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[Family Planning & USAID (United States Agency for International Development)]: [USAID Family Planning & the International Community]

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THEATRE

Dear Gloria:

Thank you for your letter regarding international family planning and the recent budget negotiations.

As you know, the Republican Congressional budget would have caused the United States to lose its vote in the UN General Assembly. This is due to the fact that a controlling minority of Congressional Republicans linked the payment of our U.N. arrears to restrictions on our support of international family planning. We were faced with a no-win choice between protecting our national security interests at the UN and maintaining full support for programs which help save women's lives.

We were able to reach an agreement with Congress that will enable the United States to avoid losing our vote, to encourage needed reforms at the UN, and to repay the \$926 million owed to the organization.

It was very important that we paid our United Nations arrears, and as part of the negotiations with Republican members of Congress, we agreed to a waiver. On November 30, shortly after signing the final budget bill repaying our U.N. dues, I signed a waiver against that provision of the final bill. As a result of this blanket waiver, \$12.5 million will be cut from the overall bill of \$385 million in funding for international family planning groups. While I recognize that this represents a harmful cut in our international family planning efforts, I felt that we achieved the best settlement possible, as our negotiators attempted to minimize the negative impacts of the language that was approved.

I have declared my intention to request a return to the 1995 levels of funding for international family planning -- an appropriation of \$541.6 million -- in my fiscal 2001 budget. As we continue our work to ensure the health and safety of women across the country, I will keep your concerns in mind.

Draft 01/06/00 12:20 pm
Heather Hurlburt

**PRESIDENT WILLIAM J. CLINTON
RADIO ADDRESS
THE WHITE HOUSE
WASHINGTON, DC
January 7, 2000**

Good morning. Every January, many of us work hard to keep our New Year's Resolutions by leading healthier lives. When I became President, I resolved to do everything I could to make every new baby in America a healthy, wanted baby, raised by a healthy, strong family.

Today I want to talk about how we are keeping that resolution -- by improving family planning services and providing health care for mothers, babies and pregnant women.

I have fought to make sure all women have access to prenatal care. We know that when women see a doctor several times before a baby is born, that child is much more likely to be born healthy. And good health is the most precious gift we can offer a child – or a family.

My Administration has reached out to community groups, schools and health care professionals – and we have made real progress in reducing teen pregnancy.

We have made a broad range of family planning and sex education programs more widely available for all Americans. We are keeping abortion safe, legal and accessible. And, by making sure women have other choices, we are helping make abortion more rare.

I am proud that support for family planning services has risen every year of my Administration. My budget for 2001 will include \$250 million in grants for family planning and reproductive health care. That is 15 percent more than last year – the largest increase in 15 years.

Those grants fund clinics and community-based health care that serve more than 5 million low-income women and families. The \$35 million increase will prevent as many as a million unwanted pregnancies, and save thousands of lives.

It will help make contraceptives available, and keep them affordable. It will fund counseling for teenagers, and support educational programs that encourage young people to postpone sexual activity. It will help more than 4,600 clinics screen for cancer, AIDS and other diseases. And it will fund partnerships with community organizations and health care professionals who are reaching out to teenagers and others at risk.

These services make a critical difference in people's lives. They help young people who may not know the basics of caring for a newborn child. They help working women who

otherwise could not afford medical tests that may save their lives. They help AIDS patients who desperately need counseling and support. And they help pregnant women who face difficult and painful choices. It is in the interest of every American that no one miss out on this kind of care – and that no child miss its chance at a healthy start.

I have also fought to help women and families overseas gain access to the basics of reproductive health care, which most Americans take for granted. Around the world, 150 million married women would like to limit the size of their families, but have no access to family planning of any kind. In Africa, women face a one in twenty chance of dying in childbirth – because the most basic health care is lacking.

These are personal tragedies – and they hold whole societies back.

America has long been a leader in giving women and families the tools they need to safeguard their health and make their own decisions about bearing children. These children will grow up to be our neighbors and partners; it only makes sense that they too should start life healthy and wanted.

Last year, a minority in Congress succeeded in imposing new cuts and restrictions on our family planning assistance. Although our assistance never funds or promotes abortion, those restrictions make it difficult for us to fund groups that even talk about abortion – whether or not they are American and subject to our laws. These restrictions are wrong: they are a restraint on free speech that no American would accept. And by blocking funds that would have gone to providing health care and contraceptives, they cost human lives – lives that we all agree we want to save.

I waived those restrictions, although that allowed Congress to take more of our funds away. Our family planning assistance is getting to the people who need it. And my budget for 2001 will raise funding for these programs to its highest level ever.

At home and abroad, we don't have a woman's life – or a child's healthy start – to waste. Thanks for listening.

called "Mexico City" provisions. On November 30, shortly after signing the final budget bill paying our U.N. dues, I signed that waiver. As a result, \$12.5 million will be cut from the overall bill of \$385 million in funding for international family planning groups. I felt that we achieved the best settlement possible, as our negotiators attempted to minimize the negative impacts of the language that was approved.

I have declared my intention to request a return to the 1995 levels of funding for international family planning -- an appropriation of \$541.6 million -- in my fiscal 2001 budget. Moreover, I was pleased that in recent budget negotiations, we won a nearly \$25 million increase for Title X family planning -- the largest increase since 1993 -- for a total of almost \$240 million. As we continue our work to ensure the health and safety of women across the country, I will keep your concerns in mind.

BC/BS

479-6270

514-1650



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Dear Gloria:

Thank you for your letter regarding international family planning and the recent budget negotiations.

