Ann O'Leary's Files
Office of Policy Development, Domestic Policy Council, First Lady's issues

BOX 1 of 23

Abortion
Congressional votes on reproductive choice 1995
Clinton administration record on abortion
Contraceptive coverage
Clinic violence
International family planning
Abortion safety
Abortion budget reconciliation
Partial abortion
Title X
Fetal protection legislation
Accomplishments
ADA event 11-26-00
ADA
ADA speech
Adoption and foster care
Adoption
Child welfare
Intercountry adoption
Foster care bill
Child custody act
ASFA
ASFA implementation
ASFA signing
Bill signing foster care 1999
Adoption 2002
Orphan dinner
Afterschool
Afterschool 01 SOTU
America's Promise

ENCLOSURES FILED OVERSIZE ATTACHMENTS 19575

NARA # 16779

THE WHITE HOUSE

WASHINGTON

June 7, 2000

MEMORANDUM FOR HILLARY RODHAM CLINTON

FROM: **HEATHER HOWARD**

CC: **MELANNE VERVEER**
SHIRLEY SAGAWA
ANN O'LEARY

SUBJECT: **RU-486**

As you know from news reports, pro-choice groups (Planned Parenthood, NARAL, National Abortion Federation and the Feminist Majority Foundation) are concerned that the FDA is considering placing restrictions on access to RU-486 (Mifepristone). I wanted to provide you with some background and context:

- Mifepristone is used in the first seven weeks of pregnancy. It has been shown in studies to be effective in ending pregnancy, but a small percentage of women require additional medical treatment such as blood transfusions or surgical procedures. It has been used over 500,000 times in Europe over the past 12 years.

- In 1989, the Bush Administration banned the importation of Mifepristone. In 1993, President Clinton reversed the importation ban. In 1998 and 1999, the Administration successfully fought for removal of an appropriations provision that would have prohibited the FDA from testing, developing or approving Mifepristone. We may face a similar amendment as early as next week when the House considers the Agriculture appropriations bill.

- In 1996 and again in February 2000, the FDA issued an "approvable" letter for Mifepristone, indicating that final approval was contingent upon additional information about manufacturing practices and labeling.

- Danco Laboratories – the company licensed for U.S. manufacture and distribution – is negotiating the conditions for the drug's manufacture, labeling and distribution. They claim that the FDA is considering requiring restrictions that would seriously limit access, including:

    - Requiring a "black box" to highlight certain warnings. According to the groups, the only other non-scheduled drug with such a black box is thalidomide.
    - Requiring that it only be distributed by "qualified physicians" who are trained and certified to distribute it, and who are trained and authorized to perform surgical abortions. This would be problematic for two reasons: first, because it limits the number

of doctors who would be able to prescribe, since there are already far too few doctors performing surgical abortions; second, because it would require a registry to keep track of who is authorized to distribute the drug, which would discourage doctors who fear anti-choice violence.

- Requiring that Misoprostol, the second pill taken to induce contractions, be taken in a doctor's office, which would require women to make a second trip and would in particular limit the access of rural women.

We do not know whether the conditions being considered by the FDA are reasonable, but we do know that the process is ongoing. The FDA is in negotiations with Danco, and Danco will have an opportunity to respond to these proposals within the next few weeks, and will be able to make their arguments based on the science. It is very important that the FDA's scientific approval process be credible; we should not interfere and politicize the issue. For this reason, we have had no contact with the FDA. Today's press reports are unfortunate because they politicize an issue that should be about the science.

Our message should be:

- We do not want women to face unnecessary access barriers, but we do want appropriate safety precautions.
- The FDA is doing what it should be doing at this stage in the review process -- it is in negotiations with Danco about manufacturing and distribution issues. Danco will have an opportunity to be heard and present its arguments. The FDA's final decision must be based on the science.
- RU-486 is an important, non-surgical option for women early in their pregnancies and will not result in more abortions.

Fleigay rule

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

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

Ann - this goes with the gay rule memo/packet I gave you earlier this week - Heather

FAX TRANSMITTAL

TO:	Melanne Verveer/Ruby Shamir	6-6244
	Heather Howard	6-2878
	Martha Foley	6-2271
	Bill Marshall	6-6279
	Sarah Wilson	6-1647
	Lauren Supina/Angela Blake	6-7311
	Lisa Brown	6-
	Audrey Haynes/Melissa Preston	6-6298

PAGES: 2 (Including cover sheet)

FROM: **Amy Squires**
Special Assistant
Ph: 202/395-4852
Fax: 202/395-3047

MESSAGE:

Please replace the language you received yesterday with the attached. Heather Howard ably caught an inadvertent typo. (Thanks Heather!)

Suggested New Section 59.5(a)(5) 5-24-00

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

(A) Prenatal care and delivery;
(B) Infant care, foster care, or adoption; and
(C) Pregnancy termination.

If requested to provide such information and counseling, provide neutral, factual information and nondirective counseling, and appropriate referral on request, on each of the options, except for any options about which the pregnant woman declines information and counseling.

Ann - update on the
Gag Rule - now
OMB is recommending
going of nondirective
counseling + referrals -
not including the
post or encourage
language.

HH

Kill gag gag rule

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

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

May 22, 2000

MEMORANDUM FOR THE DEPUTY DIRECTOR

FROM: John T. Spotila

SUBJECT: Potential Revisions to the Gag Rule

After further review of the draft final rule, we have the following observations:

- The draft submission will need some minor rewriting to add the new Section 59.5(a)(5) to the rule and to incorporate minor related changes in the preamble. We are unclear as to how long HHS would need to make the changes.

- Since the rule primarily finalizes the 1993 interim final revocation of the Gag Rule, the new language must emphasize that it is designed to clarify the Department's policy in this area, not change it fundamentally. If for any reason the new language were challenged successfully as going beyond the proposal, the Department would want to be able to fall back on the basic revocation (which tracks the proposal and the interim final rule exactly).

- It would be difficult to define the phrase "not promote or encourage" narrowly or with absolute precision. Historically, the Department has defined it by referring to a guiding principle and then citing examples. The proposed guidance and preamble reflect this traditional approach (see the attached pages).

- The Department's policy on nondirective counseling is identical to the pre-1988 policy. In the guidance, HHS mandates that clinics provide, upon patient request, comprehensive and balanced counseling on all treatment options.

- The Department's policy on referrals is essentially identical to its pre-1988 approach with one clarification. In discussing referrals to abortion providers, the pre-1988 guidance drew a distinction between making a "mere referral" and taking "further affirmative action to secure the services". In the former case, the guidance equated a "mere referral" to giving a patient the name, address and/or telephone number of the provider. The new guidance preserves this conceptual distinction, but allows the clinic to give the patient additional information on provider policies (customary charges; whether Medicaid coverage is accepted; other restrictions).

- The new guidance matches the pre-1988 guidance in its discussion of restrictions on advocacy. It also matches the pre-1988 guidance in its discussion of physical and financial separation of services, with one minor exception. It eliminates a confusingly vague reference in the earlier guidance to allowing "impermissible" abortion-related materials in common waiting rooms.

New Section 59.5(a)(5)

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

(A) Prenatal care and delivery;
(B) Infant care, foster care, or adoption; and
(C) Pregnancy termination.

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

, and appropriate referral on request,

5/24 Per John Sparks

DRAFT GUIDANCE

Program Policies Regarding the Title X National Family Planning Program and the Section 1008 Abortion Prohibition

Section 1008 of the Title X statute, 42 U.S.C. 300a-6, states: "None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning." This prohibition applies not only to the performance of abortion by a Title X project, but also to the conduct of certain abortion-related activities by the project. However, the prohibition does not apply to all the activities of a Title X grantee, but only to those within the Title X project. This statement summarizes the Department policies and interpretations in existence prior to the imposition of the 1988 "Gag Rule" with regard to implementation of section 1008, as modified following the rulemaking of 1993.

1. General principles. In general, section 1008 prohibits Title X programs from engaging in activities which promote or encourage abortion as a method of family planning. However, section 1008 does not prohibit the funding under Title X of activities which have only a possibility of encouraging or promoting abortion; rather, a more direct nexus is required. The general test is whether the immediate effect of the activity in question is to promote or encourage the use of abortion as a method of family planning. If the immediate effect of the activity in question is essentially neutral, then it is not prohibited by the statute. Thus, a Title X project may not provide services that directly facilitate the use of abortion as a method of family planning, such as providing transportation for an abortion, explaining and obtaining signed abortion consent forms from clients interested in abortions, negotiating a reduction in fees for an abortion, and scheduling or arranging for the performance of an abortion, promoting or

advocating abortion within Title X program activities, or failing to preserve sufficient separation between Title X program activities and abortion-related activities.

2. Abortion counseling and referral. According to the 1981 Title X Guidelines:

> Pregnant women should be offered information and counseling regarding their pregnancies. Those requesting information on options for the management of an unintended pregnancy are to be given non-directive counseling on the following alternative courses of action, and referral upon request:
>
> - o Prenatal care and delivery
> - o Infant care, foster care, or adoption
> - o Pregnancy termination.

There are limitations on what abortion counseling and referral is permissible under the statute: (a) a Title X project may not provide pregnancy counseling which promotes abortion or encourages persons to obtain abortion, although the project may provide patients with complete factual information about all medical options and the accompanying risks and benefits; (b) a Title X project may provide a referral for abortion. A referral may include providing a patient with the name, address, telephone number, and other relevant factual information (such as whether the provider accepts Medicaid, charges, etc.) about an abortion provider. The project may not take further affirmative action (such as negotiating a fee reduction, making an appointment, providing transportation) to secure abortion services for the patient; and (c) where a referral to another provider who might perform an abortion is medically indicated because of the patient's condition or the condition of the fetus (such as where the woman's life would be endangered), such a referral by a Title X project is not prohibited by section 1008 and is required by 42 CFR 59.5(b)(1). The limitations on referrals do not apply in cases in which a referral is made for medical indications.

