY in the Roosevelt Room to discuss the letter or feel free to call Jennifer Klein (6-2599) with any comments or questions in the interim.

Message Sent To:

Jennifer L. Klein/OPD/EOP@EOP
Cynthia Dailard/OPD/EOP@EOP
Sylvia M. Mathews/OMB/EOP@EOP
Maria Echaveste/WHO/EOP@EOP
Ann F. Lewis/WHO/EOP@EOP
Peter G. Jacoby/WHO/EOP@EOP
Martha Foley/WHO/EOP@EOP
Audrey T. Haynes/OVP@OVP
Sean P. Maloney/WHO/EOP@EOP
Phillip Caplan/WHO/EOP@EOP
Tracey E. Thornton/WHO/EOP@EOP
William P. Marshall/WHO/EOP@EOP
Linda Ricci/OMB/EOP@EOP

Message Copied To:

Janet L. Graves/OMB/EOP@EOP
Marjorie Tarmey/WHO/EOP@EOP
Leslie Bernstein/WHO/EOP@EOP
Ruby Shamir/WHO/EOP@EOP
Tania I. Lopez/WHO/EOP@EOP
Jessica L. Gibson/WHO/EOP@EOP
Janelle E. Erickson/WHO/EOP@EOP
Carolyn E. Cleveland/WHO/EOP@EOP

I am writing to express my concern over the Congress's unprecedented effort in recent weeks to restrict safe reproductive choices for women. It is regrettable that some Members of Congress have chosen to pursue a series of initiatives designed to create a political issue at the risk of increasing unintended pregnancies and abortions and of compromising women's health and safety.

I have long said that I believe abortion should be safe, legal, and rare. All of the proposals being offered would restrict safe medical choices. Some would actually restrict access to family planning information and services and could have the perverse effect of increasing the number of unintended pregnancies and abortions. I urge the Congress to put partisan politics aside and instead put women's health and safety first.

First, I ~~oppose efforts to strike or scale back~~ ^{very disappointed that the House} Congresswoman Lowey's proposal to require health plans participating in the Federal Employees Health Benefits Program to cover all FDA approved prescription contraceptives. The Lowey proposal would improve basic health care coverage for many women and help reduce unwanted pregnancies and the need for abortion. ~~The current attempts to strike or scale back this amendment would undermine these important goals.~~ ^{it's}

Second, I strongly object to the amendment to impose restrictions on international family planning programs. By prohibiting foreign non-governmental organizations from receiving United States funds if the organization uses any non-US government funds for abortion-related services, the amendment jeopardizes funding to health care providers who are working to meet the growing demand for family planning and other critical health services in developing countries. The result of this amendment's provisions could also be an increase in unintended pregnancies, abortions, and maternal and infant death.

Third, I find it deeply disturbing that Congress would take the unprecedented step of intervening in the Food and Drug Administration's drug approval process by banning funding for the approval or testing of drugs such as RU-486. For years, the FDA has used vigorous testing and the highest scientific standards to protect public health. This amendment substitutes political ideology for sound science. It would restrict scientific research that can protect women's lives and offer them safe medical choices.

Fourth, I am disappointed that the House chose to reject the changes that I proposed to the Child Custody Protection Act. As my Administration conveyed to Congress, I would support properly crafted legislation that would make it illegal to transport minors across state lines for the purpose of avoiding parental involvement requirements. I have repeatedly stated that I would sign a bill if it were amended to exclude close family members from criminal and civil liability and to ensure that individuals who provide only information, counseling, referral, or medical services to the minor cannot be subject to liability. As amended in this way, the legislation would prevent the circumvention of state parental involvement laws, while ensuring healthy family communications. Unfortunately, the Congress has ignored these proposed changes, as well as those designed to address constitutional infirmities in particular provisions identified by the Department of Justice. In doing so, this Congress has demonstrated that it is not truly interested in passing legislation, but only in creating another partisan political issue.

Finally, Congress is again indicating that it will turn the difficult debate over so-called partial birth abortions into an opportunity to score political points, rather than to pass legislation restricting this procedure. I have long opposed late term abortions, and I believe that we generally should prohibit the use of this procedure. I have insisted, however, on exempting those few but tragic cases in which this procedure is necessary to save a woman's life or to protect her against serious injury to her health. I again call upon Congress to add such a narrow, tightly drawn exception to this bill, so that I can sign it and put an end to all other uses of this procedure.

I urge Congress to move beyond ideology and political maneuvering, to abandon extremism, and to protect women's lives and health, while reducing the need for abortion. Congress's current course would remove appropriate reproductive choices for women, seriously jeopardize their health, and very possibly increase the frequency of abortions. I will strongly oppose these efforts.

4 leaders

I am writing to express my concern over the Congress's unprecedented effort in recent weeks to restrict safe reproductive choices for women. It is regrettable that some Members of Congress have chosen to pursue a series of initiatives designed to create a political issue at the risk of increasing unintended pregnancies and abortions and of compromising women's health and safety.

I have long said that I believe abortion should be safe, legal, and rare. All of the proposals being offered would restrict safe medical choices. Some would actually restrict access to family planning information and services and could have the perverse effect of increasing the number of unintended pregnancies and abortions. I urge the Congress to put partisan politics aside and instead put women's health and safety first.

First, I ~~oppose efforts to strike or scale back~~ ^{the action taken to} Congresswoman Lowey's proposal to require health plans participating in the Federal Employees Health Benefits Program to cover all FDA approved prescription contraceptives. The Lowey proposal would improve basic health care coverage for many women and help reduce unwanted pregnancies and the need for abortion. The current attempts to strike or scale back this amendment would undermine these important goals.

+ lobbying restrictions sentence
Second, I strongly object to the amendment to impose restrictions on international family planning programs. By prohibiting foreign non-governmental organizations from receiving United States funds if the organization uses any non-US government funds for abortion-related services, the amendment jeopardizes funding to health care providers who are working to meet the growing demand for family planning and other critical health services in developing countries. The result of this amendment's provisions could also be an increase in unintended pregnancies, abortions, and maternal and infant death.

Third, I find it deeply disturbing that Congress would take the unprecedented step of intervening in the Food and Drug Administration's drug approval process by banning funding for the approval or testing of drugs such as RU-486. For years, the FDA has used vigorous testing and the highest scientific standards to protect public health. This amendment substitutes political ideology for sound science. It would restrict scientific research that can protect women's lives and offer them safe medical choices.

Fourth, I am disappointed that the House chose to reject the changes that I proposed to the Child Custody Protection Act. As my Administration conveyed to Congress, I would support properly crafted legislation that would make it illegal to transport minors across state lines for the purpose of avoiding parental involvement requirements. I have repeatedly stated that I would sign a bill if it were amended to exclude close family members from criminal and civil liability and to ensure that individuals who provide only information, counseling, referral, or medical services to the minor cannot be subject to liability. As amended in this way, the legislation would prevent the circumvention of state parental involvement laws, while ensuring healthy family communications. Unfortunately, the Congress has ignored these proposed changes, as well as those designed to address constitutional infirmities in particular provisions identified by the Department of Justice. In doing so, this Congress has demonstrated that it is not truly interested in passing legislation, but only in creating another partisan political issue.