As you know, the Republican Congressional budget would have caused the United States to lose its vote in the U.N. General Assembly. This is due to the fact that the proposed bill linked the payment of our U.N. arrears to restrictions on our support of international family planning. We were able to reach an agreement with Congress that will enable the United States to avoid losing our vote, to encourage needed reforms at the U.N., and to repay the \$926 million owed to the organization.

As you know, it was very important that we paid our United Nations arrears, and as part of the negotiations with Republican members of Congress, we agreed to legislation that includes a waiver of the so-

USAID Policy Notice

Subject: Implementation of FY 2000 Population Certification Requirements

Section 599D of the Foreign Operations, Export Financing and Related Appropriations Act, 2000 (Public Law 106-113), prohibits USAID from providing FY 2000 population account funds appropriated under the statute to non-U.S., non-governmental organizations, whether non-profit or profit-making, and multilateral organizations (hereafter "covered" organizations), unless they certify that they will not engage in certain abortion-related activities during the period the funds are available for obligation. The requirement applies to covered organizations receiving FY 2000 population funds either directly from USAID or as subcontractors or sub-grantees and to activities funded with either USAID or non-USAID funds. Although the President has exercised statutory authority to waive this requirement, USAID may provide only a limited amount of funding under the law—a total of \$15 million for population activities worldwide—to covered organizations that do not certify. When certifications cannot be obtained, USAID may provide funding to non-certifying, covered organizations only within the limited \$15 million cap.

To implement the law, USAID is requiring all covered prime awardees (under contracts, grants or cooperative agreements) to complete a certification form, prior to receiving FY 2000 population funds. The form will indicate whether the prime certifies or declines to certify. In addition, USAID will require all prime awardees receiving FY 2000 population funds, whether they are covered or not, to collect certification forms from their covered subawardees at all levels below the prime award. USAID/G/PHN must specifically approve the level of FY 2000 population funding for non-certifying organizations through prime or sub-award instruments. The FY 2000 Population Assistance Certification Form and Guidance for FY 2000 Population Assistance Certification are Attachments 1 and 2 to this notice.

PHN staff in Washington and in field missions will be responsible for collecting certification forms from prime awardees and recipients and, through the primes, from their subawardees. PHN staff in Washington and the field will also provide guidance to their primes on collecting certification forms from their subawardees. At this time, PHN officers are asked to:

1. identify organizations at the prime award level, which are expected to receive FY 2000 population funds, and determine which organizations are covered by the certification procedure and/or will have covered subawardees;
2. distribute the Certification Form and related Guidance to such prospective

prime awardees, together with an appropriate request letter asking for certifications by March 17, 2000; (request letters to prospective covered (non-U.S.) and non-covered (U.S.) prime awardees are provided as Attachments 3 and 4, respectively. It is recommended that request letters be signed by the mission officer responsible for PHN activities); and

3. provide guidance, as necessary, to prime awardees to facilitate their collection of certification forms from their covered subawardees.

G/PHN has engaged the services of John Snow, Inc. (JSI) to help track and maintain copies of certification forms. In accordance with the attached sample request letters, centrally-managed U.S. primes will be required to collect and maintain original certification forms from their covered subawardees and fax one copy of each form received directly to JSI, by March 24, 2000. Mission-managed primes, both U.S. and non-U.S., will be required to provide original forms to the mission officer responsible for PHN activities or his/her designee. Mission staff must then retain original certification forms on file and fax one copy of each form received to:

John Snow, Inc.
1616 North Fort Myer Drive, 11th Floor
Arlington, VA 22209
Attention: (name to be determined)
Tel: 703-528-7474
Fax: 703-528-7480

Mission staff are asked to fax copies of the forms to JSI no later than March 24, 2000. To assist with tracking and avoid requiring organizations to complete multiple forms, JSI will compile names of organizations that certify and make this list available to missions and prime awardees for reference. JSI will forward copies of forms for organizations that decline to certify immediately to G/PHN.

To allow USAID to allocate funds within the \$15 million cap, prime awardees are also required to provide to their USAID PHN CTOs anticipated FY 2000 funding levels for non-certifying subawardees. CTOs for centrally-managed prime awardees are asked to provide this information, as well as proposed FY 2000 funding levels for any covered prime organization that does not certify, to USAID/G/PHN/POP, by March 31, 2000. CTOs for mission-managed prime awardees should provide the funding information for non-certifying prime or subawardees to the mission officer responsible for PHN activities, for forwarding by the mission to USAID/G/PHN/POP by March 31, 2000. Once USAID/G/PHN/POP has collected certification forms and analyzed funding requirements for non-certifying covered organizations, it will inform operating units of their authorized funding levels of FY 2000 population funds for non-certifying organizations. Timely receipt of forms and related financial information is essential to avoid delays in implementing the FY 2000 population program.

PHN officers should impress upon partner organizations the importance of collecting certifications in a timely manner from every covered organization that can provide one. If the worldwide demand for unrestricted funds exceeds \$15 million, some or all individual awards will have to be reduced. Organizations that do certify can receive FY 2000 funds as planned.

In some instances, due to pipelines and other factors, organizations receiving FY 1998 or FY 1999 funds are not scheduled to receive any FY 2000 funds prior to September 2001. In making funding decisions for organizations that do not certify, however, USAID operating units and prime awardees should proceed accordingly to current schedules and not circumvent the certification procedure through use of prior year funds. PHN officers should reiterate this point with their intermediaries.

Please note that a Contract Information Bulletin is also being issued to inform contract officers of a new clause/provision to be added to all agreements and subagreements describing awardees' obligations with respect to the certification procedures and remedies for non-compliance.

Questions and Additional Guidance: The guidance in Attachment 2 is intended to address questions about the certification procedure and the certification requirements themselves. This guidance cannot anticipate every question or specific factual situation that will arise in the field. Field PHN staff are encouraged to work closely with their Regional Legal Advisors to resolve specific issues and to seek further guidance from G/PHN or GC, when necessary. If similar questions are received from several Missions or partner organizations, USAID/W will consider preparing additional guidance on "frequently asked questions".