3. Advocacy activities. A Title X project may not promote or encourage the use of abortion as a method of family planning through advocacy activities such as providing speakers to debate in opposition to anti-abortion speakers, bringing legal action to liberalize statutes relating to abortion, or producing and/or showing films that encourage or promote a favorable attitude toward abortion as a method of family planning. Films that present only neutral, factual information about abortion are permissible. A Title X project may be a dues paying participant in a national abortion advocacy organization, so long as there are other legitimate program-related reasons for the affiliation (such as access to certain information or data useful to the Title X project). A Title X project may also discuss abortion as a backup method of family planning in a discussion of relative risks of various methods of contraception.

4. Separation. Non-Title X abortion activities must be separate and distinct from Title X project activities. Where a grantee conducts abortion activities that are not part of the Title X project and would not be permissible if they were, the grantee must ensure that the Title X-supported project is separate and distinguishable from those other activities. What must be looked at is whether the abortion element in a program of family planning services bulks so large and is so intimately related to all aspects of the program as to make it difficult or impossible to separate the eligible and non-eligible items of cost.

The Title X project is the set of activities the grantee agreed to perform in the relevant grant documents as a condition of receiving Title X funds. A grant applicant may include both project and nonproject activities in its grant application, and, so long as these are properly distinguished from each other and prohibited activities are not reflected in the amount of the total approved budget, no problem is created. Separation of Title X from abortion activities does not

require separate grantees or even a separate health facility, but separate bookkeeping entries alone will not satisfy the spirit of the law. Mere technical allocation of funds, attributing federal dollars to non-abortion activities, is not a legally supportable avoidance of section 1008.

Certain kinds of shared facilities are permissible, so long as it is possible to distinguish between the Title X supported activities and non-Title X abortion-related activities: (a) a common waiting room is permissible, as long as the costs are properly pro-rated; (b) common staff is permissible, so long as salaries are properly allocated and all abortion related activities of the staff members are performed in a program which is entirely separate from the Title X project; a hospital offering abortions for family planning purposes and also housing a Title X project is permissible, as long as the abortion activities are sufficiently separate from the Title X project; and (d) maintenance of a single file system for abortion and family planning patients is permissible, so long as costs are properly allocated.

Whether a violation of section 1008 has occurred is determined by whether the prohibited activity is part of the funded project, not by whether it has been paid for by federal or non-federal funds. A grantee may demonstrate that prohibited abortion-related activities are not part of the Title X project by various means, including counseling and service protocols, intake and referral procedures, material review procedures, and other administrative procedures.

Dated: Nov 22, 1999

Denese O. Shervington
Deputy Assistant Secretary for Population Affairs

PREAMBLE

With respect to the comments objecting to the revocation of the Gag Rule or the use of tax dollars for abortion on moral grounds, the Secretary notes that, under the interpretations adopted in conjunction with the regulations below, the funding of abortion or activities that promote or encourage abortion with Title X funds has been and will continue to be prohibited. Rather, what changes under the interpretations reinstated in conjunction with the regulations below is which activities are considered to "promote or encourage" abortion. In contrast to the position taken under the Gag Rule, under the present view (which was also the Department's view of the statute prior to 1988), the provision of neutral and factual information about abortion is not considered to promote or encourage abortion as a method of family planning. Thus, the basic statutory interpretation underlying both the Gag Rule and the specific policies that governed the Title X program prior to 1988 -- that section 1008 prohibits activities that promote or encourage abortion as a method of family planning -- remains unchanged.

With respect to the contentions that the Secretary lacks a rational basis for revoking the Gag Rule and that it must justify each separate part of the Gag Rule that it is discarding, we do not agree that either contention is sound. Both the pre-1988 interpretations of the statute and the revised interpretation of the statute embodied in the Gag Rule are legally supportable; they represent different points on the spectrum of what is legal and, thus, both represent a permissible exercise of administrative discretion. The crucial difference between the two options is one of experience. Because of ongoing litigation, the Gag Rule was never implemented on a nation-wide basis, so that its proponents can point to no evidence that it can and will work operationally on a national basis in the Title X program. The policies and interpretations reinstituted in conjunction with the regulations below, on the other hand, have been used by the program for

abortions.

D. Abortion information and counseling. The Gag Rule prohibited the provision of information other than information directed at protecting maternal and fetal health to women determined to be pregnant; thus, it prohibited what is generally known as "options counseling", i.e., the provision to pregnant women in a nondirective fashion of neutral, factual information about all options for the management of a pregnancy, including abortion. See, 42 CFR 59.8 (1989 ed.). The pre-1988 policies, in contrast, required options counseling, if requested. As stated in the 1981 "Title X Guidelines" :

> Pregnant women should be offered information and counseling regarding their pregnancies. Those requesting information on options for the management of an unintended pregnancy are to be given non-directive counseling on the following alternative courses of action, and referral upon request:
>
> - Prenatal care and delivery
> - Infant care, foster care, or adoption
> - Pregnancy termination.

The June, 1993 summary of the pre-1988 interpretations also stated that Title X projects were not permitted to provide options counseling that promoted abortion or encouraged patients to obtain abortion, but could advise patients of all medical options and accompanying risks.

Most of those comments supporting adoption of the proposed rules appeared to agree with the pre-1988 policies and interpretations. However, there appeared to be some confusion among those who agreed with the pre-1988 requirement for options counseling as to how much information and counseling could be provided. Several of these comments also suggested that that the "on request" limitation be deleted, particularly where State law requires the provision of information about abortion to women considering that option.

Several comments opposing adoption of the proposed rules and revocation of the Gag Rule also specifically addressed the issue of counseling. Several of these comments suggested that counseling on "all options" include the option of keeping the baby, and two comments suggested that the rules should contain an exception for grantees or individuals who object to providing such information and counseling on moral grounds.

In response to the apparent confusion as to the amount of counseling permitted to be provided under the pre-1988 interpretations, the interpretive summary published in the notices section of the Federal Register clarifies that Title X grantees are not restricted as to the completeness of the factual information they may provide relating to all options, including the option of pregnancy termination. However, the previous restriction as to the "kind" of information that may be provided about abortion continues: in keeping with the decision to adhere to the longstanding interpretation of the statute that projects may not "promote or encourage" abortion as a method of family planning, information and counseling provided by Title X projects on all options for pregnancy management, including pregnancy termination, must be nondirective. This interpretation, it should be noted, is also consistent with the requirement in the program's three most recent appropriations, Pub. L. 104-208 (110 Stat. 3009-243), Pub. L. 105-78 (111 Stat. 1478) and Pub. L. 105-277 (112 Stat. 2681), that pregnancy counseling in the Title X program be "nondirective." Thus, grantees may provide as much factual, neutral information about abortion as they consider warranted by the circumstances, but may not steer or direct clients toward selecting the option of abortion, or any other option, in providing options counseling.

The Secretary is retaining the "on request" policy in the interpretive summary published

have such objections to provide such counseling. However, in such cases the grantees must make other arrangements to ensure that the service is available to Title X clients who desire it.

E. Referral for abortion. The Gag Rule specifically prohibited referral for abortion as a method of family planning and required grantees to give women determined to be pregnant a list of providers of prenatal care, which list could not include providers "whose principal business is the provision of abortion." 42 CFR 59.8(a) (1989 ed.). The Gag Rule permitted referral to an abortion provider only where there was a medical emergency. 42 CFR 59.8(a)(2) (1989 ed.). The pre-1988 policies and interpretations, in contrast, permitted Title X projects to make what was known as a "mere referral" for abortion; a "mere referral" was considered to be the provision to the client of the name and address and/or telephone number of an abortion provider. Affirmative actions, such as obtaining a consent for the abortion, arranging for transportation, negotiating a reduction in the fee for an abortion or arranging for or scheduling the procedure, were considered to promote abortion as a method of family planning and thus to be prohibited by section 1008. The pre-1988 rules (§ 59.5(b)(1)) were interpreted by the agency to require referral for abortion where medically indicated. See, Valley Family Planning v. State of North Dakota, 489 F.Supp. 238 (D.N.D. 1980), aff'd., 661 F.2d 99 (8th Cir. 1981).

A number of comments, mostly from individuals and organizations supporting revocation of the Gag Rule, suggested modifications of the proposed referral policies and interpretations. Most of these comments suggested that the content limitations on referrals be broadened, with Title X grantees being permitted to provide other relevant information, such as comparative charges, stage of pregnancy up to which referral providers may under State law or will provide abortion, the number of weeks of estimated gestation, etc. These comments argued

that the provision of such factual information does not "promote or encourage" abortion any more than does the provision of the abortion providers' names and addresses and/or telephone numbers. One comment also suggested that the restriction on negotiating fees for clients referred for abortion conflicts with the requirement to refer for abortion where medically indicated.

Several comments opposing revocation of the Gag Rule also expressed problems with the proposed referral policies and interpretations. A few comments urged that referrals to agencies that can assist clients who choose the "keeping the baby" or adoption options should be required. Another comment criticized the requirement for referral where "medically indicated" as confusing. Revisions suggested were that "self-referrals" for abortion be specifically prohibited, to reduce commercialization and profiteering by Title X grantees who are also abortion providers and that grantees who objected to abortion on moral or religious grounds be permitted not to make abortion referrals.