Finally, Congress is again indicating that it will turn the difficult debate over so-called partial birth abortions into an opportunity to score political points, rather than to pass legislation restricting this procedure. I have long opposed late term abortions, and I believe that we generally should prohibit the use of this procedure. I have insisted, however, on exempting those few but tragic cases in which this procedure is necessary to save a woman's life or to protect her against serious injury to her health. I again call upon Congress to add such a narrow, tightly drawn exception to this bill, so that I can sign it and put an end to all other uses of this procedure.

I urge Congress to move beyond ideology and political maneuvering, to abandon extremism, and to protect women's lives and health, while reducing the need for abortion. Congress's current course would remove appropriate reproductive choices for women, seriously jeopardize their health, and very possibly increase the frequency of abortions. I will strongly oppose these efforts.

and other



Cynthia Dailard
07/16/98 12:50:11 PM

Record Type: Record

To: Jennifer L. Klein/OPD/EOP
cc: Neera Tanden/WHO/EOP
Subject: International Family Planning Paragraph

Here is a draft of a revised paragraph on international family planning. Some background on the policy -- during the State Department Reauthorization last year, Chris Smith proposed "compromise" language which would:

- 1) prohibit NGO's receiving US funds from performing abortions (with non-US funds)
- 2) allow the President to waive the restriction on performing abortions in exchange for a \$44 million funding cut
- 3) impose a gag rule preventing recipients of US funds from engaging in efforts to alter the abortion laws or policies of any foreign government. This includes making any public statements calling attention to defects in laws.
(The President cannot waive this provision).

This is the language we can expect to be offered on the House floor. Here is how I edited the paragraph to reflect #3. See what you think.

"Second, I strongly object to the amendment to impose restrictions on international family planning programs. By prohibiting foreign non-governmental organizations from receiving United States funds if the organization uses any non-US government funds for abortion-related services, the amendment jeopardizes funding to health care providers who are working to meet the growing demand for family planning and other critical health services in developing countries. Moreover, requiring recipients of US funds to refrain from discussing the laws or policies of a foreign country concerning abortion would ~~punish organizations for~~ ^{from} ~~engaging in the democratic process in foreign countries and for engaging in legal activities that would be protected by the First Amendment if carried out in the US.~~ ^{from} Ultimately, the result of this amendment's provisions could also be an increase in unintended pregnancies, abortions, and maternal and infant death."

of their own country.

~~punishing organizations for which~~

~~punishing recipients of US funds for~~ ^{calling attention} ~~calling attention to alleged defects in~~ ^{using their own funds}

Peter Jacoby

 Cynthia Dailard
07/16/98 12:50:11 PM

Record Type: Record

To: Jennifer L. Klein/OPD/EOP
cc: Neera Tanden/WHO/EOP
Subject: International Family Planning Paragraph

Here is a draft of a revised paragraph on international family planning. Some background on the policy -- during the State Department Reauthorization last year, Chris Smith proposed "compromise" language which would:

- 1) prohibit NGO's receiving US funds from performing abortions (with non-US funds)
- 2) allow the President to waive the restriction on performing abortions in exchange for a \$44 million funding cut
- 3) impose a gag rule preventing recipients of US funds from engaging in efforts to alter the abortion laws or policies of any foreign government. This includes making any public statements calling attention to defects in laws.
(The President cannot waive this provision).

This is the language we can expect to be offered on the House floor. Here is how I edited the paragraph to reflect #3. See what you think.

"Second, I strongly object to the amendment to impose restrictions on international family planning programs. By prohibiting foreign non-governmental organizations from receiving United States funds if the organization uses any non-US government funds for abortion-related services, the amendment jeopardizes funding to health care providers who are working to meet the growing demand for family planning and other critical health services in developing countries. **Moreover, requiring recipients of US funds to refrain from discussing the laws or policies of a foreign country concerning abortion would punish organizations for engaging in the democratic process in foreign countries and for engaging in legal activities that would be protected by the First Amendment if carried out in the US.** Ultimately, the result of this amendment's provisions could also be an increase in unintended pregnancies, abortions, and maternal and infant death. "

2

I am writing to express my concern over the Congress' unprecedented effort in recent weeks to restrict reproductive choices for women. It is regrettable that some Members of Congress have chosen to pursue a series of initiatives designed to create a political issue at the risk of increasing unintended pregnancies and abortion and of compromising women's health and safety.

I have long said that I believe abortion should be safe, legal and rare. All of the proposals being offered would restrict safe medical choices. Some would actually restrict access to family planning information and services and could have the perverse effect of increasing the number of unintended pregnancies and abortions. I urge the Congress to put partisan politics aside and instead put women's health and safety first.

First, I oppose efforts to strike or scale back Congresswoman Lowey's provision in the House Treasury, Postal Service & General Government Appropriations bill that would require health plans participating in the Federal Employees Health Benefits Program to cover all FDA approved prescription contraceptives. The Lowey proposal would improve basic health care coverage for many women and help reduce unwanted pregnancies and the need for abortion. The current attempts to strike or scale back this amendment would undermine these important goals.

Second, I oppose the language in the House Labor, Health and Human Services and Education Appropriations bill mandating parental consent for minors seeking counseling and services from federally funded family planning programs. While Title X providers should always encourage family communication, mandating such communication may cause many teenagers to delay or altogether avoid seeking contraceptive services. This could increase the number of unintended pregnancies and, in turn, of abortions. Surely no one would support this result.

Porter asking
to offer
language
on floor -
won't allow
So, motion
to strike
on floor.

Third, I strongly object to the amendment to impose restrictions on international family planning programs. By prohibiting foreign non-governmental organizations from receiving United States funds if the organization uses any non-US government funds for abortion-related services, the amendment jeopardizes funding to health care providers who are working to meet the growing demand for family planning and other critical health services in developing countries. The result of this amendment's provisions could also be an increase in unintended pregnancy, abortion, and maternal and infant death.

lobbying restrictions

Fourth, I find it deeply disturbing that Congress would take the unprecedented step, through an amendment to the House Agriculture Appropriations bill, of intervening in the Food and Drug Administration's drug approval process by banning funding for the approval or testing of drugs that medically induce abortions. For years, the FDA has used vigorous testing and the highest scientific standards to protect public health. This amendment substitutes political ideology for sound science. It would restrict scientific research that can protect women's lives and offer them safe medical choices.

Fifth, I am disappointed that Congress chose to reject the changes that I proposed to the Child Custody Protection Act. As my Administration conveyed to Congress, I would support

properly crafted legislation that would make it illegal to transport minors across state lines for the purpose of avoiding parental involvement requirements. I have repeatedly stated that I would sign a bill if it were amended to exclude close family members from criminal and civil liability and to ensure that individuals who provide only information, counseling, referral, or medical services to the minor cannot be subject to liability. These changes would preserve the goal of the legislation to prevent the circumvention of state parental involvement laws, while both ensuring that minors are not isolated from close family members and preserving healthy family communications. Unfortunately, the Congress has ignored these proposed changes, as well as those designed to address the constitutional infirmities raised by the Department of Justice. In doing so, this Congress has demonstrated that it is not truly interested in passing legislation, but only creating another partisan political issue.

