

Jan Klein

January 22, 1996

MEMORANDUM FOR DISTRIBUTION

FROM: Debbie Fine

SUBJECT: Document on Reproductive Rights

Attached, fyi, is the final document that was distributed to women's groups by the Women's Office today outlining our record on reproductive rights in honor of the 23rd anniversary of Roe v. Wade.

Please let me know if you have any questions. Thanks.

## **PRESIDENT CLINTON: ENSURING REPRODUCTIVE RIGHTS FOR WOMEN**

*The President believes that decisions about abortion should be between a woman, her doctor and her faith, and that abortions should be safe, legal and rare. That's why he has consistently protected women's health and safety, and the right of American women to make their own reproductive choices, while he has worked to reduce the number of unwanted pregnancies.*

### **PRESIDENT CLINTON'S RECORD**

Ended the Gag Rule: The Bush Administration instituted a "Gag Rule" that prevented women using federally funded clinics--primarily poor women--from getting the information they needed to make informed choices about unwanted or health-threatening pregnancies. President Clinton reversed the "Gag Rule" in his first week in office.

Ensuring Clinic Safety: Since 1992, five people have been murdered and seven others have been shot and wounded at family planning clinics where abortions are performed. President Clinton signed and the Department of Justice is implementing the Freedom of Access to Clinic Entrances Act to fight violence and intimidation by anti-choice extremists against women and their doctors.

Assured Access for Military Families Overseas: President Clinton reversed the Bush Administration ban on privately funded abortions at military medical facilities overseas for women in the military and in military families overseas. *The ban has since been reinstated by the Republican Congress in the Fiscal Year 1996 Department of Defense Appropriations Bill.*

Repealed the "Mexico City Policy": President Clinton reversed 12 years of attacks on reproductive choice for women around the world when he repealed the "Mexico City" policy that banned distribution of family planning funding for overseas organizations if they perform abortions or speak out about reproductive choice, even with private money. The "Mexico City Policy" is in danger of being reinstated by the Republican Congress.

Established Services for Victims of Rape or Incest: President Clinton supported broadening Medicaid services to permit abortion services for poor women who are the victims of rape or incest, in addition to those whose life is endangered. These services had been banned during the Reagan and Bush Administrations by the "Hyde Amendment" to the appropriations bill that funds Medicaid.

Ended the Ban on Fetal Tissue Research: The Bush Administration banned federal funding of fetal tissue research. President Clinton reversed the ban on this research, which could lead to advances in women's health and in treatment of diseases like leukemia and Parkinson's. This research is currently in danger of being prohibited by the Republican Congress.

Ended the Mifepristone Import Ban: President Bush imposed an import ban on Mifepristone, a drug that terminates pregnancy without surgery. The President revoked the import ban, and now Mifepristone is being tested in the United States. Mifepristone would expand choices for American women--giving them options already available in France, the United Kingdom and Sweden.

Funding Family Planning: To help prevent unwanted pregnancies, the President has requested budget increases for the federal Family Planning Program for each year he has been in office. Among other reproductive health and education services, this program makes family planning information and contraception available to millions of women who might not otherwise get reproductive health care.

*January 22, 1996*

## **PRESIDENT CLINTON'S RESPONSE TO ATTACKS BY THE REPUBLICAN CONGRESS ON CHOICE: PROTECTING WOMEN'S HEALTH AND SAFETY**

*The Republican Congress is working hard to reverse the gains that women have achieved fighting for reproductive rights. A key component of the Republican strategy is to use the complicated budget process to launch a stealth campaign to undermine the reproductive health of American women.*

**The Republican Congress has passed the following bills into law, despite serious objections from President Clinton:**

### ***ACCESS FOR MILITARY FAMILIES***

- **The Republican Budget bans privately funded abortion services at military hospitals overseas for women in the military or in military families overseas.**

#### **The Clinton Administration Position:**

*"...I remain very concerned about provisions of the Act that restrict service women and female dependents of military personnel from obtaining privately funded abortions in military facilities overseas, except in cases in which the mother's life is endangered or the pregnancy is the result of rape or incest. In many countries, these U.S. facilities provide the only accessible, safe source for these medical services." Statement by President Clinton; November 30, 1995*

### ***ACCESS FOR FEDERAL EMPLOYEES***

- **The Republican Budget prohibits federal employees from obtaining abortions through their health insurance plans, except in cases where the woman is a victim of rape or incest, or her life is in danger.**

#### **The Clinton Administration Position:**

*"[These]... provisions are clearly designed to preclude Federal employees and their families from purchasing health insurance coverage that includes coverage for abortions. While the President believes that abortion should be safe, legal, and rare, the Administration strongly opposes provisions that are designed to restrict Federal employees and their dependents from choosing, and paying for, a health plan that includes coverage for abortion services." Letter from Alice M. Rivlin, Director of the Office of Management and Budget; September 12, 1995*

**The Republican Congress could pass the following into law soon:**

### ***ACCESS FOR POOR WOMEN***

- **The House Republican Budget changes current practice to allow states to deny Medicaid funding for victims of rape and incest.**

#### **The Clinton Administration Position:**

*"The Administration strongly opposes...allowing States to deny Medicaid funding for abortions for victims of rape and incest...[which] would prevent poor women from having access to abortion services even in situations where they are victims of rape or incest...and urges the House to delete this provision." Statement of Administration Policy; August 2, 1995*

*January 22, 1996*

## ***ACCESS FOR WOMEN IN THE DISTRICT OF COLUMBIA***

- **The House Republican Budget changes current law by prohibiting the District of Columbia government from spending Federal or local funds on abortions, except in cases of rape, incest, or when the life of the woman is in danger. These federal restrictions do not apply to any other local government. The House bill also prohibits abortions, even when privately funded, at hospitals owned or operated by the District, except in cases of rape, incest, or when the life of the woman is in danger.**