The Secretary agrees with the comments advocating expanding the content of what information may be provided in the course of an abortion referral. The content (as opposed to action) restrictions of the "mere referral" policy proceeded from an assumption that the provision of information other than the name and address and/or telephone number of an abortion provider might encourage or promote abortion as a method of family planning. The Secretary now agrees, based on experience and the comments of several providers on this point, that the provision of the types of additional neutral, factual information about particular providers described above is likely to do little, if anything, to encourage or promote the selection of abortion as a method of family planning over and above the provision of the information previously considered permissible; at most, such information would seem likely to assist clients in making a rational

selection among abortion providers, if abortion is being considered. Moreover, it does not seem rational to restrict the provision of factual information in the referral context, when no similar restriction applies in the counseling context. Accordingly, the Secretary has revised the policies and interpretations summarized in the notice section to clarify that grantees are not restricted from providing neutral, factual information about abortion providers in the course of providing an abortion referral, when one is requested by a pregnant Title X client.

The Secretary is not accepting the remainder of the comments on this issue, as they either proceed from a misunderstanding of, or do not raise valid objections to, the proposed policies and interpretations. The comment arguing that the restriction on negotiating fees conflicts with the requirement to refer for abortion where medically indicated is based on a misunderstanding of that requirement: in such circumstances, the referral is not for abortion "as a method of family planning" (i.e., to determine the number and/or spacing of one's children) but is rather for the treatment of a medical condition; thus, the statutory prohibition does not apply, so there is no restriction on negotiating fees and similar actions. The suggestion that referrals to agencies that can assist clients who choose the options of "keeping the baby" or adoption be required is likewise rejected as unnecessary. Under the policy set out in the 1981 "Title X Guidelines" provision set out in the preceding section, the options of prenatal care and delivery and adoption are options that are required to be part of the options counseling and referral process; thus, referral to providers who can assist a client with one of these options is already required, where that option is selected by the client. The Secretary also rejects the criticism that the provision requiring referral for abortion where medically indicated is undefined and confusing. It is noted that this comment came from a law school, not a health care provider. The meaning of the

organizations and was negative. Although it was generally agreed that the financial separation of Title X project activities from abortion-related activities was required by statute and, in the words of one comment, "absolutely necessary," many of these comments objected that requiring additional types of separation would be unnecessary, costly, and medically unwise. The argument was made that the requirement for physical separation is unnecessary, as it is not required by the statute which, on its face, requires financial separation only. Further, it was argued that since Title X grantees are subject to rigorous financial audits, it can be determined whether program funds have been spent on permissible family planning services, without additional requirements being necessary. With respect to the issue of cost, it was generally objected that requiring separation of staff and facilities would be inefficient and cost ineffective. For example, one comment argued that --

> The wastefulness and inefficiency of the separation requirements is ... illustrated by the policy which allows common waiting rooms, but disallows "impermissible materials" in them. This puts grantees in the position of having to continuously monitor health information for undefined "permissibility" or to build a separate waiting room just to be able to utilize those materials....

It was argued that these concerns were particularly important for small and rural clinics "that may be the only accessible Title X family planning and/or abortion providers for a large population of low-income women." Of particular concern for such clinics was the duplication of costs inherent in the separation requirements, as they --

> cannot afford to operate separate facilities or to employ separate staff for these services without substantially increasing the prices of ... services. Nor can they offer different services on different days of the week because so many of their patients ... are only able to travel to the clinic on one day.

Many providers also pointed out that requiring complete physical separation of services would be

inconsistent with public health principles, which recommend integrated health care, and would impact negatively on continuity of care. As one comment stated, "women's reproductive health needs are not artificially separated between services: a woman who needs an abortion may also need contraceptive services, and may at another time require prenatal care." Several providers objected in particular that such a separation would, in the words of one comment, "remove ... one of the most opportune time[s] to facilitate the entry of the abortion patient into family planning counseling, which is at the post-abortion check-up." It was also pointed out that separation of services would burden women, by making them "make multiple appointments or trips to visit different staff or facilities." Finally, the separation policy was objected to by several of the comments that otherwise generally supported the proposed rule as unnecessarily broad, ambiguous, and vague.

Several of the comments opposing the revocation of the Gag Rule and the adoption of the proposed rules likewise objected specifically to the separation requirements, generally on the ground that the pre-1988 policies were vague and unenforceable. Two comments also argued that, if the pre-1988 requirement of physical separation was to be reinstituted, it made no sense to revoke § 59.9 of the Gag Rule in its entirety, as that section of the Gag Rule contained specific standards to implement this requirement; alternatively, it was argued that if the Secretary is going to use different standards to determine whether the requisite physical separation existed, those should be published for public comment.

The Secretary agrees that the comments on both sides of this issue have identified substantial concerns with the pre-1988 policies and interpretations with respect to the issue of how much physical separation should be required between a grantee's Title X project activities

and abortion-related activities. The Secretary agrees with the comments that the pre-1988 interpretation that some physical separation was required was unenforceable. Indeed, since the pre-1988 interpretations had held that it was permissible to provide abortions on a Title X clinic site and to have common waiting areas, records, and staff (subject largely to proper allocation of costs), it was difficult to tell just what degree and kind of physical separation were prohibited. As a consequence, the agency attempted to enforce this requirement on only a few occasions prior to 1988. The Secretary does not agree with opponents of the proposed rules, however, who argued that the "physical separation" requirements in § 59.9 of the Gag Rule should be retained on the ground that they provide a necessary clarification of this issue. Although § 59.9 provided ostensibly more specific standards, the fundamental measure of compliance under that section remained ambiguous: "the degree of separation from facilities [in which prohibited activities occurred] and the extent of such prohibited activities," and "[t]he extent to which" certain materials were present or absent. Furthermore, since under § 59.9 compliance was to be determined on a "facts and circumstances" basis, this section of the Gag Rule provided grantees with less specific advance notice of the compliance standards than did the pre-1988 policies and interpretations. Moreover, the change in policy from the more concrete policies proposed during the Gag Rule rulemaking to the less concrete "facts and circumstances" standard ultimately adopted in the final Gag Rule as a result of the public comment suggests the practical difficulties of line-drawing in this area. In fact, since the Gag Rule was never implemented on a national basis, the precise contours of the compliance standards of § 59.9 were never determined. The Secretary has accordingly not accepted the suggestion from several opponents of the proposed rule that the policies of § 59.9 be retained.

respond to the remaining comments on the issue.

G. Advocacy restrictions. The Gag Rule, at 42 CFR 59.10 (1989 ed.), prohibited Title X projects from encouraging, promoting, or advocating abortion as a method of family planning. This section prohibited Title X projects from engaging in actions to "assist women to obtain abortions or increase the availability or accessibility of abortion for family planning purposes," including actions such as lobbying for the passage of legislation to increase the availability of abortion as a method of family planning, providing speakers to promote the use of abortion as a method of family planning, paying dues to any group that as a significant part of its activities advocated abortion as a method of family planning, using legal action to make abortion available as a method of family planning, and developing or disseminating materials advocating abortion as a method of family planning. The pre-1988 policies and interpretations likewise prohibited the promotion or encouragement of abortion as a method of family planning through advocacy activities such as providing speakers, bringing legal action to liberalize statutes relating to abortion, and producing and/or showing films that tend to encourage or promote abortion as a method of family planning. However, under those prior policies and interpretations, it was considered permissible for Title X grantees to be dues-paying members of abortion advocacy groups, so long as there were other legitimate program-related reasons for the affiliation.

Very few comments were received concerning these proposed policies and interpretations. Those received from persons and entities that generally supported the proposed rules generally argued against the restriction on showing films advocating abortion, on the ground that it was possible to violate this restriction by showing a film that was purely factual and detailed relative risks. The few comments on this part of the policies and interpretations

received from those who generally opposed revoking the Gag Rule pointed out the similarity between the advocacy policies articulated in the proposed policies and interpretations and § 59.10 of the Gag Rule and argued that § 59.10 should accordingly be reinstated.

As set out above, the Secretary is of the view that the Gag Rule cannot and should not be adopted piecemeal, as recommended by these comments. Moreover, the Secretary is of the view that the prohibition against dues paying contained in § 59.10 is not required by the statute and does not represent sound public policy. Accordingly, the suggestion that § 59.10 be reinstated has not been adopted. With respect to the criticism of the prohibition against Title X grantees showing films advocating abortion as a method of family planning, it is recognized that the prohibition should not encompass the kind of neutral, factual information that grantees are permitted to provide in the counseling context; the policies and interpretations have been clarified accordingly. To the extent that these comments seek to further liberalize the advocacy restrictions, however, they are rejected as inconsistent with the Secretary's basic interpretation of section 1008.

H. Miscellaneous. A number of comments were received on miscellaneous issues. Those comments, and the Secretary's responses thereto, are summarized below.