Finally, Congress is once again considering legislation to ban so-called partial birth abortions. This is a difficult and disturbing issue, but real dialogue about it has been eclipsed by those more interested in scoring political points than in putting meaningful limits on the use of this procedure. I urge you, once again, to put partisan politics aside and come together to protect women's health and lives. I have long opposed late term abortions, and I do not, as a general matter, support the use of this procedure. However, rare and tragic situations can occur in a woman's pregnancy in which, in a doctor's medical judgment, the use of this procedure may be necessary to save a woman's life or to protect her against serious injury to her health. In these situations, in which a woman and her family must make an awful choice, the Constitution requires, as it should, that the ability to choose this procedure be protected.

As I have said to Congress on several occasions, I would sign legislation banning this procedure if it included an exception allowing the procedure to be performed in order to prevent a serious injury to a woman's health. If Congress responds to my repeated requests to add such a narrow, tightly drawn exception, I would sign the bill now.

I urge Congress to move beyond ideology and political maneuvering and think about the women affected by each of these proposals. This is about their health and their lives, and they deserve better.

I am writing to express my serious concern over the Congress' unprecedented effort in recent weeks to restrict reproductive choices for women. It is unconscionable that some Members of Congress have chosen to pursue a series of initiatives--often on unrelated legislation--in order to create political issues in an election year. ^{They do so at the risk of increasing unintended pregnancies and abortion and of compromising women's health and safety.} *knowing that when they do so, it is*

I have ^{long} said that I believe that abortion should be safe, legal, and rare. All of the proposals being offered would restrict safe medical choices. Moreover, some of the proposals would actually restrict access to contraception information and services and have the perverse effect of increasing number of unintended pregnancies and, therefore, abortions. I urge the Congress to put partisan politics aside and to put women's health and safety first, *working hard to lower # of*

Restrictions on Family Planning Services

I oppose the language in the
First, ^{the} House Labor/Health and Human Services Appropriations bill includes language mandating parental notification of minors seeking contraception from Federally funded family planning programs. While Title Ten providers should always encourage family communication, the political attempt to mandate such communication will undoubtedly cause many teenagers to delay or altogether avoid seeking contraceptive services. *To do so would increase the number of unintended pregnancies and, in turn, of abortions.* Surely no one would support this result. *predictable*

thus
Second, I oppose efforts to scale back or strike Congresswoman Lowey's provision in the House Treasury/Postal Appropriations bill. That amendment would require health plans participating in the Federal Employees Health Benefits Program (FEHBP) to cover all FDA-approved prescription ^{prescription} contraceptives. The Lowey proposal would reduce the number of unintended pregnancies and, in turn, abortions, as well as increase the coverage of basic health care services for many women. Any weakening of the Lowey amendment would undermine these important goals.

Third, I object once again to the amendment to impose restrictions on international family planning programs. By prohibiting foreign non-governmental organizations from receiving U.S. funds if the organization uses any of its non-U.S. funds for abortion-related services, the amendment jeopardizes funding for the family planning services in developing countries that are most likely to reduce the need and request for abortions. The result of this amendment's provisions would also be an increase in unintended pregnancy, abortion, and maternal and infant death.

Restrictions on Safe and Legal Abortion Services

Fourth, it is deeply disturbing that the Congress would take the unprecedented step of requiring a scientific regulatory agency to act on the basis of issues other than science. The amendment to the House Agriculture Appropriations bill to deny FDA funding for the approval or testing of drugs that induce abortions is based solely on political ideology and not on sound science. The amendment would restrict scientific research that can actually make abortion procedures medically safer. It is not acceptable for the Congress to attempt to reduce abortion rates by preventing any possible improvements in safety. *abortion*

Fifth, I am disappointed that the Congress chose to reject the changes that I proposed to the Child Custody Protection Act. As my Administration conveyed to the Congress, I would support properly crafted legislation that would make it illegal to transport minors across state lines for the purpose of avoiding parental involvement requirements. I have repeatedly stated that I would sign a bill if it were amendment^{ed} to exclude close family members from criminal and civil liability and to ensure that individuals who provide only information, counseling, referral, or medical services to the minor cannot be subject to liability. These changes would preserve the goal of the legislation to prevent the circumvention of state parental involvement laws, while both ensuring that minors are not isolated from close family members and preserving health family communications. Unfortunately, the Congress has ignored these clearly articulated proposed changes, as well as those *to changes* address the constitutional infirmities raised by the Department of Justice. By *designed* doing so, the Congress has demonstrated that it is not truly interested in

passing legislation but only in creating yet another partisan political issue to score partisan points.

Finally---stet

I urge the Congress to move beyond the politicization of these important issues of women's health. The Congress should, instead, think about the women affected by this political gamesmanship. Limiting access to contraception information and services will only make the abortion rates in the nation higher. Limiting access to safe and legal abortion information and services may be politically expedient for some, but it is dangerous for the women involved. This is about their health and their lives, and they deserve better.

Sincerely,

I am writing to express my concern over this Congress' unprecedented effort in recent weeks to restrict reproductive choices for women. It is regrettable that some Members of Congress have chosen to pursue a series of amendments designed to create a political issue at the risk of compromising women's health and safety. As I have said before, I believe that abortion should be safe, legal and rare. All of the amendments being offered would restrict safe medical choices for women, and some could have the perverse affect of actually increasing the number of abortions by denying women family planning information and services. I urge Congress to put partisan politics aside and instead put women's health and safety first.

Never interfered.
But by doing so, you may
makes it
super --
surely
you don't
mean to
make it less

(4) First, I find it deeply disturbing that Congress would intervene in the drug approval process of the Food and Drug Administration (FDA) by denying FDA funding in the Agriculture Appropriations bill for the approval or testing of drugs that medically induce abortions. For years, the FDA has used vigorous testing and the highest scientific standards to protect public health. This unprecedented Congressional action substitutes political ideology for sound science. It would restrict scientific research that can protect women's lives and offer them safe medical choices. *but future of safer --*

(1) Second, the language included by Representative Istook in the Labor Health and Human Services Appropriations bill mandating parental consent for Title X services would deter those minors most in need of assistance from seeking the confidential counseling and health care services that help them avoid unintended pregnancies. While Title X providers should always encourage family communication to the maximum extent possible, mandating such communication may cause many minors to delay or avoid seeking those very services that have helped to reduce rates of teen pregnancy in this country in recent years.

How many states -- unheard of

(2) Third, I oppose efforts to strike or scale back Congresswoman Lowey's provision in the Treasury-Postal appropriations bill that would require health plans participating in the Federal Employees Health Benefits Program (FEHBP) to cover all FDA approved prescription contraceptives. This proposal would improve basic health care coverage for many women and help reduce unwanted pregnancies and the need for abortion. The current attempts to strike or scale back this amendment would undermine these important goals and reduce health care options available to women participating in FEHBP.

Esp. ironic even though supposedly taking about abortion, really about taking away means to prevent it.

(3) Fourth, I strongly object to the amendment once again proposed by Representative Smith of New Jersey which would impose restrictions on international family planning programs. By prohibiting foreign non-governmental organizations from receiving United States funds if the organization uses any of its own funding from non-US Government sources for abortion-related services, these restrictions would put in jeopardy funding to health care providers who are working to meet the growing demand for family planning and other critical health services in developing countries. [The result of this amendment's provisions would be an increased incidence of unintended pregnancy, maternal and infant death, and abortion.]