### The Clinton Administration Position:

*"The Administration strongly opposes the abortion language of the bill...The Administration objects to the prohibition on the use of local funds as an unwarranted intrusion into the affairs of the District....The Administration [also] objects... because it would prevent women who need legal abortion services from exercising that choice at a hospital or clinic owned or operated by the District, even if they were using their own funds. Furthermore, the Administration objects to the language that purports to require women who are victims of rape to prove that the crime was "forcible" and the language adding reporting requirements both for rape and for children who are victims of incest. These provisions are all designed to preclude or discourage women who need legal abortions from obtaining them. For all of the reasons cited above, if the bill were presented to the President...the President's senior advisers would recommend that he veto the bill."* Statement of Administration Policy; October 30, 1995

## ***ACCESS TO FAMILY PLANNING SERVICES***

- **The House Republican Budget reinstates "Mexico City Policy," denying all family planning funding for overseas organizations if they perform abortions or speak out about reproductive choice, even with private money. The bill would also prohibit funding for the United Nations Population Fund, unless it ends any activity in China.**

### The Clinton Administration Position:

*"[This]...would effectively end support for the U.N. Population Fund and for many non-governmental organizations providing voluntary family planning services. This would limit the availability of safe family planning services in many countries and increase the number of abortions...If...included in the...bill...the Secretary of State would recommend to the President that he veto the bill."* Alice M. Rivlin, Director of the Office of Management and Budget; October 19, 1995

- **The Republican Budget restricts use of funding from the Department of Justice for abortion services for prisoners.**

### The Clinton Administration Position:

*"...the bill includes...additional provisions that I cannot accept....Section 103 of the bill would prohibit the use of funds for performing abortions, except in cases involving rape or danger to the life of the mother. The Justice Department has advised that there is a substantial risk that this provision would be held unconstitutional as applied to female prison inmates."* Veto Statement by President Clinton; December 19, 1995

## **ADVANCES IN MEDICAL RESEARCH**

- **The House Republican Budget bans federal funding of fetal tissue research**, reversing current National Institutes of Health guidelines that permit such research.

### The Clinton Administration Position:

President Clinton issued a directive when he came into office permitting fetal tissue research, reversing a ban imposed by previous administrations.

## **MAINTAINING MEDICAL TRAINING STANDARDS**

- **The House Republican Budget denies funding to any state or program that follows the accreditation standards established by the Accreditation Committee for Graduate Medical Education (ACGME).** These standards, used by the medical profession, require programs for gynecologists and obstetricians to refer students for training in abortion procedures. ACGME rules exempt from the requirement any doctor or hospital morally opposed to abortion.

### The Clinton Administration Position:

*"The Administration objects to this unwarranted intrusion into determinations made by private medical accreditation councils about appropriate standards for the training of doctors."*

Statement of Administration Policy; August 2, 1995

## **Other legislation that could pass soon:**

## **THE CRIMINALIZATION OF ABORTION**

- **House and Senate Republicans have passed legislation which bans and criminalizes a rare abortion procedure for women in later stages of pregnancy.** The bill defines this procedure with non-medical language, potentially causing prohibition of several more commonly used methods. This ban would endanger the health and safety of women who need these services to preserve their life and their health, and would make tragic decisions for women and their families even more difficult. The Senate bill includes an amendment with a narrow exception when the procedure is necessary to save the life of the woman, but not her health.

### The Clinton Administration Position:

*"....the Administration cannot support H.R. 1833 because it fails to provide for consideration of the need to preserve the life and health of the mother, consistent with the Supreme Court's decision in Roe v. Wade. If the bill is not amended to rectify these constitutional defects, the Attorney General and White House Counsel will recommend that the President veto the bill."*

Statement of Administration Policy; December 6, 1995

While the President opposes late term abortions and has supported state prohibitions of them consistent with Roe v. Wade, he believes these prohibitions must provide an exception for cases where the mother's life or health is endangered.

E X E C U T I V E   O F F I C E   O F   T H E   P R E S I D E N T

26-Sep-1995 07:47pm

TO:            Laura Capps for George  
TO:            Nancy-Ann E. Min  
  
FROM:          Jeremy D. Benami  
              Domestic Policy Council  
  
CC:            LAWRENCE J. HAAS  
CC:            Martha Foley  
CC:            Jennifer L. Klein  
  
SUBJECT:      Choice issues

Two choice related issues - one immediate, one not.

(1) Foreign Ops - The State Dept believes the Mexico City reversal pushed by Rep Smith could be the single outstanding issue in the Conference over Foreign Ops. appropriations. State needs to know how strong a signal they can send over the President's commitment to his executive order on the issue -- i.e., will we veto over that issue alone. As it's developing (according to State) that could be the issue we face.

We need to get them guidance first thing Wed a.m. on this.

(2) Labor/H - As we get ready to issue statements on veto of Labor/H, it will be really important to include the choice issues in whatever statements, messages, etc. we issue. Betsey Myers and I (and I am sure you all as well) have been hearing from a lot of the women's groups how critical it will be to their negotiating position to have us on record on this as a reason for the veto.

This issue is one to bear in mind when the time comes - not for immediate decision.

## REPRODUCTIVE RIGHTS

"[C]ertain choices are too personal for politics."  
President Clinton/Vice President Gore  
Putting People First

The President is committed to making abortion safe, legal and rare. That is why the President has consistently protected the right of American women to make their own reproductive choices. And that is why, at the same time, he has worked to reduce the number of unwanted pregnancies.

### Making Abortion Rare

- o Fighting Teen Pregnancy Teen pregnancy is a national epidemic. This year, more than 1 million women aged 19 and younger -- 10% of all teenaged girls -- will become pregnant. To confront this problem:
  - . The President has called for a National Campaign Against Teen Pregnancy, asking leaders of all sectors of society - media, education, business and health - to join in promoting individual responsibility and economic opportunity for America's young people. Community based efforts throughout the country are having some success in lowering the teen pregnancy rate. These successes need to be studied, and their example shared with other communities across the country.
  - . The President's welfare reform plans also adopt a sensible approach to teen pregnancy. The President would require minor mothers to live at home (where appropriate), stay in school, and prepare for work as a condition of assistance. In advance of Congressional action, he has also dramatically cut the approval time for approving state waivers for states that adopt such an approach. And the welfare reform plan introduced by the President last year provided funding for community-based initiatives to end teen pregnancy, as well as a National Clearinghouse to provide communities with information about successful strategies.

