

George W. Bush Presidential Library

Collection: Executive Clerk, Office of the

Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 08/05/2002 [H.R. 2175] [771367]

LAW_M

771367

FG006-01

Barcode Scanning Sheet

Collection Code: **SECLOG**

Staff Name:

Document Date:

Correspondent: **TIM SAUNDERS**

Subject/Description: **OVERSIZE ATTACHMENT # 9467 NARA # 9358 BOX 3
FOLDER 3 BILL FILES RECEIVED FROM THE OFFICE OF
THE EXECUTIVE CLERK - AUG 05 02 ENROLLED BILL
H.R. 2175 - BORN-ALIVE INFANTS PROTECTION ACT OF
2002**



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

02 JUL 30 PM 5:57

THE DIRECTOR

July 30, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2175 - Born-Alive Infants Protection Act of 2002
Sponsors - Rep. Chabot (R) OH and 105 cosponsors

Last Day for Action

August 7, 2002 - Wednesday

Purpose

Provides that infants who are born alive, at any stage of development, are considered individual human beings for the purposes of Federal laws, regulations, and rulings.

Agency Recommendations

Office of Management and Budget

Approval

Department of Health and Human Services (HHS)

Approval

Department of Justice

No objection (Informally)

Discussion

According to the report of the House Judiciary Committee on H.R. 2175, the enrolled bill is intended to respond to court decisions striking down Nebraska and New Jersey laws banning a certain type of late-term abortion procedure commonly known as "partial-birth abortion." Proponents of the bill argue that, during consideration of these cases, the courts gave no significance to the location of the fetus whether inside or outside the mother's body and effectively concluded that a child's status under the law is instead dependent upon whether the mother intends to abort the child or to give birth. According to the bill's sponsor, the purpose of H.R. 2175 is to "ensure that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law."

President
saw a
copy

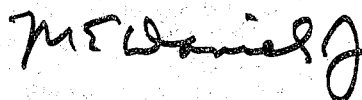
H.R. 2175 would define the terms "person," "human being," "child," and "individual" to include infants born alive at any stage of development for the purposes of any Federal law, regulation, ruling, or resulting interpretation. The enrolled bill would define "born alive" as "the complete expulsion or extraction [of an infant] from his or her mother . . . at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion."

H.R. 2175 also states that the bill shall not be construed to expand or contract any legal status or right applicable to any person at any point prior to being "born alive" as defined by the bill. This provision was included to ensure that H.R. 2175 would not have any impact on the legal status of the unborn.

Conclusion and Recommendations

HHS, in its views letter on H.R. 2175, notes the Administration's strong support for enactment of the enrolled bill during Congressional consideration and that the enrolled bill is similar to laws in a majority of States and the District of Columbia. Accordingly, the Department recommends approval of H.R. 2175.

We join HHS in recommending approval of H.R. 2175, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

518644

Document Originally
Attached to
Following Page

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To protect infants who are born alive.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Born-Alive Infants Protection Act of 2002".

SEC. 2. DEFINITION OF BORN-ALIVE INFANT.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"§ 8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant

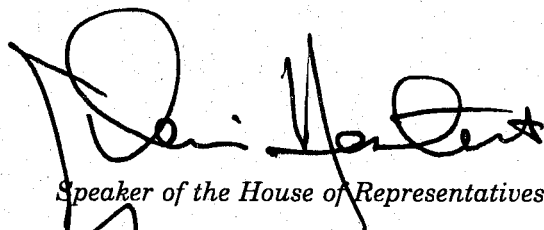
"(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words 'person', 'human being', 'child', and 'individual', shall include every infant member of the species homo sapiens who is born alive at any stage of development.

"(b) As used in this section, the term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

"(c) Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being 'born alive' as defined in this section."

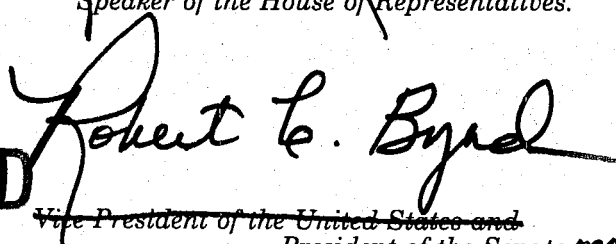
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

"8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant."