Fifth, I am disappointed that Congress chose to reject the changes that I proposed to the

Child Custody Protection Act. As my Administration conveyed to Congress, I would support properly crafted legislation that would make it illegal to transport minors across state lines for the purpose of avoiding parental involvement requirements. I have repeatedly stated that I would sign a bill, if it were amended to exclude close family members from criminal and civil liability and to ensure that individuals who provide only information, counseling, referral, or medical services to the minor cannot be subject to liability. These changes would preserve the goal of the legislation to prevent the circumvention of state parental involvement laws, while both ensuring that minors are not isolated from close family members and preserving healthy family communication. By ignoring these proposed changes, as well as those to address the constitutional infirmities raised by the Department of Justice, this Congress has demonstrated that its true interest is not in passing legislation, but in using this as a divisive political issue to score partisan points.

Finally, Congress is once again considering legislation to ban so-called partial birth abortions. This is a difficult and disturbing issue, but real dialogue about it has been eclipsed by those more interested in scoring political points than in putting meaningful limits on the use of this procedure. I urge you, once again, to put partisan politics aside and come together to protect women's health and lives. I have long opposed late term abortions, and I do not, as a general matter, support the use of this procedure. However, rare and tragic situations can occur in a woman's pregnancy in which, in a doctor's medical judgment, the use of this procedure may be necessary to save a woman's life or to protect her against serious injury to her health. In these situations, in which a woman and her family must make an awful choice, the Constitution requires, as it should, that the ability to choose this procedure be protected.

As I have said to Congress on several occasions, I would sign legislation banning this procedure if it included an exception allowing the procedure to be performed in order to prevent a serious injury to a woman's health. If Congress responds to my repeated requests to add such a narrow, tightly drawn exception, I would sign the bill now.

I urge Congress to move beyond ideology and political maneuvering and think about the women affected by each of these provisions. This is about their health and their lives, and they deserve better.

Draft -- July 15; 10 am

[Insert opening paragraph.]

(FDA)

approval process
First, I find it deeply disturbing that Congress would intervene in the drug safety practices of the Food and Drug Administration by denying FDA funding in the Agriculture Appropriations bill for the approval or testing of RU-486 [mifepristone ~~drugs to medically induce abortions~~]. For years, the FDA has used vigorous testing and the highest scientific standards to protect public health. This unprecedented Congressional action substitutes political ideology for sound science. It would restrict scientific research that can protect women's lives and offer them safe medical choices.

Second, the language included by Representative Istook in the Labor Health and Human Services Appropriations bill mandating parental consent for Title X services would deter those minors most in need of assistance from seeking the confidential counseling and health care services that help them avoid unintended pregnancies. While Title X providers should always encourage family communication to the maximum extent possible, mandating such communication may cause many minors to delay or avoid seeking those very services that have helped to reduce rates of teen pregnancy in this country in recent years.

Third, I oppose efforts to strike or scale back Congresswoman Lowey's provision in the Treasury-Postal appropriations bill that would require health plans participating in the Federal Employees Health Benefits Program (FEHBP) to cover all FDA approved prescription contraceptives. This proposal would improve basic health care coverage for many women and help reduce unwanted pregnancies and the need for abortion. The current attempts to strike or scale back this amendment would undermine these important goals and reduce health care options available to women participating in FEHBP.

Fourth, I strongly object to the amendment once again proposed by Representative Smith of New Jersey which would impose restrictions on international family planning programs. By prohibiting foreign non-governmental organizations from receiving United States funds if the organization uses any of its own funding from non-US Government sources for abortion-related services, these restrictions would put in jeopardy funding to health care providers who are working to meet the growing demand for family planning and other critical health services in developing countries. [The result of this amendment's provisions would be an increased incidence of unintended pregnancy, maternal and infant death, and abortion.]

Fifth, I am disappointed that Congress chose to reject the changes that I proposed to the Child Custody Protection Act. As my Administration conveyed to

Congress, I would support properly crafted legislation that would make it illegal to transport minors across state lines for the purpose of avoiding parental involvement requirements. I have repeatedly stated that I would sign a bill, if it were amended to exclude close family members from criminal and civil liability and to ensure that individuals who provide only information, counseling, referral, or medical services to the minor cannot be subject to liability. These changes would preserve the goal of the legislation to prevent the circumvention of state parental involvement laws, while both ensuring that minors are not isolated from close family members and preserving healthy family communication. By ignoring these proposed changes, as well as those to address the constitutional infirmities raised by the Department of Justice, this Congress has demonstrated that its true interest is not in passing legislation, but in using this as a divisive political issue to score partisan points.

Finally, Congress is once again considering legislation to ban so-called partial birth abortions. This is a difficult and disturbing issue, but real dialogue about it has been eclipsed by those more interested in scoring political points than in putting meaningful limits on the use of this procedure. I urge you, once again, to put partisan politics aside and come together to protect women's health and lives. I have long opposed late term abortions, and I do not, as a general matter, support the use of this procedure. However, rare and tragic situations can occur in a woman's pregnancy in which, in a doctor's medical judgment, the use of this procedure may be necessary to save a woman's life or to protect her against serious injury to her health. In these situations, in which a woman and her family must make an awful choice, the Constitution requires, as it should, that the ability to choose this procedure be protected.

As I have said to Congress on several occasions, I would sign legislation banning this procedure if it included an exception allowing the procedure to be performed in order to prevent a serious injury to a woman's health. If Congress responds to my repeated requests to add such a narrow, tightly drawn exception, I would sign the bill now.

I urge Congress to move beyond ideology and political maneuvering and think about the women affected by each of these provisions. This is about their health and their lives, and they deserve better.

I am writing to express my concern over this Congress' unprecedented effort in recent weeks to restrict reproductive choices for women. It is regrettable that some Members of Congress have chosen to pursue a series of amendments designed to create a political issue at the risk of compromising women's health and safety. ~~[As I have said before, I believe that abortion should be safe, legal and rare, though I know that people of good faith differ on this issue.]~~ All of the amendments being offered would restrict safe medical choices for women, and some could have the perverse affect of actually increasing the number of abortions by denying women family planning information and services. I urge Congress to put partisan politics aside and instead put women's health and safety first.

Elena
Maria
Sylvia

Peter J.

Ann L.

Martha

Dan M.

Linda Ricci



11:46:38 AM

Record Type: Record

To: Jennifer L. Klein/OPD/EOP

cc:

Subject:

I am writing to express my concern over this Congress' unprecedented effort of recent weeks to deny women safe medical choices. Rather than addressing the health concerns of women, the Congress has chosen to further politicize the issue with a series of amendments that would deny completely the ability of women to make their own reproductive choices. It is regrettable that Congress is choosing a path of partisanship, ignoring my offers to work together to find common ground on this issue that is so important to women. (Maybe we could make reference to making abortion safe, legal and more rare.)

Phil

Also, I think we ought to make the extremism point at the end, not at the beginning.