1. Changes outside the scope of the rulemaking. Several comments were received advocating changes to other sections of the regulations on issues other than the issue of compliance with section 1008. These comments included the following suggestions: that the regulations be revised to permit natural family planning providers to be Title X grantees; that the regulations be revised to prohibit single method providers from participating in Title X projects; that the footnote in the regulation addressing Pub. L. 94-63 be revised to state that the law also

Ann – in case
you want to
take a copy
of you –
HH

file: Abortion - partial birth - Letters

THE WHITE HOUSE

WASHINGTON

March 19, 1997

Dear Steny:

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

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

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

Sincerely,

Bill Clinton

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

Abortion - partial birth -
Letters
Veto partial birth
Abort

THE WHITE HOUSE

WASHINGTON

July 22, 1998

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

Dear Steny:

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

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

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

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

Sincerely,

Bill Clinton

Abortion - partial birth - letters

THE WHITE HOUSE

WASHINGTON

March 19, 1997

Dear Steny:

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

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

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

Sincerely,

Bill Clinton

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

THE WHITE HOUSE *BULLETIN*

BULLETIN NEWS NETWORK, 8260 GREENSBORO DRIVE, SUITE 320, MCLEAN, VA 22102 FAX 703-749-0060 TEL 703-749-0040

MEMORANDUM FOR BRUCE REED
THE WHITE HOUSE

SUBJECT: **TODAY'S BRIEFING**

DATE: **MONDAY, SEPTEMBER 27, 1999**

OFF THE WIRES:

- **UN Peacekeepers Take Control Of East Timor.** Indonesian military forces effectively left East Timor today, handing over control of the embattled province to international peacekeepers. Indonesian military commander Col. Geerhan Lantra said today that Maj. Gen, Kiki Syahnakri of the Indonesian forces met with peacekeeping mission leader Maj. Gen. Peter Cosgrove today and handed over command for security in the territory. Geerhan said, "From now, the command is under Gen. Cosgrove." Cosgrove was quick to point out that Indonesia will maintain responsibility for security in the province until a special assembly can ratify the pro-independence vote of the East Timorese people back on Aug. 30. Cosgrove added, "This is still Indonesian sovereign territory." 1,500 Indonesian soldiers will remain in East Timor until the independence referendum is carried out.

- **Egyptian President Mubarak Wins Fourth Term.** Egyptian President Hosni Mubarak won his fourth six-year term, taking 93.79 percent of the vote in a referendum on his presidency, the interior minister said today. The 71-year-old president, one of Washington's closest Middle Eastern allies, was the only candidate in yesterday's yes-or-no referendum. Opposition groups boycotted the ballot, calling it a sham and urging the president to initiate direct, multiparty elections.

- **World Powers Pledge Reforms In Economic Crisis Management..** Finance ministers and central bank governors attending the annual meetings of the 182-nation International Monetary Fund and the World Bank pledged accelerated reform to better manage future global economic crises while also approving a new initiative to speed easing poor countries' crushing debt burdens. They also approved a plan for the IMF to revalue up to 14 million ounces of its gold reserves in transactions with central banks to partly finance the debt initiative. After opposition from gold-mining countries and US lawmakers, the IMF was forced to drop plans to sell gold on the open market, where there were concerns prices for the commodity would fall to new record lows.

IN THE WHITE HOUSE AND AROUND TOWN:

- **Clinton Announces Largest Surplus In History; Calls On GOP To Pass His Priorities.** Appearing before the press this morning, President Bill Clinton announced that new OMB numbers forecast a larger budget surplus than previously expected. Said Clinton, "According to the Office of Management and Budget, this year's budget surplus will be at least – I'm going to write this in, enjoy it – at least $115 billion. This triple-digit surplus is larger than projected, larger than last year's, and larger, in fact, than any dollar surplus in the history of the United States. It is a landmark achievement for our economy. And when you consider where we were just seven years ago, it's as great an American comeback as the Ryder Cup was yesterday. It is further proof that we're on the right road to prosperity."

  Clinton also called on congressional Republicans to "save Social Security with a lockbox," pass Medicare reforms and increase education spending. He said, "I have asked the Republicans in

Congress not to throw in the towel, but to work with me and congressional Democrats to do the work the people elected us to do -- to save Social Security with a lockbox that extends its solvency until 2050, to strengthen and modernize Medicare with a long-overdue prescription drug benefit, to invest in world-class education for our children, and to protect important priorities, from national security to the environment and agriculture, to medical research and modern technology, to investment incentives for rural and urban areas that have not yet been touched by our prosperity."

Clinton also asserted his support for an "affordable tax cut" and for paying the national debt, saying, "We can do all that and still have an affordable tax cut for the middle class, and pay down our debt so that by 2015, we are debt-free for the first time since 1835 when Andrew Jackson was President. I will work with members of both parties to fulfill these fundamental obligations to our people and to our future. I hope they will work with me."

Asked whether he would veto spending bills if they broke the 1997 spending caps, Clinton would not answer directly, indicating that he wants Congress "to work with me to meet our fundamental priorities." Said the President, "Well, I gave them a budget, of course, that did not break the caps, but it would require them to raise some revenues from tobacco. But the main thing that I would say is, I want them to work with me to meet our fundamental priorities." Clinton continued by restating his budget priorities: "We can give the American people an honest, credible budget that extends the life of Social Security and Medicare, meets our responsibilities in education and other important areas, and leaves us free to pay down that debt and to put America on a target to be debt-free in the next 15 years. I hope they will work with me in that spirit."

Questioned about the effects of a possible budget deadlock on taxpayers, Clinton said, "I think if the past is any measure, one way or the other, the taxpayers are going to be all right, because we can do pretty well by conflict, I suppose, and eventually drag this out to where we've at least got a decent education budget and we're still paying down the debt." Clinton continued, "But they have to work with me if we're going to extend the life of Medicare and Social Security and do some of these other very important things." Clinton added, "I'm not pessimistic; we've still got plenty of time. I know it's almost the end of the fiscal year, but they know how to extend that; they've done that several times by passing a continuing resolution, and there's still plenty of time to do this and I hope they'll do it with me."

Armey Responds. House Majority Leader Dick Armey this morning thanked the President for his remarks, saying, "When America gave Republicans control of Congress, there were deficits as far as the eye could see. Because we've held this president in check on spending, the nation now enjoys prosperity as far as we can see. Even the President is giving us credit. In fact, his own press release today reads, 'Spending restraint has been the key to ushering in an era of surpluses.' Thank you Mr. President for praising our hard work. I only wish you had been a willing partner in our fight to cut the size of government." Reiterating the GOP theme of saving Social Security surpluses, Armey added, "Because of our spending restraint, $115 billion from the Social Security trust fund has now been saved for seniors. Republicans have stopped the 30-year raid on Social Security – we're determined to make sure this program is never raided again. ... Unfortunately, President Clinton wants to keep spending the Social Security surplus. Republicans want to lock away every penny of it for seniors."

- **Congressional GOP Leaders Set To Pass Three-Week CR.** GOP leadership sources in both the House and Senate said this morning that they intend to move a three-week continuing resolution to President Clinton's desk this week. The fiscal year ends September 30, and a House GOP leadership source said the leadership hopes that all but four bills will have been sent to the President before the end of the week.

  The White House has not yet said whether the President will sign a three-week CR, though congressional Democrats contend the White House will approve anything beyond a two-week CR. A House GOP leadership source said this morning that there have been no consultations with the White House on the CR and no indication from them that a three-week CR is unacceptable.

  Meanwhile, House Republicans plan to await action in the Senate on a tax extenders bill. President Clinton threatened to veto the version passed by the House Ways and Means Committee last Friday, but a House GOP leadership source said this morning the House would send the bill along to

the Senate anyway for that chamber to work its will. Up against a tight time deadline, and the requirement that the House initiate tax legislation, House GOP leaders as of now are willing to see what the Senate produces before looking to tailor the House bill to avoid a presidential veto.

- **Clinton Addresses Instability In Indonesia, Says Future Will Need Leadership From US.** In a brief press conference this morning, President Clinton was asked about the situation in Indonesia. Clinton sounded a cautious tone, emphasizing Indonesia's importance as "the largest Muslim country in the world," and addressing its potential role in "the future of Asia." Said Clinton, "This is a time of great instability and uncertainty for them. We should stand against those actions which violate human rights and which are wrong, but we should also hope that both stability and humane policies will be returned to Indonesia as soon as possible." Of Indonesia, Clinton said, "It is a very large country with 200 million people, the largest Muslim country in the world and capable, as we have seen periodically over the last few years, of enormous progress and capable of playing an important, positive role in the future of Asia, and that's what I hope and pray will happen. But it will require responsible leadership from Indonesia, as well as appropriate responses from the United States and others."

- **Armey To Call In Leach, Bliley In Effort To Kickstart Banking Conference.** House Majority Leader Dick Armey will hold a meeting this week with House Banking Committee Chairman Jim Leach and House Commerce Committee Chairman Tom Bliley in order to try and spur action on the financial services modernization conference, according to an aide. The conference has been bogged down in procedural discussions, and negotiators have not yet addressed the truly thorny issues confronting them. The Armey aide said the Majority Leader is eager to have a conference report on the House floor this year.

- **Bradley Pulls Ahead Of Gore In New Hampshire Poll.** A CNN/Time poll of 516 likely New Hampshire Democratic primary voters, conducted over September 21-23 (+/- 4.5%), shows 44% would vote for Bill Bradley, while 41% would vote for Al Gore. There is also a gender gap among the Democrats, with 43% of women supporting Gore, and 39% supporting Bradley; among men, 50% support Bradley, while only 38% would vote for Gore.