Attachments:

1. FY 2000 Population Assistance Certification Form
2. Guidance for FY 2000 Population Assistance Certification
3. Request Letter for Non-U.S. Prime Awardee
4. Request Letter for U.S. Prime Awardee

OMB Control No. #####

Name of USAID Mission or prime contractor/grantee/recipient:

Name of contact person at USAID Mission or prime contractor/grantee/recipient:

Tel: _____ Fax: _____ E-mail: _____

FY 2000 USAID Population Assistance Certification Form

Please review Option Nos. 1 and 2 below and sign in the applicable signature block:

Option No. 1: I, the undersigned, as a duly authorized representative of _____ (name of covered organization expected to receive FY 2000 population funds appropriated by Public Law 106-113), have reviewed USAID's Guidance for FY 2000 Population Assistance Certification, dated January 2000, and do hereby certify that my organization will not, either with USAID or non-USAID funds:

- 1) perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest;
- 2) violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited; or
- 3) engage in activities or efforts to alter the laws or governmental policies of any foreign country concerning circumstances under which abortion is permitted, regulated, or prohibited;

from the date my organization signs an agreement to receive funding derived from USAID's FY 2000 population assistance account through September 30, 2001.

This certification does not restrict the organization's treatment of injuries or illnesses caused by legal or illegal abortion or activities which are in opposition to coercive abortion or involuntary sterilization.

This certification constitutes a material representation of fact upon which reliance is placed by USAID or its intermediary contractors, grantees, and recipients when entering into financing transactions.

Signature Block 1: _____

Name

Title

Date

Option No. 2: My organization _____ (name of organization) is not prepared at this time to certify to the conditions outlined in Option No. 1 above.

Signature Block 2: _____

Name

Title

Date

Burden statement: Public reporting burden for this collection of information is expected to vary by respondent. However, most respondents are expected to require approximately 4 person hours, on average, to review the guidance and complete and submit the required form. The Agency may not conduct or sponsor, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Population, Center for Population, Health and Nutrition, U.S. Agency for International Development, 1300 Pennsylvania Avenue, Washington, D.C. 20523-3600.

\\599D certform.doc

Guidance for FY 2000 Population Assistance Certification

Section 599D of the Foreign Operations, Export Financing, and Related Programs Act, 2000 (Public Law 106-113), requires that certain “covered” organizations certify they will not engage in specified abortion-related activities, with either USAID or non-USAID funds, during a specified period, in order to be eligible to receive USAID FY 2000 population funds appropriated by PL 106-113 (hereafter “FY 2000 Population Funds”). Although President Clinton has exercised statutory authority to waive this requirement, under the law, USAID may provide only a limited amount of funding—a total of \$15 million for population activities worldwide—to covered organizations that do not certify.

To implement the referenced law, USAID is asking all covered organizations to complete an FY 2000 Population Assistance Certification Form for purposes of receiving FY 2000 Population Funds. The form provides options for organizations to certify (Option No. 1) or decline to certify (Option No. 2). With information provided by the forms, USAID will determine which organizations may be funded outside the \$15 million cap and which organizations must be funded within the \$15 million cap and at what levels. The present guidance is provided to assist intermediary organizations to implement the certification procedure with subawardees and assist covered organizations to complete the Certification Form.

1. Which organizations are “covered” by the certification procedure and will be asked to complete the Certification Form?

- ◆ Private, non-governmental entities, whether non-profit or profit-making, which are organized under the laws of a country other than the United States, and
- ◆ Multilateral (including global or regional) organizations which consist of member states,

that are scheduled to receive FY 2000 Population Funds, either directly from USAID through a contract, grant or cooperative agreement, or as subcontractors or subgrantees (hereafter “subawardees”).

2. Which organizations are not “covered” by the certification procedure and will not be asked to complete the Certification Form?

Organizations not covered by the certification procedure include: U.S. government and U.S. private, non-governmental organizations; foreign governments; organizations that receive only in-kind assistance (for example, in the form of technical assistance or commodities); and commercial firms that are not engaged in family planning activities (for example, firms which supply goods and services of an administrative nature, such as suppliers of computer equipment, office supplies, maintenance or printing services.)

Organizations that will not receive FY 2000 Population Funds are also excluded from the certification procedure.

3. Who collects the certifications for subawardees?

While USAID will collect certification forms from all covered prime contractors, grantees and recipients, USAID requires prime awardees that expect to receive FY 2000 Population Funds, whether covered or not, to identify their covered subawardees at all levels or "tiers" below the prime agreement and collect certification forms from those covered organizations.

4. What if a covered organization does not certify?

Covered organizations that decline to certify will be considered for financing with FY 2000 Population Funds. However, funding for organizations that do not certify is capped in the aggregate at a total \$15 million worldwide. If the demand for funds by organizations that do not certify exceeds the \$15 million available, USAID will be required to reduce funds for some or all of these organizations. Organizations that do not certify should be aware of the risk that their FY 2000 funding could be reduced.

5. What if one or more subawardees of my organization do not certify?

Funds which are passed on to a subawardee that does not certify must count against the \$15 million cap. Accordingly, funding levels for all such subawardees must be expressly approved by USAID/Washington. Funds provided to a U.S. prime or certifying non-U.S. prime for its own use or use by certifying non-U.S. subawardees will not count against the cap.