Moreover, for those truly troubling situations warranting legislative remedy, this Congress has repeatedly chosen to reject the changes that I said were necessary to garner my support, demonstrating that time and time again its motives are fueled more by partisan politics than a genuine interest in passing legislation that will address the problem at hand.

though attempt to in
I am writing to express my concern over this Congress' unprecedented effort of recent weeks to deny women safe medical choices. I believe that abortion should be safe, legal and rare, and I know that people of good faith differ on this issue. What we have seen in recent days, however, is an extreme that has shown themselves to not care about the safety and health of women and about reducing the number of abortions. We have the opportunity and the responsibility to work together to protect women's health and safety, to reduce unwanted pregnancies, and to These show the extremism of those whose real agenda is to deny completely the ability of women to make their own reproductive choices.

and to give them
Put partisan politics aside and

I call on Congress to put partisan politics aside

The

I am writing to express my concern over this Congress' unprecedented ~~unprecedented assault on women's reproductive choice. a series of actions that~~ attempt this Congress is taking ~~that~~ to ~~with~~ to compromise women's health and safety and restrict reproductive choice. These efforts through a series of ~~amendments~~ ^{actions}, including amendments to restrict access to ~~contraception~~ family planning and women's health services, to ~~impose~~ ^p interfere with FDA's scientific process, and to designed to

1 The extremism of the recent amendments show the e

I am writing to express my concern over this Congress' unprecedented effort of recent weeks to deny women safe medical choices. These efforts show the extremism of those whose real agenda is to deny completely the ability of women to make their own reproductive choices. Moreover, for those truly troubling situations warranting legislative remedy, this Congress has repeatedly chosen to reject the changes that I said were necessary to garner my support, demonstrating that time and time again its motives are fueled more by partisan politics than a genuine interest in passing legislation that will address the problem at hand.

First, I find it deeply disturbing that Congress would decide to intervene in the drug safety practices of the Food and Drug Administration by denying FDA funding in the Agriculture Appropriations bill for the approval or testing of RU-486. For years the FDA has used vigorous testing and the highest of scientific standards to protect public health. This unprecedented Congressional action substitutes political ideology for sound science. It would restrict scientific research that can protect women's lives and offer them safe medical choices.

Second, I oppose efforts to strike or scale back the Lowey provision in the Treasury-Postal appropriations bill. Requiring coverage of all FDA-approved prescription contraceptives by health plans participating in the Federal Employees Health Benefits Program (FEHBP) will not only improve basic health care coverage for many women, but will help reduce unwanted pregnancies and the need for abortion. Efforts to strike or scale back this amendment will undermine this important goal and reduce health care options available to women participating in FEHBP.

Third, I am disappointed that Congress chose to reject the changes that I proposed to the Child Custody Protection Act. As my Administration conveyed to Congress, I would support properly crafted legislation that would make it illegal to transport minors across state lines for the purpose of avoiding parental involvement requirements. In order for me to sign the bill, it must be amended to exclude close family members from criminal and civil liability. Under the legislation, grandmothers, aunts, and minor and adult siblings could face criminal prosecution for coming the aid of a relative in distress. Contrary to the stated goals of the bill's proponents, imposing criminal and civil sanctions on family members for helping their relatives would only serve to hinder healthy family communication. In fact, subjecting family members to criminal or civil sanction would simply further isolate the minor by discouraging her from seeking advice and counsel from those closest to her. Creating a civil action that permits family members to sue each other when a minor within that family has an abortion would not foster strong families, but would undermine them instead.

Additionally, I stipulated that the bill should be amended to ensure that person who only provide information, counseling, referral, or medical services to the minor cannot be subject to liability. Exposing such persons to the threat of criminal or civil sanctions would undermine family communication, would not deter those who would inappropriately transport minors across state lines to obtain abortions, and would provide an unintended basis for vexatious litigation against individuals and organizations. By ignoring these proposed changes, as well as the fixes to the constitutional infirmities raised by the Department of Justice, this Congress has demonstrated that its true interest is not in passing legislation, but in using this as a divisive

political issue to score partisan points.

Fourth, I strongly object to the Mexico City policy amendment once again proposed by Representative Smith of New Jersey which would impose restrictions on international family planning programs. By prohibiting foreign non-governmental organizations from receiving US population funds if the organization uses any of its own funding from non-US Government sources for abortion-related services, these restrictions would put in jeopardy funding to the most experienced and qualified family planning and maternal-child health care providers working at the grassroots level to meet the growing demand for family planning and other critical health services in developing countries. The result of this amendment's provisions would be an increased incidence of unintended pregnancy, maternal and infant death, and abortion.

Finally, I have asked Congress to send me legislation that would prohibit doctors from performing a certain kind of late term abortion, except when it is necessary when women's lives are threatened or when their health is put in serious jeopardy. I have long opposed late term abortions except when necessary to protect the life or health of the mother. Moreover, the procedure described in HR __ has troubled me deeply. I cannot support use of that procedure on an elective basis, where the abortion is being performed for non-health related reasons and there are equally safe medical procedures available.

There are, however, rare and tragic situations that can occur in a woman's pregnancy in which, in a doctor's medical judgment, the use of this procedure may be necessary to save a woman's life or to protect her against serious injury to her health. In these situations, in which a woman and her family must make an awful choice, the Constitution requires, as it should, that the ability to choose this procedure be protected.

I did not sign HR __, as passed, because it failed to protect women in such dire circumstances. This bill, in curtailing the ability of women and their doctors to choose the procedure for sound medical reasons, violates the constitutional command that any law regulating abortion protect both the life and health of the woman, and risks that women will suffer serious injury.

That is why I implored Congress to add an exception for the small number of compelling cases where selection of the procedure, in the medical judgment of the attending physician, was necessary to avert serious adverse consequences to a woman's health. I told Congress that I would sign a bill were such an exception added. Unfortunately, this Congress chose to reject the sensible and constitutionally appropriate proposal I made, instead leaving women unprotected against serious health risks.

We need to put partisan politics aside and join together to help women have safe medical choices that protect their health and lives, while banning a procedure that troubles us all. If HR __ is amended to provide an exception to adequately protect women, I would sign it now. I once again ask you to send legislation to my desk which would ban this procedure while adequately protecting women's health.

to score political points, at the risk of compromising women's health and safety. We have the opp. -- and the resp -- to ensure that women have safe medical choices, ~~that they have access to~~ ^{crucial} health ^{and} ~~services~~, and that we do what we can to reduce the number of abortions.



Laura Emmett

07/13/98 08:38:51 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Kate P. Donovan/OMB/EOP
Subject: Senate Agriculture SAP

Please get comments to Kate by noon today.

Food Safety- Tom & mary
Civil Rights- julie
Environment- Paul
Women and Families- Jen, Neera, & nicole

----- Forwarded by Laura Emmett/WHO/EOP on 07/13/98 08:41 AM -----



Kate P. Donovan

07/10/98 07:23:37 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Senate Agriculture SAP

The draft Senate SAP for Agriculture FY99 Appropriations was cleared a couple of weeks ago but held pending floor action. The Senate now expects to take up the bill Tuesday (7/14). Two new sections (bolded text for your review) have been added concerning FDA/RU 486 and WIC. Please provide comments/clearance by noon, Monday (7/13). Thanks.

**S. 2159 -- AGRICULTURE, RURAL DEVELOPMENT
FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, FY 1999**

(Sponsors: Stevens (R), Alaska; Cochran (R), Mississippi)

This Statement of Administration Policy provides the Administration's views on S. 2159, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, FY 1999, as reported by the Senate Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The Administration appreciates efforts by the Committee to accommodate the President's priorities within the 302(b) allocation. However, the allocation is simply insufficient to make the necessary investments in programs funded by this bill, as discussed below. The only way to achieve the appropriate investment level is to offset discretionary spending by using savings in other areas. The President's FY 1999 Budget proposes levels of discretionary spending for FY 1999 that conform to the Bipartisan Budget Agreement by providing savings through user fees and certain mandatory programs to help finance discretionary spending. In the recently enacted Transportation Equity Act, Congress -- on a broad, bipartisan basis -- took similar action in approving funding for surface transportation programs paid for with mandatory offsets. We want to work with the Congress on mutually-agreeable mandatory and other offsets that could be used to increase high-priority discretionary programs, including those funded by this bill. In addition, we urge the Congress to adopt the user fee proposals included in the President's budget, which would enable over \$600 million to be directed to important initiatives such as those proposed for food safety, nutrition programs, rural development, and conservation.