  Analysts Look At Future Democratic Primary Process. As Sen. Bradley edges ahead of Vice President Gore in New Hampshire and the Gore campaign starts talking in the press about possibly losing New Hampshire – and Bradley is expected to do well in New York shortly thereafter – the Bulletin asked political analysts for their insight on how the Democratic primary is likely to unfold. Stuart Rothenberg, editor of the Rothenberg Political Report, said, "I think it is possible the primary fight could continue well into March. In theory possibly through the process. But, maybe most likely to the end of April in Pennsylvania. Unless these guys are trading primaries back and forth; unless they are starting to really split the difference here, somebody is going to start to get an advantage. It just seems so unlikely to me that given two candidates they are going to be absolutely equal and even throughout this process. I know it can look that way, but I just think that is unusual." Rothenberg added that Gore taking California while Bradley takes New York may not be the pivotal matchup. According to Rothenberg, "Ohio, Missouri, Georgia, those three states, other than California, I think are going to be critical. If Bradley does really well in some of those, then he can build up momentum. I am skeptical that a two way race is going to all the way to the end, to June 6. I think the odds on that are microscopic. It is likely that someone is going to build up some momentum probably March 7, if not March 7, than in that two week period between March 10 and March 21. Illinois is March 21, and will probably be a key state. I am even skeptical we will get to Pennsylvania April 25. I think by March 21, Illinois, we are going to know who the nominee is. That is a lot longer than we ever thought. Could it go beyond that, sure. And the fact that we are talking about it going that far or beyond it, is in itself very significant." Rothenberg concluded, "If I still had a bet, I'd bet on Gore. But I wouldn't want to bet a lot, and I would certainly bet a lot less now than I would have six months ago. And, the Gore campaign is clearly in trouble."

  Larry Sabato, Director of the University of Virginia Center for Governmental Studies, told the Bulletin, "Having lived through many a presidential cycle, most punditry is wrong. In that there is a

season to everything, this is Bradley's season. He has to somehow stretch it all the way to New Hampshire to begin with, and then beyond New Hampshire. He has some natural strengths in New Hampshire, New York, New Jersey and places like that. But, I don't see any great movement to Bradley in the Rocky Mountain states, or the border states, or the southern states. He has moved so far to the left that I think there is going to be a second look given him at some point. I don't know whether it is November or December or January or February or March. But, he is going to get an intense going over." Sabato added, "And he's got a lot of enemies; there are a lot of people who don't like Bill Bradley in the Senate and elsewhere. He is seen as being aloof and condescending and too far to the left. ... He is pure and no one else is. It gets old and it gets grating. He also has come up with a remarkable number of goofy ideas over the years, and that also takes a toll. ... It all sounds so pat. Just like six months ago it all sounded so pat that Gore would be the nominee. Well things don't work that way. It is too early to draw conclusions. People who are drawing conclusions will have to revise them."

Bradley Trounces Everyone In Home-State Poll. A Quinnipiac poll of 1,212 New Jersey registered voters conducted Sept. 14-23 (+\-2.8%) showed 48% said they would vote for Texas GOP Gov. George W. Bush; while 40% would vote for Democratic Vice President Al Gore. The poll showed, however, that 55% said they would vote for Bill Bradley, and only 35% would vote for Bush. In the Democratic primary, 63% said they would vote for Bradley, and only 24% would vote for Gore.

- **Dole Targets Clinton Foreign Policy.** Republican candidate Elizabeth Dole is expected to take aim at Clinton's foreign policy in a speech today in Charleston, South Carolina. She says in a draft version: "Our ability to advance our interests with the world's major powers, and contain its rogue regimes, has waned. The world remains a very dangerous place, and we Americans are today even more vulnerable to missile attack than we were seven years ago." Dole is also expected to accuse the Clinton Administration of being too soft on China, ignoring human rights abuses and failing to respond adequately to the theft of US military secrets. Dole adds in her speech, "And we need to do more even here at home to protect the American people from the possibility of foreign attack. Both China and North Korea can deliver nuclear bombs on Hawaii and Alaska. ... Iraq and Iran have very nearly achieved the same capacity." She continues, "In the Dole administration, this era of wishful thinking, vacillation and equivocation will end." Dole vows to build a missile defense system while ending the US participation in the Anti-Ballistic Missile Treaty; she also opposes signing on to the Comprehensive Test Ban Treaty, the effectiveness of which she questioned.

- **Graham's Unborn Victims Bill Set To Pass House; Administration Stops Short Of Veto Threat.** Congressman Lindsey Graham's HR 2346, the "Unborn Victims of Violence Act," appears set to pass the House by a "comfortable margin," according to sources in Graham's office and others close to the process. HR 2346 would address acts of violence against pregnant women in which an unborn child is also harmed.

  The Administration, while stopping short of a veto threat, has expressed its opposition to the bill, arguing that it would hamper law enforcement and subject agents to criminal liability. In a letter to Judiciary Committee Chairman Henry Hyde, Acting Assistant Attorney General Jon. P. Jennings outlined the Department's three objections to the bill:

  - It would "trigger a substantial increase in sentence as compared with the sentence that could otherwise be imposed to a woman who is not pregnant."
  - "As a consequence" of the bill, "if a police officer uses a slight amount of force to subdue a female suspect...and she later miscarries, the officer would be subject to mandatory life imprisonment without possibility of parole."
  - The bill's "identification of a fetus as a separate and distinct victim of crime is unprecedented as a matter of Federal statute." The letter further states that such an identification is "unnecessary," and it would "gratuitously plunge the Federal government into one of the most...complex issue of religious and scientific consideration."

The letter adds that the Administration "would work with Congress to develop alternative legislation." In fact, Judiciary Committee Democrats introduced a bill, the "Motherhood Protection Act," which would remove any mention of the fetus from the bill, redefining the offense as one of "interruption of the normal course of the pregnancy."

Asked whether Graham is willing to accommodate Justice's objections, a spokesman said, "We haven't decided," adding that the logic in Justice's second objection "is a little strange in its thinking." The spokesman added, "It would be hard to address" Justice's concerns because the bill "doesn't create a new federal crime, it merely establishes under Federal law that if an unborn child is harmed when undue violence is being used" on a pregnant woman "that's a crime." The spokesman added, "This is not an abortion bill, it's a crime bill."

Doug Johnson of National Right to Life predicted the bill would enjoy "wide bipartisan support" because "it's not about abortion," and "a lot of pro-choice people will be with us." Johnson also argued that the second argument in Jennings' letter "would...apply to the alternative offered by Democratic opponents," since the "hypothetical argument" in the letter "also affects the second [Democratic] bill."

- **McCain Discusses Campaign, Abortion.** In advance of his official campaign kickoff later today, Sen. John McCain was interviewed this morning on ABC's "Good Morning America." McCain said he is running because he wants to "issue a new patriotic challenge to America: I want a generation of Americans to be inspired to causes greater than their self-interest, and I want to reform government and I want to reform the corrupt campaign finance system that is having such a pernicious effect in Washington and harming the American people, who are represented anymore there." At one point in the interview, McCain was asked to clarify his position on abortion. He replied, "I want the repeal of Roe v. Wade, but I also want to change the dynamics of this debate, which has kept us gridlocked into positions which cause people to shoot at abortion clinics and other Americans to view it as the only issue in American politics. There are areas we can agree on. We need a dialogue, we need to work together to eliminate abortion. Since neither pro-choice nor pro-life people want abortion to be part of America...we need to work together. I want to change the dynamics and have a dialogue, and we can work together to encourage adoption, help with foster care and many other areas where we can work together."

POLL WATCH:

Gore Leads Bradley By 23 Points In National Poll. A CNN/Time poll of 1,011 adults nationwide, including 460 Democrats and Democratic leaners, conducted over September 21-23 (+/- 3%), shows:

Democratic Primary (Democrats, Democratic Leaners Only).

- 52% would vote for Al Gore; 29% would vote for Bill Bradley; 2% would vote for another candidate; 17% were not sure.

Favorability Ratings (All Adults)

- 48% have a favorable opinion of Hillary Clinton; 42% have an unfavorable opinion.
- 44% have a favorable opinion of Bill Bradley; 18% have an unfavorable opinion; 33% were not familiar with him; 5% were not sure.
- 63% have a favorable opinion of George W. Bush; 23% have an unfavorable opinion; 11% were not familiar with him; 4% were not sure.
- 51% have a favorable opinion of Al Gore; 38% have an unfavorable opinion; 8% were not familiar with him; 3% were not sure.
- 27% have a favorable opinion of Pat Buchanan; 41% have an unfavorable opinion; 27% were not familiar with him; 5% were not sure.
- 34% have a favorable opinion of Jesse Ventura; 34% have an unfavorable opinion; 27% were not familiar with him; 5% were not sure.
- 29% "like Bill Clinton personally and like his policies"; 35% "dislike Clinton and like his policies"; 5% "like Clinton personally but dislike his policies"; 26% "dislike Clinton personally and dislike his policies; 4% were not sure.

Reform Party Nomination.

- 28% would vote for Pat Buchanan; 24% would vote for Jesse Ventura; 11% would vote for Donald Trump; 8% would vote for Lowell Weicker.
- 37% would vote for Buchanan; 18% would vote for Trump.

Buchanan Draws Bush Votes; GOP Has Edge On Generic Ballot. A Fox News/Opinion Dynamics poll of 900 registered voters conducted Sept. 22-23 (+\-3%) showed:

2000 General Election Two-Way Matchups.

- 52% said they would vote for Texas GOP Gov. George W. Bush; 35% would vote for Democratic Vice President Al Gore; 13% didn't know.
- 51% said they would vote for Bush; 30% would vote for Bill Bradley; 19% didn't know.

Three-Way Races.

- 46% said they would vote for Bush; 33% would vote for Gore; 9% would vote for Pat Buchanan; 12% didn't know.
- 49% said they would vote for Bush; 25% would vote for Bradley; 9% would vote for Buchanan; 17% didn't know.
- 47%said they would vote for Bush; 32% would vote for Gore; 9% would vote for Minnesota Gov. Jesse Ventura; 12% didn't know.