6. If my organization certifies, for what time period are abortion-related activities restricted?

A certifying organization is restricted from engaging in abortion-related activities specified in the certification form from the date the certifying organization signs an agreement under which it will receive FY 2000 Population Funds through the last date on which such funds are available for obligation by USAID, that is, September 30, 2001. The date is September 30, 2001, because FY 2000 funds are available for obligation over a two-year period.

7. What is the meaning of the certification provision stating the organization "will not perform abortions..."?

The certifying organization certifies that it will not perform abortions in any foreign country (that is, outside the U.S.), except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest. The certification does not restrict organizations from treating injuries or illnesses caused

by legal or illegal abortions ("post-abortion care"). Information or counseling about all pregnancy options consistent with local law, including referrals to other health care providers, is also permissible.

8. What does it mean to "not violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated or prohibited"?

The certifying organization certifies that it will comply with the laws of the foreign countries in which it operates, with respect to the circumstances under which abortion is permitted, regulated or prohibited. (This certification requirement is in addition to the limitation on performing abortions as described in item 7 above, a limitation which in some countries is more restrictive than local law.) Organizations should seek the advice of local counsel with respect to the application of local laws to their activities.

9. What does it mean to "engage in activities or efforts to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited"?

The statutory language quoted here refers to activities or efforts by the organization which are intended to alter the laws or policies of foreign governments (or governmental agencies) with respect to the circumstances under which abortion is permitted, regulated, or prohibited. With the exception of item (a) below, this language includes an organization's intentional efforts or activities to alter abortion laws or policies, whether the objective is more restrictive or less restrictive laws or policies. It does not include activities or efforts which are not intended to alter abortion laws or policies, but which may have that effect.

The quoted language covers the following types of activities and efforts undertaken by an organization:

- Oral or written communications directed to a country's legislators and government officials, which support proposals or recommendations to alter laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited;
- Public outreach activities or efforts (for example, as reflected in newsletters, editorials or other mass media communications) intended to alter such laws or governmental policies; or
- Organizing meetings, mass demonstrations (e.g., rallies or marches), or media events intended to alter such laws or governmental policies.

The quoted language excludes certain types of activities or efforts as follows:

a. Statutory language expressly excludes activities and efforts undertaken in opposition to coercive abortion or involuntary sterilization.

b. Also excluded are activities and efforts which lack an element of advocacy and are thus not intended to alter laws or policies, *such as*:

i) Research and dissemination of information on the incidence, causes, or consequences of abortion or the status of existing abortion laws or policies;

ii) Interactions with legislators or government officials in which the organization is giving or obtaining factual information, provided that such interactions are not part of activities or efforts intended to alter abortion laws or policies; and

iii) A multilateral organization's response to a request from a member state for assistance relative to its abortion laws or policies.

c. Certain activities are excluded because, although they may involve advocacy, they do not involve altering laws or policies, for example, engaging in efforts to maintain existing laws or policies or to ensure implementation of existing laws or policies.

d. Certain activities are excluded because they do not involve altering laws or policies concerning the circumstances under which abortion is permitted, regulated or prohibited, such as:

i) activities or efforts intended to alter legal penalties applied to women who obtain abortions (e.g., "decriminalization"); and

ii) activities and efforts related to laws or policies specifically addressing treatment of injuries or illnesses caused by legal or illegal abortions (e.g., "post-abortion care").

e. Some activities are excluded because they do not involve actions by an organization, that is, statements or actions by an individual employee or officer of an organization which are undertaken in a personal capacity and not on behalf of or under the auspices of the organization. An individual, or his or her organization, must take reasonable steps to convey that the statements or actions are undertaken in a personal capacity.

f. Finally, based on the language "engage in activities and efforts," an individual activity or effort of a *de minimis* (that is, minimal or negligible) or incidental nature, and which does not reflect an intention by the organization to alter laws and policies, would be excluded. Examples of such an activity or effort would include:

i) An incidental statement in a publication, meeting, workshop or communication to the mass media that is not part of activities or efforts by the organization intended to alter the abortion laws or policies of foreign countries;

- ii) Attendance by an organization's representatives at a meeting where altering abortion laws and policies may be discussed, provided the organization is not engaged in activities or efforts intended to alter abortion laws or policies of foreign countries;
- iii) Sponsorship of a meeting where altering abortion laws or policies may be discussed, provided that such discussions are *de minimus* and are not part of activities or efforts by the organization intended to alter the abortion laws or policies of foreign countries; or
- iv) The organization's membership in a network of organizations, provided such membership does not involve active participation by the organization in activities or efforts of the network to alter the abortion laws or government policies of foreign countries.

10. What if my organization certifies, but does not comply with the terms of the certification?

Option No. 1 on the Certification Form states that the certification is a material fact upon which USAID and its intermediary organizations rely in providing FY 2000 Population Funds. This means that USAID, and the intermediaries, rely on the truth and accuracy of the certification statement, as an essential or "material" piece of information, in the decision to provide funds outside the limited \$15 million cap. USAID will require that all agreements, subagreements and related amendments which provide FY 2000 Population Funds include a clause describing the certification procedure and providing standard remedies available when a certifying organization fails to comply with the terms of a certification. This is consistent with the way USAID and other federal agencies ensure compliance by contractors, grantees, recipients and subawardees with other certification requirements and is necessary to ensure that the statutory \$15 million funding cap is observed.

**Request Letter for Non-U.S. Prime Awardee
for FY 2000 Population Assistance Certifications**

Dear (Name of Grantee/CA or Contract Representative):

A new law appropriating FY 2000 USAID population funds* requires certain “covered” organizations (that is, non-U.S., non-governmental organizations (NGOs), private firms, and multilateral organizations) to certify that they will not engage in specific abortion-related activities during the period funds are available for obligation. The requirement applies to covered organizations receiving FY 2000 population funds either directly from USAID or as subcontractors or subgrantees, and to activities funded with either USAID or non-USAID funds. Although President Clinton has exercised statutory authority to waive this requirement, under the law, USAID may provide only a limited amount of funding—a total of \$15 million for population activities worldwide—to covered organizations that do not certify.