Below is a discussion of our specific concerns with the Committee-reported bill. We look forward to working with you to resolve these concerns as the bill moves forward.

Civil Rights

The Administration is working to include in the bill a provision that waives the statute of limitations for individuals who have previously filed a discrimination claim against USDA. The President is personally committed to righting any wrongs committed by USDA employees in years past, and a great many individuals who were discriminated against will have no recourse unless the statute of limitations is waived for them. We will continue to work to identify appropriate offsets for the cost of this waiver.

In a number of areas, the Committee has reduced funds to assist the most needy farmers and members of the rural community. The Committee does not provide the requested increase for the Outreach for Socially Disadvantaged Farmers program, which was a key recommendation of the Civil Rights Action Team (CRAT) report last year. With the additional \$7 million requested, USDA could support 35 projects to assist 10,000 small family farms and stem the continuing reduction in the number of minority farmers and ranchers.

Another recommendation in the CRAT report is to increase the amount of farm ownership loans, a portion of which are targeted to minority and beginning farmers. The Administration urges the Senate to provide the additional \$3 million requested for this program by the President, which would permit another 290 limited-resource farmers to finance real estate purchases. This increase could be offset by approving the request to eliminate the Forestry Incentives Program, which promotes timber production on private lands.

Food Safety Initiative

The Administration is deeply concerned that the Committee has not fully funded the President's request for Food and Drug Administration (FDA) and USDA activities to enhance food safety, providing only \$2.6 million out of the \$101 million the President has requested for these activities, \$96 million of which is requested in this bill. American consumers enjoy the world's safest food supply, but too many Americans get sick, and in some cases die, from preventable food-borne diseases. The President's budget increase would expand food safety research, risk assessment capabilities, education, surveillance activities, and food import inspections. We want to work with the Congress to explore user fee options within FDA and USDA that can be used to offset the cost of the needed increases in these programs as well as provide funds to modernize further the meat and poultry inspection system.

Food and Drug Administration: Drug Safety

The Administration would strongly oppose an amendment that may be offered that would intervene in the drug safety practices of the Food and Drug Administration (FDA) and place restrictions on scientific research that can protect women's health and offer safe medical choices. We urge the Senate not to include language that would interfere with the FDA's continued use of rigorous testing and the highest scientific standards to protect the public health. [If such language is included in the bill presented to the President, the Secretaries of Health and Human Services and Agriculture would recommend that he veto the bill.]

Women, Infants, and Children

The Committee bill would freeze funding for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) at the FY 1998 level of \$3.9 billion, \$157 million below the President's request. This would only support a participation level of between 7.3 and 7.4 million women, infants, and children, and, based on FY 1998 year-end projections, would mean cutting off over 100,000 needy participants from the program. The President's request would maintain participation at 7.5 million, fulfilling the bipartisan commitment to fully fund WIC. The Administration strongly encourages the Senate to fund WIC at the President's requested level.

On language issues regarding administration of the WIC program, the Administration prefers the language included in the President's budget, in order to maintain the viability of infant formula rebates and so that funds are used to satisfy the highest priority WIC needs first. The Administration also supports transferring the Farmers' Market Nutrition Program to the Commodity Assistance Program, in order to prevent the diversion of already limited WIC resources from supporting program participation.

Arms Export Control Act Modification

The Administration supports section 738, which will ensure that American farmers can continue to export wheat and other commodities to India and Pakistan through USDA export

assistance programs. As the President recently announced, in the sanctions the U.S. is applying toward those countries, we are attempting within the constraints of the Act to minimize the humanitarian impact on their people and adverse effects on American agriculture. Cutting off the supply of U.S. wheat would only hurt the citizens of Pakistan and India, as well as American farmers, without furthering the goal of nuclear nonproliferation.

Rural Development Funding

The Administration strongly objects to the Committee's blocking the mandatory Fund for Rural America from being used in FY 1999. The Fund provides additional resources for rural development and innovative agricultural research that are vitally needed to improve the quality of life in rural America and increase the productivity of U.S. farmers. The intent of Congress in creating the Fund in 1996 was to boost the overall Federal investment in these activities, not to offset discretionary spending in them. Furthermore, Congress recently extended the authority for the Fund while increasing its resources. We urge the Senate to strike this provision.

In addition, the Committee has not fully funded the President's request for the Rural Community Advancement Program (RCAP), underfunding direct loans for water and wastewater and for community facilities. These loans provide the community infrastructure needed to improve the quality of life of rural Americans, and often finance the vital ingredient for diversifying the rural economy. The Committee bill would result in an estimated 35 fewer water and wastewater facilities serving 50,000 rural residents, and 75 fewer rural health clinics, police and fire stations, and child care facilities being built. Furthermore, for the RCAP program to be adaptable to unique local economic development needs, as envisioned in its 1996 Farm Bill authorization, the Senate should strike the Committee's limitation on the flexibility to transfer funds among programs and allow the program to be implemented as authorized.

Food and Drug Administration

The Administration strongly urges the Congress to provide the full \$1,251 million in resources to fund the program level proposed for the Food and Drug Administration (FDA) in the President's budget. The Administration is deeply disappointed and concerned that the Committee has not funded the President's request for FDA's tobacco enforcement activities. This funding is vital to the Administration's plan to reduce youth smoking. Congress' failure thus far to pass comprehensive tobacco legislation should not prevent the Committee from providing adequate resources for these critical public health activities. We will work with the Congress to develop the appropriate means of funding.

Agricultural Research

The Committee bill includes over \$50 million in unrequested earmarks for lower-priority research while funding competitive grants through the National Research Initiative (NRI) at \$33 million below the President's request. The rejection of additional funds

for competitive research grants for national and regional priorities, in favor of earmarked grants for more local or industry-specific requests, will slow progress toward addressing the most pressing needs of American agriculture and food consumers, and we urge the Senate to reverse this course of action. It can do so not only by reducing earmarked grants in the bill, but by reducing the \$9 million in unrequested increases for the Agricultural Research Service's buildings and facilities program. A task force created by the 1996 Farm Bill to review the Nation's agricultural research facilities comprehensively is due to report to Congress next year, and further construction should be minimized until the Administration and Congress have had the opportunity to review the report.

Climate Change and Clean Water Initiatives, and Conservation Programs

The Committee has not provided any of the \$7 million increase requested for additional research as part of the Administration's Climate Change Technology Initiative. These funds would support high-priority research to reduce emissions of greenhouse gases caused by agricultural practices, develop improved feedstocks that can be used to generate energy, and improve techniques to convert agricultural products to biofuels. The Administration urges the Senate to provide the necessary funding.