GOP Primary (Republican Voters)

- 60% said they would vote for Bush; 13% would vote for Elizabeth Dole; 4% would vote for Dan Quayle; 4% would vote for Steve Forbes; 3% would vote for Sen. John McCain; 2% would vote for Gary Bauer; 1% would vote for Sen. Orrin Hatch.

Democratic Primary (Democratic Voters)

- 46% said they would vote for Gore; 21% would vote for Bradley; 20% would "prefer another choice."

Reform Party Primary

- 26% said Buchanan "should be the Reform Party nominee"; 20% said Ventura; 7% said Donald Trump; 4% said Lowell Weicker; 43% were not sure.
- In a head-to-head matchup: 49% said Buchanan should be nominated; 24% said Trump; 27% were not sure.
- 2% said they would "definitely join" the Reform Party; 9% said "probably join"; 36% said "probably not join"; 42% said "definitely not join"; 11% were not sure.
- 54% said the Reform party "is a legitimate political party"; 27% disagreed; 19% were not sure.

Job Approval.

- 60% "approve" of the job President Clinton is doing; 33% "disapprove"; 7% didn't know.
- 50% "approve" of the job Al Gore is doing; 28% "disapprove"; 22% didn't know.

Generic 2000 Congressional Ballot

- 38% (with leaners) said they would vote Republican; 37% (with leaners) said they would vote Democratic; 25% were not sure.

Intangibles.

- 51% said the US is "generally headed in the right direction"; 36% disagreed; 13% were undecided.
- 16% said they have been paying "a lot of attention" to the 2000 campaigns; 39% said "some attention"; 34% said "not much attention"; 10% said "none at all"; 1% were not sure.

IN THIS WEEK'S WEEKLIES:

Bush Campaign Update. ***Cheney, Gilmore Added To List Of Possible VPs.*** US News and World Report (10/4, Bedard) reported in its Washington Whispers column, "Two new names have emerged on the list of likely vice presidential choices being considered by GOP frontrunner George W. Bush. Topping the list is former Defense Secretary Dick Cheney." Next on the list, "Virginia Gov. Jim Gilmore. Critics of his antitax position on the congressionally created Internet commerce panel claim he's just showing off his tax-free philosophy to Bush." US News added, "Gilmore aides dismiss such talk, but won't say he'd reject the veep job."

Bradley Campaign Update. ***Bradley Profiled.*** Time (10/4, Pooley) reported, "While the Vice President is suffering the effects of Clinton fatigue, message confusion and a consultant-heavy campaign that's hemorrhaging money," Bill Bradley "is running a lean, focused operation. More and more it seems that Bradley's inscrutable nature – high-mindedness, dogged integrity and apparent indifference to the game of politics – might be tailor-made for the post-Clinton era. And surely it doesn't hurt that he had that wicked jump shot way back when." Time continued, "The heart of Bradley's appeal isn't his Senate record or athletic prowess but what supporters see as his deep and abiding virtue; detractors call it sanctimony." Time added, "To signal his own decency, Bradley makes a show of presenting himself honestly, unhanded by handlers." Bradley said, "The idea...is to run a campaign that's not packaged." So, Bradley "is low key and intelligent on the stump, refusing to indulge in some of the sillier rituals of the trail and poking fun at the process when he can. He means this to be wry and amusing, and sometimes it is." Time noted for Bradley "not packaging has become its own package. Bradley likes to pretend that everything he says and does flows naturally from who he is and what he believes. In fact, he is a calculating man who approaches campaigning the way he approached basketball: by analysis and repetition, breaking every shot and move down to its component parts, then mastering them." Bradley "boasts about taking no polls, but has a pollster, Dianne Feldman, who will soon be conducting surveys. He doesn't mind reporters knowing he drives an '84 Oldsmobile or that his Iowa headquarters rents for $500 a month, but he doesn't want them to see the borrowed Gulfstream IV he sometimes flies in. High-end corporate jets don't fit his insurgent image." In fact, "nothing about Bradley is as simple as he makes it sound. He exploits his legend while maintaining an ironic distance from it...and makes the most of his fame while fiercely guarding his privacy." Asked if people have a right to learn about those who would be president, Bradley said, "That's more so today than any other time in our history," adding, "I'm not so sure they tried to figure out who Lincoln was or who F.D.R. was." Asked if he prefers the 19th century, Bradley said, "that was the 20th century." Time added, "Bradley likes to challenge your question before it's out of your mouth; sometimes, it seems, he treats political reporters with the same disdain athletes routinely show sportswriters. In this case, we're both right, but I let it go." Asked if he prefers the model of "a politician who steps up, says his piece and then gets left in peace," Bradley said, "You do have to share a certain amount. I think I have. But certainly you don't have to share everything." Asked why a private man would commit himself to public service, he said, "My mother was always helping other people; that was the theme in the house," adding, "I always felt, you know, I was taller, bigger; I always wanted to help the smaller kid."

Bradley Zinged For Poll Comment. US News and World Report (10/4, Bedard) reported in its Washington Whispers column, "Asked by ABC how he would restore confidence in government," Bradley answered, "Having a president as well as a candidate who speaks from his convictions and just tells people what he believes and doesn't simply speak from polls, are a key part of that." US News added, "But it turns out that he was a big poll spender in his New Jersey Senate races. And an adviser in 1989 talked about refining the art of polling 'because someday he [Bradley] might want to run for president.'"

Gore Campaign Update. ***Gore Aides Discuss Possibility Of Losing New Hampshire.*** Time (10/4, Tumulty, Duffy) reported last week "several Gore operatives were worried enough to talk privately of perhaps losing New Hampshire – a stunning concession at this stage – and maybe even New York. All of which leaves them counting on the back pages of the primary season calendar. That is a far different scenario than the quick blowout they expected last spring when they decided not to take on Bradley at all because several key players, including Gore, thought he might drop out." Time added, "Gore insiders particularly fault Mark Penn, the lead among Gore's half a dozen pollsters. Penn shares his energies with the President, Hillary Clinton and Microsoft chairman Bill Gates. Over and over, Penn told the Vice President that Bradley posed little or no threat, that Bush was not as far ahead as public polls suggested and that most voters were confusing the Texas Governor with his father." Time noted, "At one point, when Penn was insisting that Gore was no farther than 10 points behind Bush, a campaign official quietly asked another pollster to check Penn's work. The number came back: Gore down by 18." Time added, "Penn declined to be interviewed but let it be known through an intermediary that his position is secure."

Gore Camp Steps Up Attempts To Engage Bradley. Time (10/4, Tumulty, Duffy) reported inside Vice President Al Gore's campaign, "things are increasingly fractious. In one particularly nasty meeting

recently, Gore's team chairman, Tony Coelho, lashed out at his senior staff, and there are hints that firings are in the offing." Gore operatives "argue, rightly that it is far better to face the Bradley Moment in late September than in late January. Sources tell Time they are moving onto a war footing. Last week the campaign stepped up its plan for 'engaging' Bradley, distributing talking points to Gore troops in New England. Gore officials say Bradley is already offering a variety of targets, including an embrace of gay rights that could backfire on that community, his vote for a school voucher experiment and what they say is his mixed record on campaign finance reform. More jabs are sure to come." Time added what the Gore camp needs "is a seawall, one that would prevent Bradley's support from washing beyond where it is strongest at the moment: a hard core of affluent liberal men from the Northeast."

Newsweek (10/4, Turque) reported, "Election time is approaching, and once again, Gore is trying to colorize his beige public image. This year, as in every national election since 1988, aides speak hopefully of a reinvented Gore. With warmer, earth-tone suits, a buffer build and a trimmed-down message, he is poised, they say, to reveal some of what family, friends and reporters working off the record often see: a spontaneous, engaging and even subversively funny man." Said one aide, "He's on fire now," adding, "He feels very passionate now." Newsweek added, "He had better, as a time when friends and supporters worry that his campaign is starting to slip away." Newsweek continued, "Gore may never wipe out his charisma deficit, but he keeps working at it. He took his retooled show head to head with Bradley at the fall session of the Democratic National Committee and got points for energy, if not necessarily style. Following the professorial Bradley, who donned glasses to read a quietly eloquent speech from notes, Gore borrowed from the Elizabeth Dole playbook. He moved from the podium to center stage, speaking about his Tennessee childhood and rallying the party base by affirming his support for women, unions and racial diversity." Gore also "test-marketed a possible line of attack against his opponent Saturday with a veiled shot at Bradley's 1995 Senate retirement speech, in which he said politics was 'broken.' Gore urged the crowd 'to fight for the right outcome, and not walk away from change, but stay there digging and fighting."

Behind-The-Scenes Problems Continue. Newsweek (10/4, Turque) reported, "As Gore tried to sharpen up his act, his backstage problems continue to grow." The Gore camp "is bloated with costly consultants and is 'hemorrhaging' cash, as one nervous Gore adviser told the New York Times last week. Campaign czar Tony Coelho, whom Gore hired last spring to give the drifting organization focus, gets high marks from senior advisers for expediting decisions and controlling at least some of the candidate's notorious micromanagement (fussing over guest lists for events, parsing the details of schedules). But lower-level operatives say the rest of the organization has been demoralized by Coelho's autocratic style. 'Brutal' one longtime operative told Newsweek." Newsweek added in New Hampshire, Gore supporters "are warning Gore brass in Washington that the candidate has spent far too much time schmoozing state party officials and not enough cultivating the broader support essential to victory."