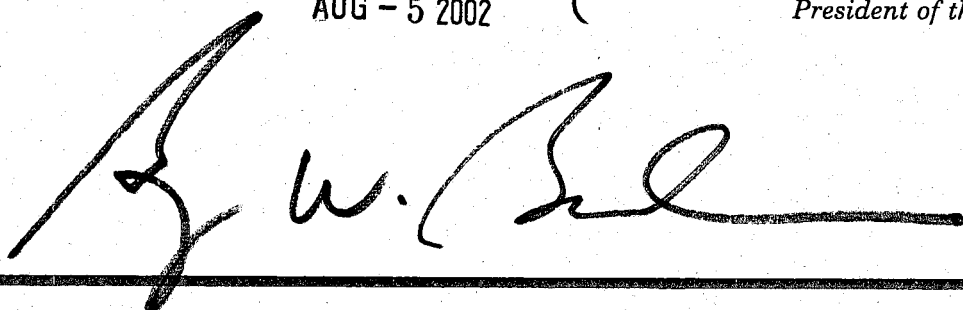

Speaker of the House of Representatives.

APPROVED

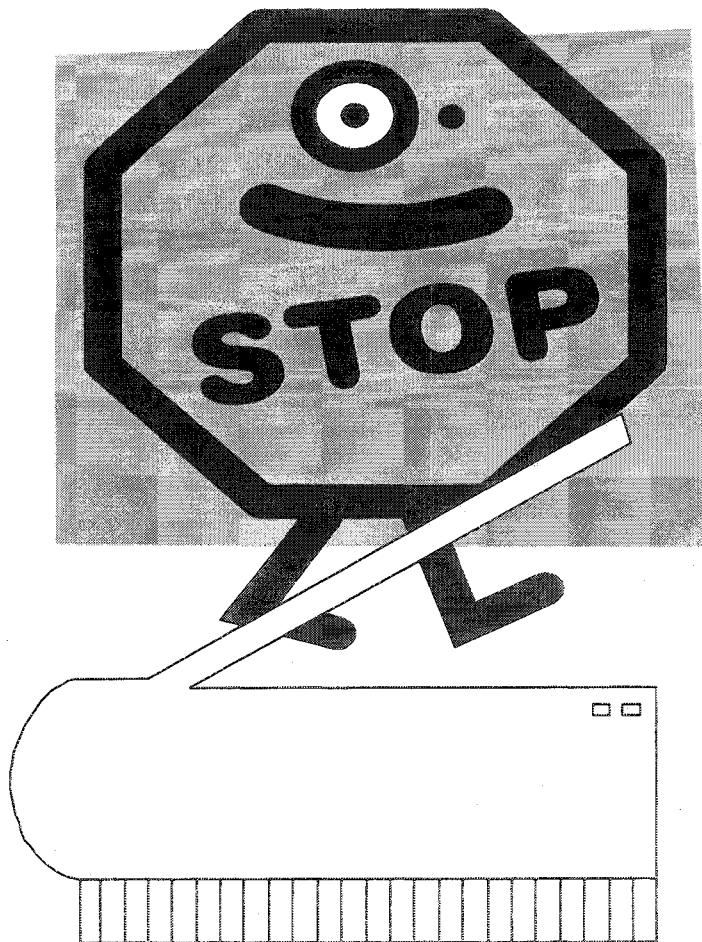
AUG - 5 2002


Vice President of the United States and

President of the Senate *pro tempore*.



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Scanning insert sheet



Remainder of case not scanned



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

July 23, 2002

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This responds to your request for the views of the Department of Health and Human Services (HHS) on H.R. 2175, an enrolled bill entitled the "Born-Alive Infants Protection Act".

The bill would amend chapter 1 of title 1 of the United States Code to add a new section 8, providing that, for purposes of Federal law, the words "person", "human being", "child", and "individual" include an infant born alive at any stage of development. It would define an infant born alive as a newborn fully outside the mother at any stage of development, who breathes or has a beating heart, a pulsating umbilical cord, or voluntary muscle movement.

While H.R. 2175 was undergoing Congressional consideration, the Administration advised the Congress that we strongly supported the bill. The Statement of Administration policy released on March 11, 2002 noted that the bill is similar to laws in a majority of States and the District of Columbia, and that it would guarantee an infant legal protection whether the infant's delivery was natural or the result of an abortion.