- o Funding Family Planning To help prevent unwanted pregnancies, the President has requested budget increases for the federal family planning program for each year he has been in office. Among other reproductive health and education services, this program makes family planning information and contraception available to millions of women who might not otherwise get reproductive health care.
- o Facilitating Adoption In addition, the President signed legislation to improve the adoption process by preventing discrimination against interracial adoptions and reducing the time that children have to wait in foster care.

### **Keeping Abortion Safe and Legal**

- o Ending the Gag Rule Women faced with unwanted pregnancies must make difficult decisions, but they shouldn't have to make them alone. President Bush instituted a "Gag Rule" that prevented women who go to federally funded clinics -- primarily poor women -- from getting the information they needed to make informed choices. President Clinton put an end to the "Gag Rule" in his first week as President so that women can get appropriate information and counselling.
- o Ensuring Clinic Safety Since 1992, five people have been murdered and seven others have been shot and wounded at family planning clinics where abortions are performed. The President signed the Freedom of Access to Clinic Entrances Act to fight violence and intimidation targeted by anti-choice extremists against women and their doctors.
- o Ending the RU-486 Import Ban RU-486 is a drug that terminates pregnancy without surgery. If available to American women, RU-486 would expand their choices -- giving them options already available in France, the United Kingdom and Sweden -- and make it more difficult to target abortion clinics for violence and harassment. The President revoked the import ban imposed on RU-486 by the Bush Administration. Now RU-486 is being tested at several family planning facilities around the country.

- o Serving Military Families Women in the military and in military families deserve the finest health care available. The President assured that comprehensive family planning services are available to these women by reversing the ban on abortion services paid for by the patient at military hospitals.
- o Repealing the Mexico City Policy The President reversed 12 years of attacks on reproductive choice for women around the world when he repealed the Mexico City policy that banned funding to international organizations that promoted comprehensive family planning. And at the International Conference on Population and Development in Cairo, the United States forged a partnership with more than 150 nations around a platform of action to promote gender equality and reproductive health. The platform also recognizes the importance of addressing the threat posed to women's health by unsafe abortions.
- o Implementing the Hyde Amendment The Department of Health and Human Services implemented a Congressionally ordered change to the Medicaid program to include abortion services for poor women whose pregnancies result from rape or incest as well as to save the life of the women.

### **The Congressional Majority's Attack on Reproductive Rights**

Republicans have launched a "stealth campaign" to turn back the clock on women's reproductive health.

- . The House voted to allow states to deny poor women access to abortions under Medicaid even if they are victims of rape and incest -- causing additional suffering for victims of sexual violence.
- . The Senate voted to restrict federal employees from choosing a health plan that includes coverage for abortion services by prohibiting all health plans that participate in the Federal Employees Health Benefits program (FEHB) from offering such coverage except in cases of rape or incest or to preserve the life of the woman. Under the even more extreme version of this provision passed in the House, FEHB plans cannot cover abortion in cases of rape or incest.

- . The House also voted to restore the ban on abortion services in military hospitals, threatening the quality of the medical care available to servicewomen or women in military families -- especially those stationed in countries where abortion is illegal, the blood supply unsafe, and sterile conditions and reliable physicians are difficult to come by.
- . The Congressional attack on reproductive health applies to women around the world. The House passed a foreign aid bill that denies all funding to any family planning organization that provides abortion services overseas or attempts to influence governmental policy on abortion.
- . House Democrats and moderate Republicans banded together to narrowly defeat an attempt to eliminate the federal family program. As Representative Connie Morella pointed out, if we are trying to prevent the need for abortion, the last thing Congress should do is end a program that provides family planning services to millions of women.
- . The House also voted to interfere in the standards set by the medical profession for training obstetricians and gynecologists. Provisions passed by the House would essentially override the accreditation standards for residency programs that now require such programs to provide training in performing abortion procedures -- even though the current standards already exempt programs and residents with religious or moral objections to abortion.
- . A House committee has voted to override the medical judgment of physicians by banning the D&X abortion procedure even in cases where it is necessary to preserve the health of the woman.
- . It is clear that the Congressional majority is paying back the religious right for its support last November. Republicans have embraced the Christian Coalition's "Contract with the American Family," which contains provisions attacking reproductive rights, including funding for family planning programs. The Contract also proposes "constitutional and statutory protection for the unborn child" -- a thinly disguised call for a total ban on abortion.

Republicans in Congress are using the complicated budget process to launch a stealth attack on the reproductive health of American women. **The House and Senate have already passed more than a dozen anti-choice provisions in committee and on the floor.**

- Both the House and the Senate voted to restrict federal employees from choosing a health plan that includes coverage for abortion services -- including, under the House version, in cases where pregnancy is the result of rape or incest.
- The House has also voted to:
  - Deny poor women access to abortions under Medicaid even if they are victims of rape and incest -- causing additional suffering for victims of sexual violence.
  - Restore the ban on privately-funded abortion services in military hospitals, threatening the quality of the medical care available to servicewomen and women in military families -- especially those stationed in countries where abortion is illegal, the blood supply unsafe, and sterile conditions and reliable physicians difficult to come by.
  - Deny all funding to any family planning organization that provides abortion services overseas or attempts to influence governmental policy on abortion.
  - Undermine the requirement that ob/gyn residency programs provide training in abortion procedures -- even though current standards already exempt programs and residents with religious and moral objections to abortion.
- In addition, the House Appropriations Committee voted to defund the federal family planning program. Recognizing that eliminating a program that provides family planning services to millions of women is the wrong way to make abortion less necessary, moderate Republicans joined with Democrats to narrowly defeat this proposal on the House floor.