To implement the law, USAID is asking all covered organizations to complete an FY 2000 Population Assistance Certification Form, which gives covered organizations the option to certify or not certify. USAID will use information provided by the forms to determine which organizations may be funded outside the \$15 million cap and which organizations must be funded within the \$15 million cap and at what levels.

USAID is considering your organization for direct funding with FY 2000 population and has identified your organization as one covered by the certification procedure. In addition, we anticipate that your organization may provide such funds to other covered organizations through subagreements. We therefore request your assistance on three actions below:

- 1) We ask that you review the enclosed Certification Form and related Certification Guidance with respect to the activities of your own organization. The form provides options for organizations to certify (Option No. 1) or to decline to certify (Option No. 2). After selecting one of the options and obtaining the signature of an authorized representative, please return the form to me (or other designated USAID mission contact) as soon as possible, but no later than March 17, 2000.

2) USAID must also ask your organization to identify covered subcontractor and subgrantee organizations (subawardees) that you expect to finance with FY 2000 population funds under your planned agreement with USAID. Such subawardees should be asked to complete the Certification Form, based on information contained in the Certification Guidance. Please forward the completed forms to me (or other designated USAID mission contact) as soon as possible, but no later than March 17, 2000. All forms should include at the top the appropriate contact names for your organization as the prime contractor/grantee.

3) For all covered subawardees that do not certify, provide the estimated level of USAID FY 2000 population funds that your organization expects to provide. If you are uncertain, indicate the likely minimum and maximum amounts. This information should be sent to your CTO and provided to me (or other designated USAID mission officer) by March 24, 2000, for forwarding to USAID/Washington. Organizations that do not certify are only eligible for funding with prior approval from USAID/W.

Please remember that receiving the certification forms and related financial information on time is essential to USAID's decision-making regarding allocation of the \$15 million. Although the time required for covered organizations to review the guidance and complete the form will vary, it is expected that most will require approximately four person-hours. The collection of forms from subawardees should take approximately 20 hours on average.

Also, remember that funding for organizations that do not certify is very limited. If the demand for funds by organizations that do not certify exceeds the \$15 million available, USAID will be required to reduce funding for some or all of these organizations. Organizations that do not certify should be made aware of the risk that their FY 2000 funding could be reduced. Organizations that do certify may receive FY 2000 funds as planned.

Implementation of the new FY 2000 requirements will be monitored closely by USAID/Washington and Congress. You must pay careful attention to how you commit your USAID population funds and track funding for your subgrantees and subcontractors. Accurate accounting will be necessary to ensure that commitments of FY 2000 population funds can be identified and distinguished from prior year funds as well as from funds received from other USAID accounts or from non-USAID sources.

Please note that a new clause/provision will be added to all agreements and subagreements describing awardees' obligations with respect to the certification procedures for FY 2000 population funds and remedies for non-compliance.

The text of this letter and enclosures may also be found on (websites -- USAID and/or John Snow Int'l.)

We very much appreciate your cooperation in helping us to comply with these new requirements. If you have questions concerning the letter or the enclosures, please contact: (the mission officer signing the letter, or other designated contact).

Sincerely,

(name of mission officer responsible for
PHN activities)

Enc:

Guidance for FY 2000 Population Assistance Certification
FY 2000 Population Assistance Certification Form

*Section 599D of the Foreign Operations, Export Financing, and Related Programs Act,
2000, P.L. 106-113

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**Request Letter for U.S. Prime Awardee
(with non-U.S. Covered Subawardees)
for FY 2000 Population Assistance Certification**

Dear (Name of Grantee/CA or Contract Representative):

A new law appropriating FY 2000 USAID population funds* requires certain “covered” organizations (that is, non-U.S., non-governmental organizations (NGOs), private firms, and multilateral organizations) to certify that they will not engage in specific abortion-related activities during the period funds are available for obligation. The requirement applies to covered organizations receiving FY 2000 population funds either directly from USAID or as subcontractors or subgrantees, and to activities funded with either USAID or non-USAID funds. Although President Clinton has exercised statutory authority to waive this requirement, under the law, USAID may provide only a limited amount of funding—a total of \$15 million for population activities worldwide—to covered organizations that do not certify.

To implement the law, USAID is asking all covered organizations to complete an FY 2000 Population Assistance Certification Form, which gives covered organizations the option to certify or not certify. USAID will use information provided by the forms to determine which organizations may be funded outside the \$15 million cap and which organizations must be funded within the \$15 million cap and at what levels.

USAID is considering your organization for direct funding with FY 2000 population funds. As a U.S. entity, your organization is not covered by the certification procedure. However, we anticipate that your organization would provide FY 2000 population funds to covered non-U.S. organizations through subagreements under your planned agreement with USAID. To implement the certification procedure for covered organizations receiving FY 2000 USAID population funds as subawardees, we request your assistance on three actions below:

- 1) Please review the enclosed Certification Guidance and identify covered subawardee organizations that you expect to finance with FY 2000 population funds under your planned agreement with USAID.
- 2) Ask all covered subawardee organizations to review the enclosed Certification Guidance, complete the Certification Form, and provide it to you. We ask that you collect the requested certification forms as soon as possible. Note that all forms should include the appropriate contact names for your agency as the prime contractor/grantee. [For centrally-managed U.S. primes: Please retain original signed forms in your files and fax

copies of all forms received to the following address, no later than March 24, 2000:

John Snow, Inc.
1616 North Fort Myer Drive, 11th Floor
Arlington, VA 22209
Attention: (name to be determined)
Tel: 703-528-7474
Fax: 703-528-74802)]

OR

[For mission-managed primes: Please forward the completed forms to me (or other designated USAID mission contact) as soon as possible, but no later than March 17, 2000.]