We therefore recommend that the President approve the enrolled bill.

Sincerely,

A handwritten signature in cursive script, reading "Tommy G. Thompson", is written over a horizontal line.

Tommy G. Thompson

Memo to the Record

Date: 10/25/2016

Collection: Executive Clerk, Office of the

Series: Subject Files – Saunders, G. Timothy (Tim) - Bill Files

Hollinger ID: 85221

RE: 08/05/2002 [H.R. 2175] [771367]

Notes:

A copy of the report entitled "Born-Alive Infants Protection Act of 2001" 107th Congress 1st Session House of Representatives report, 107-186. Report is included at this location in this folder. It was not scanned. Contact the George W. Bush Presidential Library for more information regarding this item.

In addition, more information regarding this item may be found at

<https://www.congress.gov/107/crpt/hrpt186/CRPT-107hrpt186.pdf>



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

172 JUL 30 PM 137

THE DIRECTOR

July 30, 2002

MEMORANDUM FOR THE PRESIDENT

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Sponsors - Rep. Chabot (R) OH and 105 cosponsors

Last Day for Action

August 7, 2002 - Wednesday

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Agency Recommendations

Office of Management and Budget

Approval

Department of Health and Human Services (HHS)

Approval

Department of Justice

No objection (Informally)

Discussion

According to the report of the House Judiciary Committee on H.R. 2175, the enrolled bill is intended to respond to court decisions striking down Nebraska and New Jersey laws banning a certain type of late-term abortion procedure commonly known as "partial-birth abortion." Proponents of the bill argue that, during consideration of these cases, the courts gave no significance to the location of the fetus whether inside or outside the mother's body and effectively concluded that a child's status under the law is instead dependent upon whether the mother intends to abort the child or to give birth. According to the bill's sponsor, the purpose of H.R. 2175 is to "ensure that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law."

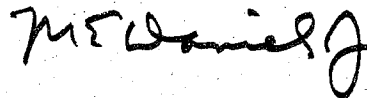
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Conclusion and Recommendations

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Mitchell E. Daniels, Jr.
Director

Enclosures



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WASHINGTON, D.C. 20201

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We therefore recommend that the President approve the enrolled bill.

Sincerely,

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Tommy G. Thompson

WHITE HOUSE STAFFING MEMORANDUM

Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PMSubject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 5:00 PM WEDNESDAY, 7-31-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

THE WHITE HOUSE

August 4, 2002

Mr. President,

Attached is
the enrolled bill
memo for H.R. 2175.
You will sign this
bill tomorrow in
Pittsburgh.

Respectfully,
Harriet

THE PRESIDENT HAS SEEN

8-5-02



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

July 30, 2002

8/5/02
THE PRESIDENT HAS SEEN

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2175 - Born-Alive Infants Protection Act of 2002
Sponsors - Rep. Chabot (R) OH and 105 cosponsors

Last Day for Action

August 7, 2002 - Wednesday

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Approval

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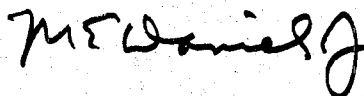
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Mitchell E. Daniels, Jr.
Director

Enclosures



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WASHINGTON, D.C. 20201

July 23, 2002

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Washington, DC 20503

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Tommy G. Thompson

8-2
Stuart wants
final enrolled
bill memo by
Sat. Jim Jukes
is aware. Deb

8/5

SS/ RM NO.

518644

WHITE HOUSE STAFFING MEMORANDUM

Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PM

Subject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>concur</i>	☒	☐	HUBBARD	☐	☐
CARD <i>ok</i>	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO <i>ok</i>	☒	☐	RICE	☐	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE <i>NIC</i>	☒	☐
FLEISCHER	☐	☒	SPELLINGS <i>ok</i>	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES <i>NIC</i>	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

July 30, 2002

02 JUL 30 PM 03

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2175 - Born-Alive Infants Protection Act of 2002
Sponsors - Rep. Chabot (R) OH and 105 cosponsors

Last Day for Action

August 7, 2002 - Wednesday

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Approval

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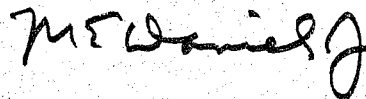
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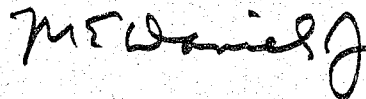
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'02 JUL 30 PM 3:37

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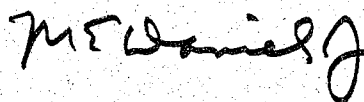
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H.R. 2175 also states that the bill shall not be construed to expand or contract any legal status or right applicable to any person at any point prior to being "born alive" as defined by the bill. This provision was included to ensure that H.R. 2175 would not have any impact on the legal status of the unborn.