**In contrast to the Congressional majority, the President has acted to protect women's reproductive health from his very first week in office.** He signed a host of executive orders -- now in jeopardy -- that protected servicewomen and international family planning efforts, repealed the "Gag Rule" that restricted abortion counseling at federally funded family planning clinics, ended the ban on funding of fetal tissue research, and revoked the import ban on RU-486. The President also signed the Freedom of Access to Clinic Entrances Act to fight violence and intimidation against women and their doctors. And he has worked to make abortion rare as well as safe and legal by calling for a National Campaign Against Teen Pregnancy, proposing sensible welfare reforms, and requesting increases for the federal family planning program each year he has been in office.

Now American women must get involved to stop the Congressional majority's war on women. Making our voices heard has never been more important than it is today.

THE WHITE HOUSE  
WASHINGTON

August 3, 1995

MEMORANDUM TO NANCY-ANN MIN  
KAREN GUSS  
BETSY MYERS  
JUDY GOLD  
ELENA KAGEN  
JANET MURGUIA  
JULIA MOFFETT  
LORRIE MCHUGH  
MARTHA FOLEY  
JENNIFER KLEIN  
SUSAN BROPHY  
KAREN HANCOX  
BARBARA CHOW  
MELANNE VERVEER  
MAUREEN SHEA

FROM: JEREMY BEN-AMI   
SUBJECT: CHOICE/COMMUNICATIONS FOLLOW UP

CC: CAROL RASCO  
GEORGE STEPHANOPOULOS  
PAT GRIFFIN

The following is the communications strategy we discussed at the Choice Working Group meeting on August 2.

#### **1. TALKING POINTS**

Please fax or hand in your comments to Karen Guss OE0B 212 (fax 456-7028, phone 456-5603) concerning the draft talking points on reproductive rights. All comments should reach Karen no later than 5:00 p.m. on Friday, August 4.

#### **2. ONE PAGER**

In addition, Karen Guss will draft a one pager which will be circulated to the group. Prepared in camera ready form, this piece will easily be reprintable in newsletters.

#### **3. MAILING TO KEY GROUPS**

DNC has access to a 2,000 piece mailing list. The Women's Office gathered a list of 40 to 60 pro-choice groups, and have been using that list. Judy Gold will distribute the list to the working group early next week.

#### **4. VALIDATORS**

Judy Gold will circulate a list of prominent women who can serve as surrogates on the choice issue, either speaking or writing op-eds. The working group should make additional suggestions.

#### **5. MEDIA**

Lorrie McHugh and Betsy Myers are working on a media strategy which will include organizing a roundtable with women press, and Administration representatives. In addition they are organizing a regional press strategy for women appointees.

#### **6. CONGRESSIONAL PACKETS**

In consultation with Janet Murguia, packets on reproductive rights are being created for members of Congress. The package will contain the one page memo, as well the President's statements on the recent Congressional legislation on reproductive rights.

July 27, 1995

## REPRODUCTIVE RIGHTS: KEY ISSUES

### I. **FEHB Insurance Plans Restriction**

The House approved a ban against FEHB insurance plans offering coverage of abortion (except when woman's life is in danger) as part of the **Treasury/Postal Appropriations** bill.

### II. **Rape and Incest Abortions**

The House Appropriations Committee approved the "Istook amendment" to the **Labor/HHS Appropriations** bill, which would allow states to deny Medicaid funding for rape and incest abortions.

### III. **Title X (federal family planning)**

The House Appropriations Committee voted to dismantle the Title X program and put Title X funding into Maternal and Child Health and other block grants to states as part of the **Labor/HHS Appropriations** bill.

A bipartisan bill to reauthorize Title X has also been introduced; the Administration endorsed it in a 7/7 letter from Sec. Shalala.

### IV. **Other Measures**

The House Appropriations Committee voted to, in effect, **undo the requirement established by the Accreditation Council on Graduate Medical Education (ACGME)** that OB/GYN programs provide training in abortion procedures as part of the **Labor/HHS Appropriations** bill. (The ACGME policy does include a "conscience clause" exception).

The House Appropriations Committee voted to **ban federal funding of human embryo research** as part of the **Labor/HHS Appropriations** bill.

A **ban on privately funded abortions at military hospitals** and other federal facilities passed the House as part of the **Defense Appropriations** bill; the ban was defeated in Senate but conferees are reportedly in favor of ban.

A **ban of all federal funding for overseas family planning** non-governmental and multinational organizations that perform abortions and/or attempt to influence governmental policy on abortion (similar to "Mexico City policy" overturned by Pres. Clinton) passed the House as part of the **Foreign Operations Authorization** bill.

The House voted to **prohibit the Legal Services Corporation from funding organizations that conduct privately funded abortion litigation** as part of the **Commerce/Justice/State Appropriations** bill.

A **ban on spending locally-raised revenue to pay for abortions for low-income women** may be offered as an amendment to the **D.C. Appropriations** bill; subcommittee markup expected in September.

**H.R. 1833/ S. 939**, a bill to ban an abortion procedure, may come to the House floor before the August recess, although efforts are afoot to postpone this.

The **Women's Choice and Reproductive Health Protection Act** was introduced by Rep. Schroeder to "hold the line" on reproductive rights and restore "strict scrutiny" as the standard for judging the constitutionality of laws restricting abortion rights. The bill has 68 cosponsors (64 D, 1I, 3R).