3) For all covered subawardees that do not certify, provide the estimated level of USAID FY 2000 population funding that your organization expects to provide. If you are uncertain, indicate the likely minimum and maximum amounts for FY 2000. [For centrally-managed U.S. primes: This information should be sent to your CTO by March 24, 2000, who will provide it to G/PHN/POP.] **OR** [For mission-managed U.S. primes: This information should be sent to your CTO and provided to me (or other designated USAID mission contact) by March 24, 2000, for forwarding to USAID/Washington.] Organizations which do not certify are only eligible for funding with prior approval from USAID/W.

Please remember that receiving the certification forms and financial information on time is essential to our decision-making regarding allocation of the \$15 million. Also remember that funding for organizations that do not certify is very limited. If the demand for funds by organizations that do not certify exceeds the \$15 million available, USAID will be required to reduce funding for some or all of these organizations. Organizations that do not certify should be made aware of the risk that their FY 2000 funding could be reduced. Organizations that do certify may receive FY 2000 funds as planned.

Although time required to collect certification forms will vary, most intermediaries are expected to require less than 20 person-hours of time to complete the collection process. John Snow, Inc. (JSI) will retain faxed copies of certification forms for your subawardees. To avoid requiring subawardees to sign multiple forms, JSI will also maintain a list of all certifying organizations for your future reference. Forms for non-certifying organizations will be forwarded immediately by JSI to USAID.

Implementation of the new FY 2000 requirements will be monitored closely by USAID/Washington and Congress. You must pay careful attention to how you commit your USAID population funds and track funding for your subgrantees and subcontractors. Organizations which do not certify are only eligible for funding with prior approval from

USAID/W. Accurate accounting will be necessary to ensure that commitments of FY 2000 population funds can be identified and distinguished from prior year funds as well as from funds received from other USAID accounts or from non-USAID sources.

In some instances, due to pipelines and other factors, organizations receiving FY 1998 or FY 1999 funds are not scheduled to receive any FY 2000 funds prior to September 2001. In making funding decisions for organizations that do not certify, however, USAID operating units and intermediary funding agencies should proceed according to current schedules and not circumvent the certification procedure through use of prior year funds.

Please note that a new clause/provision will be added to all agreements and subagreements describing awardees' obligations with respect to the certification procedures for FY 2000 population funds and remedies for non-compliance.

The text of this letter and enclosures may also be found on (website -- USAID and/or John Snow International).

We very much appreciate your cooperation in helping us to comply with these new requirements. If you have questions concerning the letter or the enclosures, please contact : (names to be determined)

Sincerely,

(name to be determined, a USAID/W official; or, in the case of Mission-funded U.S.-based primes, the mission officer responsible for PHN activities)

Enc:

Guidance for FY 2000 Population Assistance Certification
FY 2000 Population Assistance Certification Form

*Section 599D of the Foreign Operations, Export Financing, and Related Programs Act, 2000, P.L. 106-113

\\599DLETTER2.DOC

MEMORANDUM FOR CONTRACTING OFFICERS AND NEGOTIATORS

FROM: M/OP, Rodney W. Johnson, Director

TO: Distribution List FAC

CONTRACT INFORMATION BULLETIN 00-

SUBJECT: Implementation of FY 2000 Population Certification Requirements

Section 599D of the Foreign Operations, Export Financing and Related Appropriations Act, 2000 (Public Law 106-113), prohibits USAID from providing FY 2000 population account funds appropriated under the statute (hereafter FY 2000 Population Funds) to non-U.S., non-governmental organizations, whether non-profit or profit-making, and multilateral organizations (hereafter "covered" organizations), unless they certify that they will not engage in certain abortion-related activities during the period the funds are available for obligation. The requirement applies to covered organizations receiving FY 2000 Population Funds either directly from USAID or as subcontractors or subgrantees, and to activities funded with either USAID or non-USAID funds. Although the President has exercised statutory authority to waive this requirement, the authority was limited to a total of only \$15 million for population activities worldwide. Thus, when certifications cannot be obtained, USAID may provide funding to non-certifying, covered organizations only within the limited \$15 million cap.

To implement the law, USAID is requiring all covered prime awardees to complete an FY 2000 Population Assistance Certification Form, prior to receiving FY 2000 Population Funds, which indicates whether the prime certifies or declines to certify. In addition, USAID will require all prime awardees receiving FY 2000 Population Funds, whether they are covered or not, to collect certification forms from their covered subawardees at all levels below the prime award. USAID/G/PHN must specifically approve the funding levels of FY 2000 Population Funds for all non-certifying organizations. PHN staff in Washington and the field will be responsible for collecting certification forms for prime awardees, providing guidance to primes on collecting certification forms from their subawardees, and obtaining approvals for non-certifying organizations from USAID/G/PHN.

Prior to making any award to a covered organization funded with FY 2000 Population Funds, COs and Grant/Agreement Officers must obtain written confirmation from the requesting office that a certification is on file or that, in the case of an organization that declines to certify, USAID/G/PHN has approved funding for the awardee under the \$15

million cap. In addition, Contract/Agreement Officers must include the appropriate clause/provision (attached) in all prime awards committing FY 2000 Population Funds. The clause for use in contracts is Attachment 1. The provision for grants and cooperative agreements is Attachment 2. The Certification Form and Certification Guidance (Attachments 3 and 4) must also be attached to the award document.

Attachment 1

Contract Clause to be included in Part H when FY 2000 population funding may be provided in the contract.