Conclusion and Recommendations

HHS, in its views letter on H.R. 2175, notes the Administration's strong support for enactment of the enrolled bill during Congressional consideration and that the enrolled bill is similar to laws in a majority of States and the District of Columbia. Accordingly, the Department recommends approval of H.R. 2175.

We join HHS in recommending approval of H.R. 2175, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0349
 CONNECTION TEL 66212
 CONNECTION ID
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 RESULT OK

SS/ RM NO. 518644

WHITE HOUSE STAFFING MEMORANDUM

Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PM

Subject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 5:00 PM WEDNESDAY. 7-31-02. WITH COPY TO STAFF SECRETARY. THANK YOU.

WHITE HOUSE STAFFING MEMORANDUM

Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PM

Subject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
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BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0350	
CONNECTION TEL		51005
CONNECTION ID		
ST. TIME	07/30 23:09	
USAGE T	01'12	
PGS. SENT	4	
RESULT	OK	

SS/ RM NO. 518644**WHITE HOUSE STAFFING MEMORANDUM**Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PMSubject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

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 WEDNESDAY, 7-31-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

WHITE HOUSE STAFFING MEMORANDUM

Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PM

Subject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 5:00 PM WEDNESDAY, 7-31-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

02 JUL 30 PM 157

THE DIRECTOR

July 30, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2175 - Born-Alive Infants Protection Act of 2002
Sponsors - Rep. Chabot (R) OH and 105 cosponsors

Last Day for Action

August 7, 2002 - Wednesday

Purpose

Provides that infants who are born alive, at any stage of development, are considered individual human beings for the purposes of Federal laws, regulations, and rulings.

Agency Recommendations

Office of Management and Budget

Approval

Department of Health and Human Services (HHS)

Approval

Department of Justice

No objection (Informally)

Discussion

According to the report of the House Judiciary Committee on H.R. 2175, the enrolled bill is intended to respond to court decisions striking down Nebraska and New Jersey laws banning a certain type of late-term abortion procedure commonly known as "partial-birth abortion." Proponents of the bill argue that, during consideration of these cases, the courts gave no significance to the location of the fetus whether inside or outside the mother's body and effectively concluded that a child's status under the law is instead dependent upon whether the mother intends to abort the child or to give birth. According to the bill's sponsor, the purpose of H.R. 2175 is to "ensure that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law."

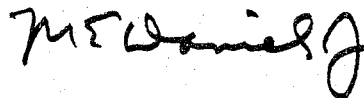
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H.R. 2175 also states that the bill shall not be construed to expand or contract any legal status or right applicable to any person at any point prior to being "born alive" as defined by the bill. This provision was included to ensure that H.R. 2175 would not have any impact on the legal status of the unborn.

Conclusion and Recommendations

HHS, in its views letter on H.R. 2175, notes the Administration's strong support for enactment of the enrolled bill during Congressional consideration and that the enrolled bill is similar to laws in a majority of States and the District of Columbia. Accordingly, the Department recommends approval of H.R. 2175.

We join HHS in recommending approval of H.R. 2175, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

July 23, 2002

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This responds to your request for the views of the Department of Health and Human Services (HHS) on H.R. 2175, an enrolled bill entitled the "Born-Alive Infants Protection Act".

The bill would amend chapter 1 of title 1 of the United States Code to add a new section 8, providing that, for purposes of Federal law, the words "person", "human being", "child", and "individual" include an infant born alive at any stage of development. It would define an infant born alive as a newborn fully outside the mother at any stage of development, who breathes or has a beating heart, a pulsating umbilical cord, or voluntary muscle movement.

While H.R. 2175 was undergoing Congressional consideration, the Administration advised the Congress that we strongly supported the bill. The Statement of Administration policy released on March 11, 2002 noted that the bill is similar to laws in a majority of States and the District of Columbia, and that it would guarantee an infant legal protection whether the infant's delivery was natural or the result of an abortion.