The Committee also has not included the Administration's requested increase of \$23 million for the Natural Resources Conservation Service (NRCS) to implement the President's Clean Water Action Plan to help State and local organizations hire watershed coordinators, document baseline conditions, and target resources to farmers requesting assistance. The Plan, developed by USDA and EPA, outlines a strategy on how to address water quality problems, including polluted runoff, in watershed areas across the Nation. The Administration urges the Senate to provide these necessary funds to the NRCS.

In addition, the Administration is concerned with reductions in the Committee bill to USDA mandatory conservation programs. The bill eliminates funds to carry out a Conservation Farm Option program, and reduces signups under the Wetlands Reserve Program by 25,000 acres, to 140,000 acres. These programs provide technical and financial assistance to farmers to enable them to manage their land efficiently while providing environmentally-beneficial improvements to wetlands, wildlife habitat, soil erosion, and water quality. Taken together, the reductions in the bill to conservation and environmental programs are objectionable, and we want to work with the Senate to restore funding in this area.

Other Issues

Additional funds are needed for the farm labor housing program to improve the living conditions many farm labor families endure. The Committee's level of \$16 million in direct loans is more than 50 percent below the Administration's request and, when coupled with the bill's \$3 million reduction below the request for farm labor grants,

would mean that over 350 fewer housing units would be built compared with the request. We urge the Senate to increase funding to assist these needy members of our society. This could be achieved by shifting \$11.5 million from the amount in the bill that is in excess of the President's request for multi-family housing direct loans.

The Committee bill includes a \$20 million reduction to the President's request for the mandatory Emergency Food Assistance Program (TEFAP), which purchases commodities for individuals greatly in need of assistance. Given reported increases in need for food assistance through food banks and soup kitchens, the Administration is concerned that this reduction from the authorized level would mean less food will reach the most vulnerable Americans.

The Administration objects to section 721 of the Committee bill, which would limit Executive Branch review of USDA responses to congressional inquiries. Congress expects the Administration to be responsible for agency activities. This provision erodes that responsibility and is contrary to the widespread congressional view that more, not less, accountability is needed for improved management results. The Administration urges the Senate to delete the provision.

The Administration objects to section 735 of the Committee bill, which would prohibit the Food and Drug Administration (FDA) from consolidating laboratory operations. The proposed consolidation offers the opportunity for better efficiency and mission coordination, and it is part of FDA's overall streamlining goals. This provision would force FDA to spend funds on infrastructure that could otherwise be used more directly to protect public health. The Administration urges the Senate to delete this provision.

The Committee has provided none of the requested \$22 million increase for the Inspector General as part of the Administration's law enforcement initiative. This USDA initiative would save taxpayers millions of dollars lost through fraud in the food and nutrition programs, in USDA disaster, multi-family housing, and other programs, as well as improve the integrity of USDA programs. The Administration urges the Senate to increase funds for this important initiative.

The Committee bill provides funding for research on nutrition programs within the Food and Nutrition Service (FNS). The Administration is very pleased that funding for these activities is returned to the FNS, where research on nutrition programs will occur in the context of the program's administration.

Message Sent To: _____

Sylvia M. Mathews/OMB/EOP
Rahm I. Emanuel/WHO/EOP
John Podesta/WHO/EOP
Gene B. Sperling/OPD/EOP
Sally Katzen/OPD/EOP
Elena Kagan/OPD/EOP
Martha Foley/WHO/EOP
Ron Klain/OVP @ OVP
William P. Marshall/WHO/EOP
Joshua Gotbaum/OMB/EOP
Lisa M. Kountoupes/WHO/EOP
Kathleen A. McGinty/CEQ/EOP
Wesley P. Warren/CEQ/EOP
Kerri A. Jones/OSTP/EOP
Jeffrey M. Smith/OSTP/EOP
Todd Stern/WHO/EOP

Message Copied To:

Kevin S. Moran/WHO/EOP
Jessica L. Gibson/WHO/EOP
Melissa G. Green/OPD/EOP
Michelle Crisci/WHO/EOP
Laura Emmett/WHO/EOP
Shannon Mason/OPD/EOP
Jonathan H. Adashek/WHO/EOP
Charles Konigsberg/OMB/EOP
Elizabeth Gore/OMB/EOP
Lisa Zweig/OMB/EOP
Jill M. Blickstein/OMB/EOP
Charles R. Marr/OPD/EOP
Emil E. Parker/OPD/EOP
Judy Jablow/CEQ/EOP
Paul J. Weinstein Jr./OPD/EOP
Peter A. Weissman/OPD/EOP
Robert L. Nabors/OMB/EOP
Adrienne C. Erbach/OMB/EOP
Linda Ricci/OMB/EOP

Message Sent To:

Mary L. Smith/OPD/EOP
Thomas L. Freedman/OPD/EOP
Julie A. Fernandes/OPD/EOP
Jennifer L. Klein/OPD/EOP
Neera Tanden/WHO/EOP
Nicole R. Rabner/WHO/EOP
Paul J. Weinstein Jr./OPD/EOP



Cynthia Dailard
07/10/98 06:10:59 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP, Jennifer L. Klein/OPD/EOP

cc:

Subject: upcoming reproductive choice activity

The schedule below is from Planned Parenthood. I hear that Ag approps and possible RU-486 amendment in the Senate may occur Tuesday.

----- Forwarded by Cynthia Dailard/OPD/EOP on 07/10/98 06:13 PM -----



clare_coleman @ ppfa.org
07/10/98 07:11:04 PM

Record Type: Record

To: Cynthia Dailard/OPD/EOP

cc:

Subject: this week and next week

Here's the update:

Labor-HHS Appropriations -- HOUSE: Full Appropriations Committee mark-up is Tuesday, July 14. We expect Rep. Istook (R-OK) to offer an amendment on parental consent for Title X that is identical to the one Istook offered in 1997. We also may see amendments related to abortion provision in the Medicare + Choice program, as well as a broadly-drafted "anti-discrimination" amendment related to abortion provision.

CCPA/Teen Endangerment Act -- HOUSE: CCPA is listed on the House floor schedule for Wednesday, July 15. The Democratic motion to recommit is expected to deal with prohibiting coercion of a minor's abortion decision. SENATE: The Senate Judiciary Committee mark-up is expected to resume Thursday, July 16, at which time pro-choice members will attempt to amend the bill.

Treasury/Postal Appropriations -- SENATE: Full Appropriations Committee mark-up is Tuesday, July 14. We expect that Senator Reid (D-NV) will attempt to attach contraceptive coverage to the Federal Employees Health Benefits (FEHB) program. HOUSE: The bill may be on the floor on Thursday, July 16 or Friday, July 17. It is unclear

whether an attempt to strike the Lowey provision adding contraceptive coverage to FEHB will be made or if Rep. Coburn (R-OK) will try to weaken the Lowey provision. Rep. DeLauro (D-CT) will attempt to strike the abortion restriction in FEHB.

OTHER IMPORTANT ACTION

Foreign Operations Appropriations -- HOUSE: Subcommittee mark-up of the FY 99 bill is Wednesday, July 15. It is unclear how population programs will be funded.

Civil advocacy and the RICO statute -- HOUSE Crime Subcommittee hearing on the use of RICO in the court case NOW v. Scheidler on Friday, July 17.

Ag Appropriations - SENATE: Floor consideration of this bill may be scheduled this week. It is unclear if a restriction on the FDA's ability to approve mifepristone, similar to the provision in the House bill, will be offered.