POPULATION ASSISTANCE - FY 2000 Certification (JAN 2000)

(a) Requirement for Certain Organizations to Complete Certification Form. Pursuant to Section 599D of the Foreign Operations, Export Financing, and Related Programs Act, 2000 (P.L.106-113), non-U.S., non-governmental organizations, both non-profit and profit-making, and multilateral organizations (covered organizations) must complete a FY 2000 Population Assistance Certification Form, prior to receiving any FY 2000 population funds either directly or through subawards. The related Certification Guidance dated January xx, 2000, incorporated herein by reference, explains which organizations are covered. A copy of the guidance is attached or can be obtained from the Contracting Officer.

(b) (1) Prior to the award of any sub-contract or grant to a covered organization that might include FY 2000 population funds, the Contractor must request the potential subawardee to complete the FY 2000 Population Assistance Certification Form. The form provides options for covered organizations either to certify (Option No. 1) or decline to certify (Option No. 2). A copy of the form is attached or can be obtained from the Contracting Officer.

(2) If the subawardee returns the form and has certified under Option No. 1, the contractor must forward a copy to the Cognizant Technical Officer and may then make the subaward. If the subawardee returns the form and has completed Option No. 2, the contractor must forward a copy to the Cognizant Technical Officer and may not make the subaward until it receives from the Director of USAID's Office of Population, Global Bureau, or his/her designee, written approval of the organization and the amount to be provided.

(3) The contractor must keep a copy of the completed FY 2000 Population Assistance Certification Form and any USAID approval in its contract files.

(4) USAID may require a refund of any amounts of FY 2000 population funds that the contractor awards without following the requirements in paragraph (b)(2).

(c) Remedies for Non-compliance: USAID has approved commitment of FY 2000 population funds under this contract in reliance on certification(s) obtained from covered organizations or USAID's express approval of the maximum amount to be provided in the case of an organization which declines to certify. If a certifying organization materially fails to comply with the terms and conditions of the certification it has provided, USAID or the contractor may impose standard remedies available in the event of material non-compliance with a required certification, as well as other remedies which may be applicable under the agreement.

(d) This clause must be included in all subawards that allow for providing FY 2000

population funds to covered organizations.

Attachment 2

Provision for Grants and Cooperative Agreements to be included in the agreement when FY 2000 population funds may be provided.

POPULATION ASSISTANCE - FY 2000 Certification (JAN 2000)

(a) Requirement for Certain Organizations to Complete Certification Form. Pursuant to Section 599D of the Foreign Operations, Export Financing, and Related Programs Act, 2000 (P.L.106-113), non-U.S., non-governmental organizations, both non-profit and profit-making, and multilateral organizations (covered organizations) must complete a FY 2000 Population Assistance Certification Form, prior to receiving any FY 2000 population funds either directly or through subawards. The related Certification Guidance dated January xx, 2000, incorporated herein by reference, explains which organizations are covered. A copy of the guidance is attached or can be obtained from the Agreement Officer.

(b) (1) Prior to the award of any sub-contract, grant, or cooperative agreement to a covered organization that might include FY 2000 population funds, the Recipient must request the potential subawardee to complete the FY 2000 Population Assistance Certification Form. The form provides options for covered organizations either to certify (Option No. 1) or decline to certify (Option No. 2). A copy of the form is attached or can be obtained from the Agreement Officer.

(2) If the subawardee returns the form and has certified under Option No. 1, the recipient must forward a copy to the Cognizant Technical Officer and may then make the subaward. If the subawardee returns the form and has completed Option No. 2, the recipient must forward a copy to the Cognizant Technical Officer and may not make the subaward until it receives from the Director of USAID's Office of Population, Global Bureau, or his/her designee, written approval of the organization and the amount to be provided.

(3) The contractor must keep a copy of the completed FY 2000 Population Assistance Certification Form and any USAID approval in its contract files.

(4) USAID may require a refund of any amounts of FY 2000 population funds that the recipient awards without following the requirements in paragraph (b)(2).

(c) Remedies for Non-compliance: USAID has approved commitment of FY 2000 population funds under this Agreement in reliance on certification(s) obtained from covered organizations or USAID's express approval of the maximum amount to be provided in the case of an organization which declines to certify. If a certifying organization materially fails to comply with the terms and conditions of the certification it has provided, USAID or the recipient may impose standard remedies available in the event of material non-compliance with a required certification, as well as other remedies which may be applicable under the agreement.

(d) This provision must be included in all subawards that allow for providing FY 2000

population funds to covered organizations.

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Draft 01/07/00 9:45 am
Heather Hurlburt

**PRESIDENT WILLIAM J. CLINTON
RADIO ADDRESS
THE WHITE HOUSE
WASHINGTON, DC
January 7, 2000**

Good morning. January is the time of year when many of us make New Year's Resolutions – and work hard to keep them. Today I want to talk about the steps we are taking to keep a resolution of mine -- making sure women and men get the health care they need to have strong children and healthy families.

First, my Administration has worked hard to make sure all women have access to prenatal care. We know that when women get medical attention before a baby is born, that child is much more likely to be born healthy. And good health is the most precious gift we can offer a child – or a family.

Second, we worked with Congress to make sure that every woman covered by federal government health insurance has reproductive health care coverage – including prescription contraceptives. That was a significant step for more than a million American women – and it set the standard for insurance coverage around the country.

Third, when I took office, we faced an epidemic of teen pregnancy – children having children. Over the last seven years, we have reached out to community groups, schools and health care professionals – and together, we have cut teen pregnancy by 15 percent.

Fourth, we have made a broad range of family planning and sex education programs more widely available for all Americans. And by making sure women have family planning choices, we are helping make abortion more rare.