Gephardt Helping Gore, But Won't Endanger His Own Future. Time (10/4, Tumulty, Duffy) reported, "Even as House Minority Leader Dick Gephardt works hard to shore up Gore support among labor and in Iowa, he will not do anything to imperil his own chances of taking back the House – which is why he is not squeezing hard on wavering members." Gephardt told one, "You've got to do what you need to get reelected," adding, "That's what I want the most." Time added Gephardt "is working on a strategy in which his own goal is not tied to the outcome of the presidential campaign – putting money and muscle in close races where coattails won't save the Democrat."

Presidential Field Reacts To Tax Cut Veto. US News and World Report (10/4) reported the tax cut debate now "moves from legislative initiative to campaign issue. While special-interest tax breaks may get passed, few politicians expect – and fewer probably even want – a major tax cut to be signed into law before the 2000 elections." US News asked the current presidential field what they would have done with the $792 billion tax cut bill vetoed by President Clinton this week. George W. Bush said, "I would have signed the tax cut. Once we meet basic needs, we should return money to taxpayers, not spend it on more government." Elizabeth Dole said, "While no legislative package is perfect, I would sign this tax bill because I believe the tax burden on families is overwhelming." John McCain said, "I want a flatter and simpler tax code that puts working families ahead of special interests." Steve Forbes said, "Take what you can get, but Republicans should pass big tax cuts in separate bills so people can see how they would benefit." Pat Buchanan said, "I

would sign [the tax bill] in letters as big as John Hancock's signature on the Declaration of Independence." On the Democratic side Vice President Al Gore said, "Republicans support a plan that's wrong for our parents, children and economy. Been there. Done that. We're still paying the bill." Bill Bradley said, "I'd veto it in a second. It gave $792 billion in cuts, 78 percent of it to people with over $100,000 in income. That's not my priority."

Clinton's Promised Tome On Race Relations Still On Drawing Board. US News and World Report (10/4, Bedard) reported in its Washington Whispers column that "after multiple delays in making good on a promise to pen a serious book on race relations," it is Bill Clinton's "handling of the issue that has become the joke, say insiders." Clinton "had promised to add personal touches to a draft of the book in time for an April 1999 publication date. But associates say he has yet to devote any serious time to the project, except to ask for a few 'updates' on policy issues he wants to tackle, such as building new economic markets for blacks." US News added, "Associates describe the effort to personalize the 200-page policy tome as arduous and time demanding," and aides "will only say that Clinton will finish the project before leaving office."

Tobacco Suit Seen As Ploy To Get Industry To Bargain. US News and World Report (10/4, LaVelle) reported analysts say the Justice Department's goal in filing suit against the tobacco industry "is to force tobacco to the bargaining table to cut a deal that includes such provisions as a ban on advertising and a concession to Food and Drug Administration regulation. If the Feds can get tobacco to give on either, the Clinton Administration could claim a victory. But the tobacco industry says it would rather fight than deal. Its lawyers liken the case to the Federal government's epic 30-year anti-trust suit against IBM; it is so complex that the mere exchange of documents could take years." US News added, "The industry spinners are trying to display the industry's confidence any way they can, which includes vigorously promoting a June Congressional Research Service analysis that concludes tobacco doesn't add to health costs because it kills people early."

Luntz Says Hill Fatigue Could Cost GOP The House. US News and World Report (10/4, Bedard) reported in its Washington Whispers column, "First there was 'Clinton fatigue,' and now there's 'congressional fatigue.'" GOP pollster Frank Luntz says his polls show that "American voters are less likely to keep the House in Republican hands than to elect Republican George W. Bush president." Luntz's polls show that "backing for a Republican House lags behind support for Bush by 10 percent, a killer gap when the GOP has a teeny five-seat majority."

FBI, Justice, White House Feud Examined. US News and World Report (10/4, Cannon, Ragvan) reported, "So great is the disdain between the FBI and the White House that [FBI Director Louis] Freeh has told colleagues that he would die with his boots on rather than quit and give President Clinton the opportunity to name a replacement. But that's only one indicator of the tensions among his agency, the Justice Department, the White House and Capitol Hill – tensions that in recent weeks have made the nation's law enforcement system look like it's crumbling." US News added, "Is the situation out of control? The potential for collateral damage is high. The rifts could take a toll, demoralizing employees and hurting the Justice Department's credibility with the public. But observers both inside and outside the government say it's not that bad – yet." US News added Attorney General Janet Reno and Freeh "are said to be supportive of each other, chatting daily. But the relationship is being stressed big time as Waco, campaign finance, the mishandled China spy scandal, and other controversies take center stage. How will this soap opera end? Hint: Neither Freeh nor Reno is going anywhere. At least not during this administration. As far as how deep the collateral damage goes, we won't know until the shouting stops."

US Getting Deeper Into Colombia's Drug War. US News and World Report (10/4, Robinson) reported as US Marines hit the Colombian jungle, "Colombian President Andres Pastrana met with President Clinton last week to seek help for his country's mounting crises. Alarmed by a doubling of cocoa cultivation and increasingly aggressive Marxist rebels, US officials had urged him to come up with a comprehensive strategy." Pastrana's response is a three-year plan, which "calls for a whopping $3.5 billion in foreign aid – and would draw the United States more deeply into Colombia's drug war. The cornerstone? Some $1.5

billion in US training and equipment for the besieged Colombian military and police, on top of $289 million this year." Pastrana "would also continue a decade-old drug eradication effort, fund alternative jobs for poor cocoa-growing peasants and 1 million people displaced by the 35-year old war, and shore up an economy mired in its worst recession in 60 years." US News added, "Sending money abroad is rarely popular," but on a trip to Capitol Hill, Pastrana "found congressional leaders receptive." US News also reported, "While the administration is prepared to back a substantial aid hike, direct US military involvement is not on the table. Seeking to stop rumors of a possible US intervention, Pastrana said in a UN speech last week, 'The times of intervention are over. These are times of cooperation.'" The US "would like to draw a neat line between the drug and guerilla wars, but the men on the ground know" the Revolutionary Armed Forces of Colombia or FARC "will come after them since they are challenging their control of the region and a drug business that finances their war." FARC "issued a communiqué last week "denouncing the US-Colombian drug war as a ruse to make war on them. Colombian Defense Minister Luis Fernando Ramirez says US-trained troops are authorized to go after rebels they encounter or who threaten them, even though the United States insists that its aid is strictly for counternarcotics efforts. The reality is that Colombia's problems can't be parsed." Former US Ambassador to Colombia Myles Frechette said, "It's a daisy chain," adding, "Everything is connected to everything else – drugs, guerillas, kidnaps, paramilitaries, refugees. ... We finally recognize that there's no quick fix."

FBI Offers Help To Russian Bombing Investigators. US News and World Report (10/4, Bedard) reported in its Washington Whispers column, "The terrorist bombings rocking Russian cities have prompted FBI Director Louis Freeh to offer the Bureau's help." The FBI is prepared "to dispatch a team of forensic experts to comb bomb sites for evidence," but, "Moscow authorities are cool to the idea. The Russians apparently prefer their own approach: They've rounded up more than 20,000 'suspects' for interrogation."

Two US Investigations Of Russian Money Laundering Reach Critical Stages. Newsweek (10/4, Powell, Hosenball) reported, "Newsweek has learned that two major US investigations related to Russian money laundering are now reaching critical stages. In one, the Manhattan district attorney in New York City is trying to extradite two lawyers from Britain in connection with a suspected scheme to launder money for Benex," a company that "specializes in funneling Russian money offshore." In a separate case, "the US Customs Service is monitoring the activities of a mysterious Russian émigré based in Philadelphia (officials won't divulge his name). Over the past two years, sources say, the Russian has moved an estimated $500 million through accounts in 15 to 20 banks in the Northeast. The money comes from Russia, spends a day or two in American banks and then is transferred to tax havens offshore. Sources told Newsweek that some of the funds handled by the Russian may have been diverted from the Kremlin's coffers."

NY Senate Update. ***Pols Urge Hillary To Declare Herself In Or Out.*** Newsweek (10/4) reported, "So far, Hillary Clinton's 'listening' strategy in her still unofficial New York Senate run has succeeded in keeping expectations – not to mention campaign costs – low. But is it time to put her money where her ears are?" Last week, Rep. Charles Rangel "groused that the first lady has to declare herself 'in or out.'" Rangel "attributed her recent stumble over clemency for Puerto Rican terrorists to the lack of a full bore campaign." Rangel said, "She cannot cover the state and respond to questions unless she has a campaign organization." Newsweek added other local pols "have made similar complaints, saying that backers are eager to get involved but don't know whom to call." Clinton insiders say Hillary, "who expects to spend $25 million before Election Day, is loath to begin depleting her campaign treasury until she announces officially, probably early next year." Relying on "grass-roots volunteers and old friends like Harold Ickes, a veteran of her husband's White House campaigns, Hillary has been able to avoid hiring a high-priced campaign manager, who would rack up more bills. An official hire could also ratchet up press scrutiny – magnifying even minor gaffes. But insiders say she is now debating whether it's time to beef up her staff, if only to soothe anxious supporters." Rangel told Newsweek, "When we do have a candidate and we do have a campaign...I will be ready to engage."

Aides Fear $100K Tab To Furnish Clintons' New York Digs. US News and World Report (10/4, Bedard) reported in its Washington Whispers column, "Already in hock for $1.7 million for their post-presidency New York pad, the first couple is now facing potential furniture bills of $100,000, aides fear. The

problem: they don't own a stick of it." As a result, aides say the Clintons "are 'scrounging' for furniture from pals."

LAST LAUGHS:

Late Night Political Humor.

David Letterman: "I'm very happy you're here, because last night, what a rough audience we had here last night. They were so quiet, I thought I was at a Hillary Clinton rally."