We therefore recommend that the President approve the enrolled bill.

Sincerely,

A handwritten signature in cursive script, reading "Tommy G. Thompson", is written over a printed name. The signature is in dark ink and is fluid and stylized.

Tommy G. Thompson

WHITE HOUSE STAFFING MEMORANDUM

Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PMSubject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
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GONZALES	☒	☐	_____	☐	☐
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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

02 JUL 30 PM 12:27

THE DIRECTOR

July 30, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2175 - Born-Alive Infants Protection Act of 2002
Sponsors - Rep. Chabot (R) OH and 105 cosponsors

Last Day for Action

August 7, 2002 - Wednesday

Purpose

Provides that infants who are born alive, at any stage of development, are considered individual human beings for the purposes of Federal laws, regulations, and rulings.

Agency Recommendations

Office of Management and Budget

Approval

Department of Health and Human Services (HHS)

Approval

Department of Justice

No objection (Informally)

Discussion

According to the report of the House Judiciary Committee on H.R. 2175, the enrolled bill is intended to respond to court decisions striking down Nebraska and New Jersey laws banning a certain type of late-term abortion procedure commonly known as "partial-birth abortion." Proponents of the bill argue that, during consideration of these cases, the courts gave no significance to the location of the fetus whether inside or outside the mother's body and effectively concluded that a child's status under the law is instead dependent upon whether the mother intends to abort the child or to give birth. According to the bill's sponsor, the purpose of H.R. 2175 is to "ensure that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law."

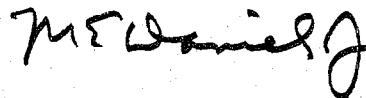
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Conclusion and Recommendations

HHS, in its views letter on H.R. 2175, notes the Administration's strong support for enactment of the enrolled bill during Congressional consideration and that the enrolled bill is similar to laws in a majority of States and the District of Columbia. Accordingly, the Department recommends approval of H.R. 2175.

We join HHS in recommending approval of H.R. 2175, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

July 23, 2002

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

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The bill would amend chapter 1 of title 1 of the United States Code to add a new section 8, providing that, for purposes of Federal law, the words "person", "human being", "child", and "individual" include an infant born alive at any stage of development. It would define an infant born alive as a newborn fully outside the mother at any stage of development, who breathes or has a beating heart, a pulsating umbilical cord, or voluntary muscle movement.

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We therefore recommend that the President approve the enrolled bill.

Sincerely,

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Tommy G. Thompson

WHITE HOUSE STAFFING MEMORANDUM

Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PMSubject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
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FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

July 30, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2175 - Born-Alive Infants Protection Act of 2002
Sponsors - Rep. Chabot (R) OH and 105 cosponsors

Last Day for Action

August 7, 2002 - Wednesday

Purpose

Provides that infants who are born alive, at any stage of development, are considered individual human beings for the purposes of Federal laws, regulations, and rulings.

Agency Recommendations

Office of Management and Budget

Approval

Department of Health and Human Services (HHS)

Approval

Department of Justice

No objection (Informally)

Discussion

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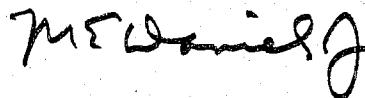
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Mitchell E. Daniels, Jr.
Director

Enclosures



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

July 23, 2002

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

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We therefore recommend that the President approve the enrolled bill.

Sincerely,

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Tommy G. Thompson

WHITE HOUSE STAFFING MEMORANDUM

Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PMSubject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

02 JUL 31 AM 7:55

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
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HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 5:00 PM WEDNESDAY, 7-31-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

82
AAA
7/30 0630

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

2002 JUL 30 PM 2:57

THE DIRECTOR

July 30, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2175 - Born-Alive Infants Protection Act of 2002
Sponsors - Rep. Chabot (R) OH and 105 cosponsors

Last Day for Action

August 7, 2002 - Wednesday

Purpose

Provides that infants who are born alive, at any stage of development, are considered individual human beings for the purposes of Federal laws, regulations, and rulings.