## CHOICE MEETING

7/13/95

### Agenda

- I. Update/Calendar Review
  - hot items this week: third trimester issue
- II. Review of memo outline for President/Panetta
- III. Communications brainstorming

- FEHB
  - Fam. planning | Title X
  - Hyde - rape or incest
  - Restrictions on international assistance
  - Mil. hospitals
- 
- POTUS Conf. Call w/ heads of women's groups.
  - Get schedule of newsletters
  - Media affairs -- req. press | ed boards
  - Mike say something at press briefing

# SCHEDULE -

## FY 1996 Appropriations Bills Containing Abortion-Related Provisions, and Other Items

04:38 PM

A80R-SC.WK3

BPB:EUR

| MONDAY, June 26                                                                                                    | 27                                                                                                                                                                                                                       | 28                                                                                                                                                                                                                                                        | 29                                                                                                                                           | 30                                                    |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| NOTE: House Subcommittee Markup of the DC bill is not expected until September, pending DC Control Board activity. | Foreign Operations - Floor action began.                                                                                                                                                                                 | Treasury/Postal Service Subcommittee completed action on the bill.<br><br>Commerce/Justice/State Subcommittee completed action on the bill.<br><br>Foreign Operations - Floor action continued, but was not completed. Senate action likely in late July. |                                                                                                                                              |                                                       |
| MONDAY, July 3                                                                                                     | 4                                                                                                                                                                                                                        | 5                                                                                                                                                                                                                                                         | 6                                                                                                                                            | 7                                                     |
|                                                                                                                    | INDEPENDENCE DAY                                                                                                                                                                                                         |                                                                                                                                                                                                                                                           |                                                                                                                                              |                                                       |
| MONDAY, July 10                                                                                                    | 11                                                                                                                                                                                                                       | 12                                                                                                                                                                                                                                                        | 13                                                                                                                                           | 14                                                    |
|                                                                                                                    | <p>L/HHS/Educ Subcommittee Markup began.</p> <p>DoD Subcommittee markup began in closed session.</p> <p>Treasury/Postal Service Full Committee Markup began.</p> <p>Foreign Operations passed the House (333 to 89).</p> | <p>L/HHS/Educ Subcommittee Markup completed at 3:00 AM.</p> <p>DoD Subcommittee markup continued in closed session.</p> <p>Treasury/Postal Service Full Committee Markup completed.</p>                                                                   | <p>DoD Subcommittee markup expected to continue in closed session.</p> <p>5:00 PM CHOICE Meeting<br/>OEGB, Room 100</p>                      |                                                       |
| MONDAY, July 17                                                                                                    | 18                                                                                                                                                                                                                       | 19                                                                                                                                                                                                                                                        | 20                                                                                                                                           | 21                                                    |
| Commerce/Justice/State Full Committee Markup tentatively scheduled for week of July 17th.                          | Treasury/Postal Senate sub & full                                                                                                                                                                                        | Commerce, State Justice House                                                                                                                                                                                                                             | <p>L/HHS/Educ Full Committee Markup tentatively scheduled.</p> <p>5:30 PM CHOICE Meeting<br/>OEGB, Room 100</p> <p>Treas. Postal 4:00 PM</p> | <p>DoD full</p> <p>[rape or incest am. expected.]</p> |

**SCHEDULE —**

**FY 1996 Appropriations Bills Containing Abortion-Related Provisions, and Other Items**

04:38 PM

ABOR-SC.WK3

BPB:ELR

|                                                                                                                                                            |                                                     |           |                                          |           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-----------|------------------------------------------|-----------|
| <b>MONDAY, July 24</b>                                                                                                                                     | <b>25</b>                                           | <b>26</b> | <b>27</b>                                | <b>28</b> |
|                                                                                                                                                            | LHHS/Educ House Floor action tentatively scheduled. |           | 5:00 PM CHOICE Meeting<br>OE03, Room 100 |           |
| <b>MONDAY, July 31</b>                                                                                                                                     | <b>TUESDAY, August 1</b>                            | <b>2</b>  | <b>3</b>                                 | <b>4</b>  |
|                                                                                                                                                            |                                                     |           | 5:00 PM CHOICE Meeting<br>OE0B, Room 100 |           |
| Congressional Recess: HOUSE: Monday, August 7th through Wednesday, September 6th<br>SENATE (tentative): Monday, August 17th through Tuesday, September 5th |                                                     |           |                                          |           |
| <b>MONDAY, September 4</b>                                                                                                                                 | <b>5</b>                                            | <b>6</b>  | <b>7</b>                                 | <b>8</b>  |
| <b>LABOR DAY</b>                                                                                                                                           |                                                     |           | 5:00 PM CHOICE Meeting<br>OE0B, Room 100 |           |

**Summary of Abortion-Related Provisions in FY 1996 Appropriations Bills  
As of 5:30 PM, Wednesday, July 12th**

12-Jul-95  
04:40 PM  
BPE:ELR  
ABORSUM.wa2

| BILL                                  | SUMMARY OF ABORTION-RELATED PROVISIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | STATUS                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Commerce/Justice/State/Judiciary..... | <p>Abortion policy was not specifically mentioned in the Subcommittee markup.</p> <p>- According to Planned Parenthood legislative staff, an amendment to the bill that would restrict the use of Federal funds for abortion services in Federal prisons could be offered.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>- Subcommittee completed action on June 28th.</p> <p>- Full Committee markup scheduled for week of July 17th.</p>                                                                                                                                                                                                        |
| District of Columbia.....             | <p>Expect introduction of Istook language (see summary under UHHS/Ed listed below).</p> <p>- Also, possible amendment that would bar spending local money on abortions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>- Subcommittee markup not expected until September.</p>                                                                                                                                                                                                                                                                  |
| Defense.....                          | <p>According to OMB/NSD staff, DOD staff expects that the appropriations committee will not address the abortion issue (it will be addressed in the authorization process).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>- Subcommittee began consideration of the bill in closed session on July 11th and is expected to continue work on the bill throughout the week.</p>                                                                                                                                                                      |
| Foreign Operations.....               | <p>On June 28th, the House adopted the Smith (R-NJ) amendment (243-187) that prohibits U.S. funding for any private, non-governmental, or multilateral organization that directly or indirectly performs abortions in a foreign country except in cases of rape, incest, or when the life of the mother is in danger; it also prohibits funding any organization that violates another country's abortion laws or lobbies to change such laws except to prohibit forced abortions; it also prohibits funding for UNFPA unless the organization ceases all activity in China. A Meyers (R-KS) second degree amendment that would have struck all but the last provision (UNFPA) of the Smith amendment was defeated 201-229.</p> <p>- House version of bill contains abortion-related provisions (Development Assistance Fund/Population, Development Assistance, assistance to China through International Organizations and UNFPA) that are consistent with current law.</p> | <p>- Floor action on the bill began on June 27th and continued on June 28th. The House passed the bill on July 11th by a vote of 333 to 89. Senate action on the bill is expected in late July.</p> <p>- Full Committee reported the bill on June 15th.</p> <p>- Subcommittee completed action on the bill on June 8th.</p> |