I am proud that support for family planning services has risen every year of my Administration. My budget for 2001 will include \$274 million in grants for family planning and reproductive health care, funding clinics and community-based initiatives that serve more than 5 million women and families. That is an increase of \$35 million, which will prevent as many as a million unwanted pregnancies, and save thousands of lives.

It will help make contraceptives available, and keep them affordable. It will fund counseling for teenagers, and support educational programs that encourage young people to postpone sexual activity. It will help more than 4,600 clinics screen for cancer, AIDS and other diseases. And it will fund partnerships with community organizations and health care professionals who are reaching out to teenagers and others at risk.

These services make a critical difference in people's lives. They help working women who otherwise could not afford medical tests that may save their lives. They help AIDS patients who desperately need counseling and support. They provide support and information to young people who may not know the basics of caring for a newborn child. They give women access to the full range of reproductive health care – before and during pregnancy. It is in the interest of every American that no one miss out on this kind of care – and that no child miss the chance for a healthy start.

America has long been a leader in providing health and family planning assistance for women and families in developing countries. We do this because it is right, and because it will help build the kind of world we want for our own children.

In the developing world, the complications of pregnancy kill more than one woman every minute -- because so many lack the most basic health care. Around the world, 150 million women would like to choose the timing of their pregnancies, but have no access to family planning of any kind.

These are personal tragedies – and they have profound consequences for families and communities. Where children are born healthy, and mothers and families gain power over their lives, communities are stronger. Economic progress is faster. And the future is brighter for everyone.

My budget for 2001 will increase funding for international family planning by almost \$170 million. I am asking Congress to support these funds – and provide them without restrictions that get in the way of providing health care, and even prevent our foreign partners from lobbying their own governments about family planning.

We all agree that we want to save lives, help women and children stay healthy, and empower families to take responsibility for their own choices. Supporting reproductive health and family planning is one of the best ways to do that. We know that it works. At home and abroad, we don't have a woman's life – or a child's healthy start – to waste. Thanks for listening.



Planned Parenthood®
Federation of America, Inc.

DEC 6 1999

*Not logged -
out of tickler*

November 17, 1999

President William J. Clinton
The White House
1600 Pennsylvania Ave.
Washington, D.C. 20510

12/6/99
Send to Burkhardt for re

Yes ☒

No ☐

*To RMA for funding language
on 1/11/00*

Dear President Clinton:

For the past three years, we have been forced by Rep. Chris Smith and family planning opponents to sit under a sword of Damocles that threatened to cut off life-saving family planning services to hundreds of women overseas. Now it has fallen and we are faced with the precedent of women's lives as a political bargaining chip, the principle of denying free speech, and the prospect of a year where 500 women and 8,783 infants will die due to the deal to pay our UN arrears. I am writing to both express our deep disappointment at this decision, and to request actions to repair the legacy of your presidency as one supportive of women in the United States and around the world.

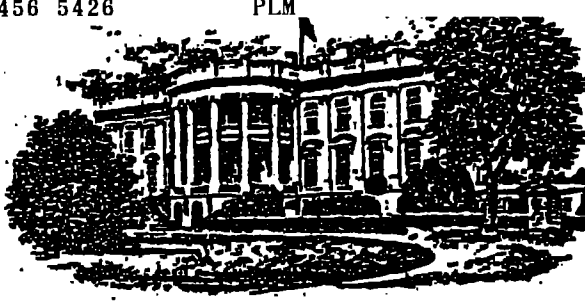
When you became President, you acted swiftly to remove two "gag rules" on family planning: one in the United States on Title X, and the Reagan/Bush era "Mexico City" policy. In the following years, you worked to protect Title X programs and to ensure that the "global gag rule," a more onerous version of the "Mexico City" policy, did not become law. We applauded your courage and conviction when you vetoed the FY 1999 State Department Authorization bill because it included the global gag rule. Now, both the domestic and international gag rules you opposed at the onset of your presidency are on the books. It would be a very positive step for you to ensure that you do not leave office with these gag rules in place. Removal of the Title X gag rule would take a simple revision of the HHS regulations; future iterations of the "global gag rule" must not be allowed at any price.

The line lost in this recent debate, and that we must reclaim, is that family planning is the most effective way to prevent abortion. Basic funding for both domestic and international family planning programs has been severely undermined by attacks on family planning thinly-veiled as opposition to abortion. As president, we urge you to re-focus the debate on access to family planning as the only way to prevent unintended pregnancies and reduce the need for abortion. Backed by public statements, significant increases in FY 2001 funding requests for both Title X and international family planning funding will send a clear, strong message to the American public and Congress that family planning as a component of reproductive choice is a high priority for the administration and the moral choice for our country.

Planned Parenthood has spent the last 83 years defending a woman's right to choose her own destiny when it comes to reproduction and childbearing. I urge you to re-commit yourself to this goal for the sake of women everywhere.

Sincerely,

Gloria Feldt
President



THE WHITE HOUSE

WASHINGTON

FACSIMILE / MEMO FROM: John Corcoran
OFFICE OF PRESIDENTIAL LETTERS AND MESSAGES
OLD EXECUTIVE OFFICE BUILDING, ROOM 93

VOICE: (202) 456-5515

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NUMBER OF PAGES (INCLUDING COVER): 2DATE: 1/5/00To: Shelley Peterson

VOICE: _____

FAX: 67624

FOR YOUR ACTION

INCOMING LETTER(S) FROM: Gloria FeldtRE: Int'l Family Planning

FOR YOUR REVIEW / APPROVAL



PER MY E-MAIL OR VOICE-MAIL MESSAGE TO YOU



PER YOUR REQUEST

ADDITIONAL COMMENTS:

ThanksJHC