Agency Recommendations

Office of Management and Budget	Approval
Department of Health and Human Services (HHS)	Approval
Department of Justice	No objection (Informally)

Discussion

According to the report of the House Judiciary Committee on H.R. 2175, the enrolled bill is intended to respond to court decisions striking down Nebraska and New Jersey laws banning a certain type of late-term abortion procedure commonly known as "partial-birth abortion." Proponents of the bill argue that, during consideration of these cases, the courts gave no significance to the location of the fetus whether inside or outside the mother's body and effectively concluded that a child's status under the law is instead dependent upon whether the mother intends to abort the child or to give birth. According to the bill's sponsor, the purpose of H.R. 2175 is to "ensure that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law."

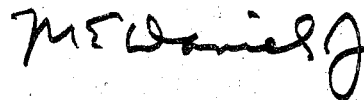
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H.R. 2175 also states that the bill shall not be construed to expand or contract any legal status or right applicable to any person at any point prior to being "born alive" as defined by the bill. This provision was included to ensure that H.R. 2175 would not have any impact on the legal status of the unborn.

Conclusion and Recommendations

HHS, in its views letter on H.R. 2175, notes the Administration's strong support for enactment of the enrolled bill during Congressional consideration and that the enrolled bill is similar to laws in a majority of States and the District of Columbia. Accordingly, the Department recommends approval of H.R. 2175.

We join HHS in recommending approval of H.R. 2175, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

July 23, 2002

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This responds to your request for the views of the Department of Health and Human Services (HHS) on H.R. 2175, an enrolled bill entitled the "Born-Alive Infants Protection Act".

The bill would amend chapter 1 of title 1 of the United States Code to add a new section 8, providing that, for purposes of Federal law, the words "person", "human being", "child", and "individual" include an infant born alive at any stage of development. It would define an infant born alive as a newborn fully outside the mother at any stage of development, who breathes or has a beating heart, a pulsating umbilical cord, or voluntary muscle movement.

While H.R. 2175 was undergoing Congressional consideration, the Administration advised the Congress that we strongly supported the bill. The Statement of Administration policy released on March 11, 2002 noted that the bill is similar to laws in a majority of States and the District of Columbia, and that it would guarantee an infant legal protection whether the infant's delivery was natural or the result of an abortion.

We therefore recommend that the President approve the enrolled bill.

Sincerely,

A handwritten signature in cursive script, reading "Tommy G. Thompson", is written over a horizontal line.

Tommy G. Thompson

SS/ RM NO.

518644

NOEL

WHITE HOUSE STAFFING MEMORANDUM

Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PM

Subject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 5:00 PM WEDNESDAY, 7-31-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

No comments.
ngf

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

SS/ RM NO. 518644

WHITE HOUSE STAFFING MEMORANDUM

02 JUL 31 AM 5:18

Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PM

Subject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☐	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
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FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, NO LATER THAN 5:00 PM WEDNESDAY, 7-31-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

No comment

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PMSubject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
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FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:

Legislative Affairs (Howard) - ale

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

02 JUL 30 9 41 AM '02

THE DIRECTOR

July 30, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2175 - Born-Alive Infants Protection Act of 2002
Sponsors - Rep. Chabot (R) OH and 105 cosponsors

Last Day for Action

August 7, 2002 - Wednesday

Purpose

Provides that infants who are born alive, at any stage of development, are considered individual human beings for the purposes of Federal laws, regulations, and rulings.

Agency Recommendations

Office of Management and Budget	Approval
Department of Health and Human Services (HHS)	Approval
Department of Justice	No objection (Informally)

Discussion

According to the report of the House Judiciary Committee on H.R. 2175, the enrolled bill is intended to respond to court decisions striking down Nebraska and New Jersey laws banning a certain type of late-term abortion procedure commonly known as "partial-birth abortion." Proponents of the bill argue that, during consideration of these cases, the courts gave no significance to the location of the fetus whether inside or outside the mother's body and effectively concluded that a child's status under the law is instead dependent upon whether the mother intends to abort the child or to give birth. According to the bill's sponsor, the purpose of H.R. 2175 is to "ensure that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law."

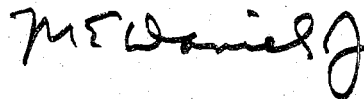
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H.R. 2175 also states that the bill shall not be construed to expand or contract any legal status or right applicable to any person at any point prior to being "born alive" as defined by the bill. This provision was included to ensure that H.R. 2175 would not have any impact on the legal status of the unborn.