**Summary of Abortion-Related Provisions in FY 1996 Appropriations Bills  
As of 5:30 PM, Wednesday, July 12th**

12-JA-05  
04:40 PM  
SP8:ELR  
ABORSUM.WG3

| BILL                                            | SUMMARY OF ABORTION-RELATED PROVISIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | STATUS                                                                                                                                                                                                                                     |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Foreign Operations (cont'd).....                | House version of the bill contains a General Provision (Sec. 518), "Prohibition Concerning Abortions and Involuntary Sterilization," that is consistent with current law and the President's Budget request.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                            |
| Labor/HHS/Education.....                        | <p>Subcommittee version of the bill retains modified Hyde language -- restricts use of Federal funds for abortions except in cases of rape or incest, or when the life of the mother is in danger.</p> <p>- Expect re-introduction of Islook language in the Full Committee or on the Floor, which would give States the option of using Medicaid funds to pay for abortions in cases of rape or incest. Current interpretation of Federal law holds that States are required to use Medicaid funds in cases of rape, incest, or when the life of the mother is in danger.</p> <p>- Anticipate amendments to reinstate "Gag Rule" and human fetal tissue transplantation research ban lifted by Executive Orders issued by President Clinton.</p> | <p>- Subcommittee completed action on the bill on July 12th.</p> <p>- Full Committee markup tentatively scheduled for July 20th</p> <p>- House Floor action tentatively scheduled for July 25th</p>                                        |
| Treasury/Postal Service/General Government..... | <p>A Hoyer amendment that would have stricken the objectionable abortion language regarding FEHB funds was defeated in Full Committee by a vote of 24 to 19.</p> <p>- The House Subcommittee bill would restore a ban in place from 1984 until 1993, allowing FEHB health insurance coverage for abortions only if pregnancy endangers a woman's life.</p>                                                                                                                                                                                                                                                                                                                                                                                        | <p>- Full Committee began deliberations on the bill on July 11th and reported the bill on July 12th.</p> <p>- Subcommittee completed action on the bill on June 28th.</p> <p>- House Floor action tentatively scheduled for late July.</p> |

## Summary of Abortion-Related Provisions in FY 1996 Authorization Bills

| BILL                                                                                     | SUMMARY OF ABORTION-RELATED PROVISIONS                                                                                                                                                                                                          | STATUS                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| H.R. 1561, Foreign Operations Authorization Bill, <i>American Overseas Interests Act</i> | Includes amendment by Rep. Smith (R-N.H.) to deny U.S. funds to any foreign non-governmental orgs. or their subcontractees which use their own funding to perform or promote abortion. Also ends funding for UNFPA due to its program in China. | - Voted out of House 2 weeks ago, 240-181. Action expected on two similar bills in Senate—S.908 and S.961, to be introduced after July recess.                                                                                |
| H.R. 1530, DoD Authorizations Bill                                                       | Includes provision introduced by Rep. Dornan (R-CA) which would ban any abortions at American Military Hospitals overseas.                                                                                                                      | - Voted out of House June 15th, 230-196. 23 Dems joining a majority of Reps. No date scheduled for Senate consideration.                                                                                                      |
| H.R. 1833, <i>Partial Birth Abortion Ban Act</i>                                         | Outlaws late stage abortion of fetuses in latter stages of pregnancy. Calls for two years' imprisonment for a provider performing a partial birth abortion.                                                                                     | - Voted out of Judiciary Subcommittee on Constitution on June 21st, 7-5 (along party lines). Counterpart (S. 939) introduced by Sen. Smith (R-N.H.), referred to Labor/Human Resources Committee. Mark up in House on 7/12/95 |
| H.R. 1952, Choice and Reproductive Health Protection Act                                 | Codifies an array of current reproductive health policies, including <u>Roe v. Wade</u> decision.                                                                                                                                               | - Introduced June 26th by Reps. Shroeder (D-CA), Lowey (D-NY), with support of Sen. Boxer (D-CA) and others. Referred to House Commerce Committee.                                                                            |
| <b>DRAFT VA Improvements and Reinvention Act of 1995, (VA Rego Bill)</b>                 | The Medical Care Eligibility section of this bill did not include a proposed section prohibiting provision of abortions under Chapter 17, Title 38.                                                                                             | - Hearing scheduled July 19th. Administration hopes to introduce bill prior to Hearing.                                                                                                                                       |

ID:

JUL 12 '95 17:40 No.008 P.02

## Summary of Abortion-Related Provisions in FY 1996 Authorization Bills

| BILL                                                                              | SUMMARY OF ABORTION-RELATED PROVISIONS                                                                                                                                                       | STATUS                                                                                                                                              |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| S. 971, <i>Medical Training Non-Discrimination Act</i>                            | Bill would amend Title II, Part B of the Public Health Service Act. This bill prohibits the federal government from requiring that medical accreditation programs provide abortion training. | - Introduced June 27th by Sens. Coats (R-IN), Gregg (R-NH), Helms (R-NC), and Ashcroft (R-MO). Referred to Committee on Labor and Human Resources.  |
| H.R. 1932, <i>Medical Training Non-Discrimination Act</i>                         | Bill introduced by Rep. Hoekstra (R-MI) that bars the federal government from recognizing medical accreditation organizations that require abortion training as part of residency programs.  | - Introduced June 27th. Referred to House Commerce Committee.                                                                                       |
| S. 555, <i>Health Professions Education Consolidation and Reauthorization Act</i> | Possible amendment to be offered on the Senate floor by Sen. Coats (R-IN) similar to S. 971 (above).                                                                                         | - Approved by Senate Labor and Human Resources Committee on March 29. Main sponsor: Kassebaum. Rep. Hoekstra (R-MI) introduced a free-standing bill |
| H.R. 1623, <i>Family Planning Programs Repeal Act</i>                             | Would repeal the Family Planning program under Title X of the PHS Act. Title X has been unauthorized since 1985.                                                                             | - Introduced by Rep. Dornan on May 12th. Referred to House Commerce Committee.                                                                      |
| H.R. 833, <i>Family Planning Amendments Act of 1995</i>                           | Would reauthorize the Title X Family Planning program.                                                                                                                                       | - Introduced by Representatives Porter (R-IL), Greenwood (R-PA), Waxman (D-CA) and Lowey (D-N.Y.) Referred to House Commerce Committee.             |

10.

JUL 12 '95 17:41 No. 008 P. 03

## ABORTION

As you know your remarks in response to a question about abortion at the League of Women Voters were misrepresented in media reports. It's possible that you will get a question based on those erroneous reports. The most difficult abortion question is when it is posed as restricting choice: we deny people who wish to join plans not covering abortion the option to do so. A suggested answer is below.

***Question: Many people think abortion is morally wrong. Why should their tax dollars go to pay for covering abortion on demand?***

***Answer:*** One of the major goals of our reform is to guarantee people health benefits as good or better than they have today. Most private health care plans cover the full range of reproductive services today, and our plan will cover abortion when a doctor determines it is medically necessary or appropriate.

A conscience clause ensures that doctors and health institutions - such as religious hospitals - will not be required to provide any services against their moral or religious beliefs.

The President has always said he feels abortion should be safe, legal, and *rare*. That is why we are doing everything we can -- through health care reform, through welfare reform, and through other school-based prevention initiatives -- to dramatically reduce the number of unintended pregnancies.

***Q: But shouldn't people be given the option to join plans that don't provide a service they have such personal and moral objection to?***

***Answer:*** We think comprehensive benefits should be spelled out in law, and for security, portability, and simplicity reasons, that every insurance plan should cover the same things. There will no doubt be plans that are organized by religious hospitals and are staffed by providers who would not themselves be required to perform services they thought were wrong. But if a plan didn't provide a service directly, and someone in that plan had a medical need for that service, the plan would have to arrange for that service outside their plan.

***Q: You indicated earlier this week that you would be willing to give up abortion coverage in order to get health care reform? Is that the case?***

Actually what I said was quite the opposite -- I said that now is no time to compromise. I said we should be focusing all our efforts on fighting for universal coverage. Most women with private insurance have coverage for abortion services today, it is part of our comprehensive benefits package, and we will fight for comprehensive benefits.

### Choices About Coverage for Abortion Services

- The cost of abortion coverage is \$8.67 per policy, based on the estimated community rate required to fund abortions.
- An individual may waive abortion coverage if the individual has a moral or religious objection to this service. If the individual waives abortion coverage, the individual's premium obligation is reduced by the appropriate share of the community-rated amount attributable to abortion coverage.
- A religious employer may choose not to pay for abortion coverage. If the employer chooses not to pay for abortion coverage, the employer's premium contribution is reduced by the employer share of the community-rated amount attributable to abortion coverage. An employee may elect not to pay the difference.

A religious employer is an employer that: (1) qualifies for tax exemption (under 501(c)(3) or ERISA "church plan" definitions); and (2) is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religion or by a particular religious corporation, association or society.

- Subsidies are reduced by the appropriate share of the community-rated amount attributable to abortion coverage. Individuals who do not waive abortion coverage must pay the difference.
- All policies include coverage for abortions that are necessary to save the woman's life or as a result of rape or incest.
- A religious plan sponsor may decline to include abortion services other than abortions that are necessary to save a woman's life or as a result of rape or incest. A religious plan sponsor is a sponsor that meets the definition above.

## **REPRODUCTIVE HEALTH CARE IN THE AMERICAN HEALTH SECURITY ACT**

- The American Health Security Act provides all Americans with access to a wide range of reproductive health services. This is accomplished through a number of general provisions in the plan, as well as specific coverage through the Comprehensive Benefit package.
- The Health Security Act establishes in the benefits package that all medically necessary or appropriate services are covered with cost sharing as specified by the type of plan that the individual chooses. In addition, the benefit package defines a core set of clinical preventive services which are fully covered with no cost sharing.
- The plan covers all benefit package services delivered at a health facility as long as that facility is legally authorized to provide those services in that state. Therefore, free standing reproductive health care clinics would be reimbursed for the benefit package services they provide.
- The comprehensive coverage of reproductive health services for men and women includes coverage of:

Clinical preventive services with no cost sharing and no deductible including routine physical examinations and appropriate reproductive health screenings e.g. pap smears;

Screening of populations at risk for sexually transmitted diseases as part of clinical preventive services (with no cost sharing) and anytime it is medically necessary or appropriate;

Full coverage of prenatal care and one post-partum visit as a clinical preventive service with no deductible or other co-payment. Also fully covered are any associated tests that are medically necessary or appropriate, e.g. ultrasounds. Delivery care is covered with cost sharing as specified in the individual's plan;

Voluntary family planning services, including all contraceptives that are approved by the FDA and are dispensed on prescription. For example, oral contraceptive pills, intra-uterine devices, and diaphragms are covered with cost sharing;

Health education and counseling as part of all clinician visits included in the clinical preventive services benefit. In addition, health plans may offer health education classes or other forms of educational interventions;

Voluntary sterilization as medically necessary or appropriate for men or women;