EPICC - Senate Labor and Human Resources hearing is scheduled for Tuesday, July 21.

Ban on Abortion Procedures - HOUSE: An attempt to override President Clinton's veto of the so-called "Partial-Birth" Abortion Ban has been scheduled for the House floor on Thursday, July 23. The unexpected scheduling of this override attempt was apparently in response to published reports of an incident in Arizona.

According to news reports, on June 30, 1998, a physician at A-Z Clinic in Phoenix, Arizona, began an abortion on a 17-year old woman carrying a fetus estimated to be at 23 weeks. As the procedure began, the doctor recognized that the fetus was significantly more mature than ultrasound appeared to indicate. A six-pound, two-ounce girl was delivered; the woman and baby were transferred to a local hospital. The baby had a fractured skull and facial lacerations. The identities of the woman and baby have remained confidential to date. For more information about the incident, see the media alert emailed to affiliates on July 9, 1998.

Following media reports on this incident, House sponsors of HR 1122, the so-called "Partial-Birth" Abortion Ban, announced that the House will attempt to override President Clinton's veto of HR 1122 on Thursday, July 23. There are sufficient votes in the House to obtain the two-thirds vote necessary to override a presidential veto. Action in the Senate is not expected until after Labor Day.

We have talking points on the Arizona incident prepared, if you want them.

1998

July

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
Updated 7/10			1	2	3
5	6	7	8	9	10
Senate Floor Week of 7/13: Leg Branch	13	14 HAC L/HHS SAC T/P SAC Trans S. Ag Floor	15 H. ForOps Sub. HAC CJS H.Rules: VA/HUD; Interior; T/P	16 SAC DC Tent:H.Tran.Sub Hse. Floor Bal. of the week: VA/HUD; Inter; T/P	17
Senate Floor Week of 7/20: C/J/S; Defense; Inter; VA/HUD Senate Wk of 7/20: For Ops Sub. & Full	20 Week of 7/20: E& W Conf. MilCon Conf.	21 HAC Trans	22 HAC For Ops H. L/HHS Floor	23 H. DC Sub. H. CJS Floor	24

26	27	28	29	30	31
H. Trans Floor	H. ForOps Floor		HAC D.C.		

HAC = House Appropriations Full Committee
SAC = Senate Appropriations Full Committee

Schedule unknown for the following:
Senate Labor/HHS Sub.

Message to: jklein@hhs.gov



Jennifer L. Klein
06/25/98 01:52:28 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Revised Talking Points on Coburn RU-486 Amendment

It is appalling that Congress would decide to intervene in the drug safety practices of the Food and Drug Administration. For years the FDA has used vigorous testing and the highest of scientific standards to protect public health. This unprecedented Congressional action substitutes political ideology for sound science. It would restrict scientific research that can protect women's lives and offer them safe medical choices. It shows the extremism of those whose real agenda is to deny completely the ability of women to make their own reproductive choices.

Message Sent To:

Elena Kagan/OPD/EOP
Ann F. Lewis/WHO/EOP
Maria Echaveste/WHO/EOP
Martha Foley/WHO/EOP
Joshua Gotbaum/OMB/EOP
Linda Ricci/OMB/EOP
Audrey T. Haynes/WHO/EOP
Christopher C. Jennings/OPD/EOP
Cynthia Dailard/OPD/EOP
Neera Tanden/WHO/EOP
Nicole R. Rabner/WHO/EOP
Sarah A. Bianchi/OPD/EOP
Laura Emmett/WHO/EOP

Daniel N. Mendelson

06/24/98 01:30:09 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Coburn amendment to T/P

Per our conversations, here is draft language on T/P SAP for Coburn.

THIS MIGHT NOT BE NECESSARY AS THE AMENDMENT MAY BE DROPPED, SO PLEASE DO NOT ADD UNTIL MARTHA REVIEWS AND AUTHORIZES.

The Administration strongly opposes an amendment that might be offered that would restrict the definition of contraceptives to exclude any drug, device, or procedure "which has as one of its known effects the interference with the implantation of a fertilized human ovum or embryo." This amendment could result in denial of safe and legal contraceptive options to federal workers. Further, it would interfere with physician decisionmaking and communication with patients, as it may restrict the ability of physicians to discuss such treatment options with patients.

Message Sent To:

Charles E. Kieffer/OMB/EOP
Martha Foley/WHO/EOP
Christopher C. Jennings/OPD/EOP
Robert J. Pellicci/OMB/EOP
Jennifer L. Klein/OPD/EOP
Lisa B. Fairhall/OMB/EOP

LINDA RICCI

06/24/98 06:07:47 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Final for use by WH press office.

- It is appalling that Congress would decide to intervene in the drug safety practices of the Food and Drug Administration. For years, the FDA has used rigorous testing and the highest of scientific standards to protect public health. Now, this Congressional action would substitute political ideology for sound science, and that is a serious mistake. And it would restrict scientific research that can protect women's health and offer safe medical choices.

Q: Will the President veto this measure?

Since the provision was just added in one House, it's too early to say.

Message Sent To:

Ann F. Lewis/WHO/EOP
Audrey T. Haynes/WHO/EOP
Christopher C. Jennings/OPD/EOP
Cynthia Dailard/OPD/EOP
Jennifer L. Klein/OPD/EOP
Joshua Gotbaum/OMB/EOP

The Treasury/Postal FY99 bill is scheduled for action on the House Floor later today. The only changes from the T/P Rules SAP cleared and sent yesterday can be found in the FEHBP section, paragraph 3 on the Coburn amendment. Also, we have removed the Brady Act Dissemination of Public Information sections. We need your review immediately and provide comments/clearance no later than 6:15pm tonight. As always, thank you.

From the SAP for the Treasury Postal Appropriations Bill:

Federal Employees Health Benefits Program

The Administration strongly opposes sections 514 and 515 of the bill. These provisions would restrict Federal Employees Health Benefits Program (FEHBP) coverage for abortions except in situations where the life of the mother is endangered or the pregnancy is the result of rape or incest. While the President believes that abortion should be safe, legal, and rare, the Administration does not believe that Federal employees and their families should be precluded from choosing to purchase health insurance that includes broader coverage. The Administration believes that the decision to cover abortion should be left to each health plan participating in the

FEHBP. Thus, Federal employees who wish to purchase health coverage that does not include abortion services would have that choice. The provision in the Committee bill does not allow Federal employees and their families to make that choice.

The Administration supports the Committee reported provision which requires coverage of prescription contraceptives by health plans participating in the Federal Employees Health Benefits Program (FEHBP) and would oppose an amendment to strike it. We support improvements in basic health care coverage for women and the goal of the amendment -- to reduce unwanted pregnancies and the need for abortion. However, the Administration urges the Congress to give authority to the Office of Personnel and Management to waive the requirement for plans that are sponsored by organizations whose religious beliefs do not support artificial methods of contraception.

The rule under which the bill will be considered by the House makes in order an amendment that would restrict the definition of contraceptives to exclude any drug, device, or procedure "which has as one of its known effects the interference with the implantation of a fertilized human ovum or embryo." The Administration would strongly oppose such an amendment, which could result in the denial of safe and legal contraceptive options to Federal workers. Further, such an amendment would interfere with physician decision-making and communication with patients, as it may restrict the ability of physicians to discuss such treatment options with patients.