Conclusion and Recommendations

HHS, in its views letter on H.R. 2175, notes the Administration's strong support for enactment of the enrolled bill during Congressional consideration and that the enrolled bill is similar to laws in a majority of States and the District of Columbia. Accordingly, the Department recommends approval of H.R. 2175.

We join HHS in recommending approval of H.R. 2175, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

July 23, 2002

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This responds to your request for the views of the Department of Health and Human Services (HHS) on H.R. 2175, an enrolled bill entitled the "Born-Alive Infants Protection Act".

The bill would amend chapter 1 of title 1 of the United States Code to add a new section 8, providing that, for purposes of Federal law, the words "person", "human being", "child", and "individual" include an infant born alive at any stage of development. It would define an infant born alive as a newborn fully outside the mother at any stage of development, who breathes or has a beating heart, a pulsating umbilical cord, or voluntary muscle movement.

While H.R. 2175 was undergoing Congressional consideration, the Administration advised the Congress that we strongly supported the bill. The Statement of Administration policy released on March 11, 2002 noted that the bill is similar to laws in a majority of States and the District of Columbia, and that it would guarantee an infant legal protection whether the infant's delivery was natural or the result of an abortion.

We therefore recommend that the President approve the enrolled bill.

Sincerely,

A handwritten signature in cursive script, reading "Tommy G. Thompson", is written over a horizontal line.

Tommy G. Thompson



OFFICE OF THE VICE PRESIDENT
WASHINGTON

July 31, 2002

'02 JUL 31 PM 9:23

MEMORANDUM FOR JIM JUKES
ASSISTANT DIRECTOR, OMB

FROM: JONATHAN BURKS
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2175, Born-Alive Infants
Protection Act of 2002

The Office of the Vice President has reviewed the above-referenced draft and concurs in the recommendation to sign the enrolled bill.

cc: Harriet Miers
Staff Secretary

WHITE HOUSE STAFFING MEMORANDUM

Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PM

Subject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
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OK

RESPONSE:

cc Jay
Alan
Tevi

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

July 30, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2175 - Born-Alive Infants Protection Act of 2002
Sponsors - Rep. Chabot (R) OH and 105 cosponsors

Last Day for Action

August 7, 2002 - Wednesday

Purpose

Provides that infants who are born alive, at any stage of development, are considered individual human beings for the purposes of Federal laws, regulations, and rulings.

Agency Recommendations

Office of Management and Budget

Approval

Department of Health and Human Services (HHS)

Approval

Department of Justice

No objection (Informally)

Discussion

According to the report of the House Judiciary Committee on H.R. 2175, the enrolled bill is intended to respond to court decisions striking down Nebraska and New Jersey laws banning a certain type of late-term abortion procedure commonly known as "partial-birth abortion." Proponents of the bill argue that, during consideration of these cases, the courts gave no significance to the location of the fetus whether inside or outside the mother's body and effectively concluded that a child's status under the law is instead dependent upon whether the mother intends to abort the child or to give birth. According to the bill's sponsor, the purpose of H.R. 2175 is to "ensure that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law."

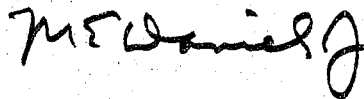
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Conclusion and Recommendations

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We join HHS in recommending approval of H.R. 2175, which passed the House by voice vote and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

July 23, 2002

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

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Sincerely,

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Tommy G. Thompson

WHITE HOUSE STAFFING MEMORANDUM

Date: 7-30-02, 11:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 7-31-02, 5:00 PM

Subject: ENROLLED BILL H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2002

	ACTION	FYI		ACTION	FYI
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CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
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FLEISCHER	☐	☒	SPELLINGS →	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
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RESPONSE:

cc Jay
Alan
Tevi

OK

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

July 30, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2175 - Born-Alive Infants Protection Act of 2002
Sponsors - Rep. Chabot (R) OH and 105 cosponsors

Last Day for Action

August 7, 2002 - Wednesday

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Agency Recommendations

Office of Management and Budget

Approval

Department of Health and Human Services (HHS)

Approval

Department of Justice

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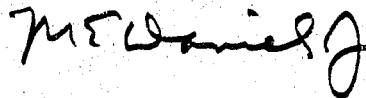
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Mitchell E. Daniels, Jr.
Director

Enclosures



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

July 23, 2002

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

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