Infertility related services, with the exception of in-vitro fertilization; and

#### Abortion services.

- The plan also provides additional funds for the training of nurse practitioners, physician's assistants, and other mid-level practitioners, often used in the delivery of reproductive health care.
- The plan eliminates pre-existing condition clauses which are often used to exclude women from receiving prenatal care coverage.
- The plan promotes continuity of reproductive health care and early and appropriate initiation of services by making coverage portable regardless of the place of employment of the individual.
- The plan also establishes a new authority to provide for comprehensive school health education and school related health services. These programs would promote personal responsibility and a healthy lifestyle as well as an understanding of the benefits and appropriate use of medical services, including clinical preventive services appropriate to the age and risk status of the youth.
- The plan calls for comprehensive privacy legislation to ensure confidentiality of clinical records. In addition, the National Health Board will establish standards for disclosure of information and will guarantee certain rights to a patient regarding the information maintained about them.
- The plan provides for full access to the range of reproductive health services while respecting individual providers and institutions conscientious beliefs. No health professional or health facility is required to provide an item or service that they object to on the basis of a religious belief or moral conviction.
- The plan also addresses reproductive health through its public health initiatives. These are contained in Title III of the Act and include:
  - Funds for prevention research with reproductive health and new contraceptive technology related research a specific priority; and
  - Flexible funds for states to carry out core public health activities which include community health education and laboratory services which are relevant to reproductive health services.

## ABORTION

***Question: Many people think abortion is morally wrong. Why should their tax dollars go to pay for covering abortion on demand?***

***Answer:*** One of the major goals of our reform is to guarantee people private health benefits as good or better than they have today. Most private health care plans cover the full range of reproductive services today, and our plan will cover abortion when a doctor determines it is medically necessary or appropriate.

A conscience clause ensures that doctors and health institutions - such as religious hospitals - will not be required to provide any services against their moral or religious beliefs.

The President has always said he feels abortion should be safe, legal, and *rare*. That is why we are doing everything we can -- through health care reform, through welfare reform, and through other school-based prevention initiatives -- to dramatically reduce the number of unintended pregnancies.

[This is obviously a very difficult issue, and one Members of Congress are giving careful consideration to. This issue will play itself out on the floor.]

***Q: But shouldn't people be given the option to join plans that don't provide a service they have such personal and moral objection to? Shouldn't employers who strongly object to abortion -- the Catholic church for example -- be exempt from contributing to plans that cover this service?***

***Answer:*** We think comprehensive benefits should be spelled out in law, and for security, portability, and simplicity reasons, that every insurance plan should cover the same things. There will no doubt be plans that are organized with providers who would not themselves be required to perform services they thought were wrong. If a plan didn't provide a service directly, and someone in that plan had a medical need for that service, the plan would have to arrange for that service outside their plan.

[This is obviously a very difficult issue, and one Members of Congress are giving careful consideration to. This issue will play itself out on the floor.]

***Q: The First Lady indicated last month that you would be willing to give up abortion coverage in order to get health care reform? Is that the case?***

Actually what I said was quite the opposite -- I said that now is no time to compromise. I said we should be focusing all our efforts on fighting for universal coverage. Most women with private insurance have coverage for abortion services today, it is part of our comprehensive benefits package, and we will fight for comprehensive benefits.

[This is obviously a very difficult issue, and one Members of Congress are giving careful consideration to. This issue will play itself out on the floor.]

DM: Call Jen Klein 62599 or Christine Heenan 62857 with question

## Talking Points on Abortion

The President has always said that he feels abortion should be safe, legal and rare. That is why we are doing everything we can -- through health reform, through welfare reform, and through school-based prevention initiatives -- to reduce the number of unintended pregnancies.

Most private health insurance plans cover the full range of reproductive services. Our goal is to preserve the benefits that people with insurance already have and to extend health security to all Americans by guaranteeing private health insurance that can never be taken away.

A conscience clause ensures that doctors and institutions -- such as religious hospitals -- will not be required to provide any services against their moral or religious objection.

TEL:

Jul 22 91 13:52 No. 002 P. 02

### TALKING POINTS FOR DR. ELDERS ON ABORTION AND HEALTH REFORM

**QUESTION:** Will the Administration give up abortion coverage in order to get health care reform?

- No. We are focusing all our efforts on achieving universal coverage for comprehensive benefits for all Americans. Most women with private health insurance have coverage for abortion services today and it is a part of our comprehensive benefits package. We will fight for comprehensive benefits in health reform.
- This is obviously a sensitive issue and one that Members of Congress are giving careful consideration to. This issue will play itself out on the floor over the coming month.

**QUESTION:** How committed is the Administration to preserving American women's freedom of choice?

- Choice is an important principle behind the President's proposal for health reform. We want to assure that Americans have a choice of health plans, a choice of health care providers, and a choice of medical services.
- In addition, one of the major goals of reform is to guarantee people private health benefits that are as good or better than what they have today. Most private health plans cover the full range of reproductive services today, and therefore our plan will cover abortion when a doctor determines that it is medically necessary or appropriate.

However, we recognize that there are those with strong moral objections to abortion, and we want to respect their choice to not provide abortion services. Therefore, we have included a conscience clause that ensures that health care providers and institutions - such as religious hospitals - will not be required to provide any services against their moral or religious beliefs.

But preserving choice is not enough. We are also committed to ensuring that the number of unintended pregnancies is reduced through education and prevention programs included in health reform, as well as through welfare reform, and other school based prevention initiatives.

**QUESTION:** Will you let health plans exclude abortion coverage?

- No. We are committed to having health plans provide the full range of services covered under the comprehensive benefit package. However, if a plan does not provide a service directly because, for example, their participating providers include religious institutions, then that plan is responsible for arranging for that service with another provider.

**QUESTION:** What do you think Congress is going to do about abortion coverage?

- I certainly cannot speak for Congress. We in the Administration are committed to working with them to work out all of the important issues that must be resolved for us to achieve health reform that meets the President's call for universal coverage and REAL health security.

Prevent you  
forcing people  
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many are morally  
opposed to?