David Letterman: "As you know, Hillary Clinton will be our next senator from the great state of New York. ... And Hillary is really behaving like a New Yorker now. That's what you've got to do. You've got to, you know, behave like a New Yorker, so when people ask her, 'Well, Hillary, did you learn anything from your listening tour?' she says, "I didn't hear nothing, I didn't see nothing.'"

David Letterman: "Hillary is really trying hard to prove that she's a New Yorker. Earlier today on the subway, she was arrested for jumping the turnstile."

David Letterman: "Hillary is really trying very hard to prove that she's a New Yorker. Earlier today she was out on Sixth Avenue trying to get hit by a cab."

David Letterman: "Hillary is trying very hard to prove that she's a New Yorker. Earlier today she said she wouldn't vote for Hillary."

David Letterman: "Hillary is working very, very hard to prove that she's a real New Yorker. Earlier today she gave herself the finger."

Craig Kilborn: "First Lady Hillary Clinton said today she's nearly committed to a race for the Senate in New York. The announcement was embraced by New Yorkers, many of whom find themselves nearly committed to not voting for her."

Craig Kilborn: "The US Justice Department has filed a $20 billion lawsuit against the tobacco industry, accusing them of fraud and deceit. The tobacco industry defended itself today, saying that according to their scientific studies, fraud and deceit are not harmful if used in moderation."

Conan O'Brien: "Rudy Giuliani is threatening to stop funding an art museum in Brooklyn because its exhibit features animal dung, human blood and rotting corpses. Giuliani said, 'Hey. If people want to see stuff like that, they can take the subway.'"

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FY 2000 "Side-by-Side" Comparison for Abortion Provisions

	FY 1999 Enacted	FY 2000 President's Budget	FY 2000 House	FY 2000 Senate	FY 2000 Conference	FY 2000 Enacted
DC	Sec. 131. No funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.	Same as FY 1999 Budget, i.e., the Administration proposes to delete this provision and add the footnote that the Administration will work with Congress on this issue.	Section 129. Same as FY 1999 Enacted.	Sec. 129. Same as FY 1999 Enacted.	Sec. 129. Same as FY 1999 Enacted.	Bill was vetoed.
C/J/S	Sec. 103. Repeated FY 1998 Enacted language. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.	Same as FY 1999 Budget i.e., the Administration proposes to delete this provision and add a footnote that the Administration will work with Congress on this issue.	Sec. 103. Same as FY 1999 Enacted.	Sec. 103. Same as FY 1999 Enacted		
C/J/S	Sec. 104. Repeated FY 1998 Enacted language. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of any abortion.	Sec. 103. Same as FY 1999 Sec. 104 Enacted.	Sec. 104. Same as FY 1999 Enacted	Sec. 104 Same as FY 1999 Enacted.		
C/J/S	Sec. 105. Repeated FY 1998 Enacted language. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individuals employees of the Bureau of Prisons.	Sec. 104. Same as FY 1999 Sec. 105 Enacted.	Sec. 105. Same as FY 1999 Enacted.	Sec. 105. Same as FY 1999 Enacted.		
L/HHS/Ed **Hyde Amendt**	Sec. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion. (b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion. (c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.	Same as FY 1999 Budget, i.e., propose deletion and add footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."	Sec. 508. Same as FY 1999 Enacted.	Sec. 508. Same as FY 1999 Enacted.		

	FY 1999 Enacted	FY 2000 President's Budget	FY 2000 House	FY 2000 Senate	FY 2000 Conference	FY 2000 Enacted
L/HHS/Ed **Hyde Amend-ment**	Sec. 509. (a) The limitations established in the preceding section shall not apply to an abortion-(1) if the pregnancy is the result of an act of rape or incest; or (2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. (b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds). (c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).	Same as FY 1999 Budget, i.e., propose deletion and add footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."	Sec. 509. Same as FY 1999 Enacted.	Sec. 509. Same as FY 1999 Enacted.		
L/HHS/Ed **Medicare+ Choice**	Sec. 216. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.	Sec. 210. Same as FY 1999 Enacted.	Sec. 210. Same as FY 1999 Enacted.	Sec. 210. Same as FY 1999 Enacted.		

	FY 1999 Enacted	FY 2000 President's Budget	FY 2000 House	FY 2000 Senate	FY 2000 Conference	FY 2000 Enacted
Foreign Ops	Sec. 518. Same as FY 1997 Enacted language. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.	Sec. 516. Same as FY 1999 Sec. 518 Enacted.	Sec. 518. Same as FY 1999 Enacted.	Sec. 518. Same as FY 1999 Enacted.	Sec. 518. Same as FY 1999 Enacted.	
Foreign Ops	N/A	N/A	N/A	**New provision** **Sec 519. In determining eligibility for assistance from funds appropriated to carry out Section 104 of the Foreign Assistance Act of 1961, non-governmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance.**	N/A	
Foreign Ops	Sec. 580. (a) Not to exceed $385,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance. (b) Such funds may be apportioned only on a monthly basis, and such monthly apportionments may not exceed 8.34 percent of the total available for such activities.	The Administration proposed to delete this provision.	Sec. 574. Not to exceed $385,000,000 of the funds appropriated in title II of this act may be available for population planning activities or other population assistance.	Under the Development Assistance heading, provides for not less than $425,000,000 of the funds appropriated under this heading shall be made available to carry our the provisions of section 104(b) of the Foreign Assistance Act of 1961. No monthly metering is included.	The Conference bill does not include this provision.	

	FY 1999 Enacted	FY 2000 President's Budget	FY 2000 House	FY 2000 Senate	FY 2000 Conference	FY 2000 Enacted
Foreign Ops	N/A	N/A	**New Provisions:** Sec. 585. (A) Section is amended ...(h) Restriction on Assistance to Foreign organizations That Perform or Actively Promote Abortions (1) ...No funds appropriated for population planning activities or other populations assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organizations certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be in danger if the pregnancy would be carried to term or in cases of forcible rape or incest. (B) ..may not be construed to apply to the treatment or injuries or illness cuased by legal or illegal abortions or to assistance provided directly to the government of a country. (2) Lobbying activities... Sec. 586. (a) None of the funds appropriated or otherwise made available for population planning activities or other population assistance under title II of this Act may be made available to a foreign nongovernmental organization unless the organization certifies that - (1)it will not use such funds to promote abortions as a method of family planning or to lobby for or against abortion; (2) it will use such funds that are made available for family planning services to reduce the incidence of abortion as a method of family planning; (3) it will not violate the laws or policies of foreign government relating to the circumstances under which abortion is permitted...(4) it will not engage in any activities or efforts in violation of applicable laws..	N/A	N/A	

	FY 1999 Enacted	FY 2000 President's Budget	FY 2000 House	FY 2000 Senate	FY 2000 Conference	FY 2000 Enacted
Foreign Ops	Sec. 543. (a) Assistance Through Nongovernmental Organizations. --Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10,and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ``Assistance for Eastern Europe and the Baltic States'': Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act. (b) Public Law 480 . . .	Sec. 532. Same as FY 1999 Sec. 543 Enacted.	Sec. 541. Same as FY 1999 Enacted.	Sec. 543. Same as FY 1999 Enacted.	Sec. 541. Same as FY 1999 Enacted.	

	FY 1999 Enacted	FY 2000 President's Budget	FY 2000 House	FY 2000 Senate	FY 2000 Conference	FY 2000 Enacted
Foreign Ops **Agency for Internat'l Developmt**	For necessary expenses to carry out. . . Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes), (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to (A) an individual in exchange for becoming a family planning acceptor, or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning services, (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services, (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method, (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on	Same as FY 1999 Enacted.	Same as FY 1999 Enacted.	Same as FY 1998 Enacted, which does not include requirements for voluntary family planning projects: "For necessary expenses to carry out ...Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services; Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriations funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961; Provided further ..."	Same as FY 1999 Enacted.	

	FY 1999 Enacted	FY 2000 President's Budget	FY 2000 House	FY 2000 Senate	FY 2000 Conference	FY 2000 Enacted
Foreign Ops **Cont'd**	Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term``motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, . . .					
Foreign Ops **Peace Corps**	For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $240,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2000.	Delete the sentence, "Provided, That none of the funds appropriated under this heading shall be used to pay for abortions" and add footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."	Same as FY 1999 Enacted.	Same as FY 1999 Enacted.	Same as FY 1999 Enacted.	
Treasury/ General Govern-ment **FEHB Prohibition**	Sec. 509. Same as FY 1998 Enacted language. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortion.	Same as FY 1999 President's Budget, i.e., delete the provision. In addition add the footnote, consistent with other abortion provisions that reads: "The Administration proposes to delete this provision and will work with Congress to address this issue."	Sec. 509. Same as FY 1999 Enacted.	The Senate excludes this provision.	Sec. 509. Same as FY 1999 Enacted.	Sec. 509. Same as FY 1999 Enacted.

	FY 1999 Enacted	FY 2000 President's Budget	FY 2000 House	FY 2000 Senate	FY 2000 Conference	FY 2000 Enacted
Treasury/ General Govern-ment **FEHB Prohibition**	Sec. 510. Same as FY 1998 Enacted language. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.	Same as FY 1999 President's Budget, i.e., delete the provision. In addition add the footnote, consistent with other abortion provisions that reads: "The Administration proposes to delete this provision and will work with Congress to address this issue."	Sec. 510. Same as FY 1999 Enacted.	The Senate excludes this provision.	Sec. 510. Same as FY 1999 Enacted.	Sec. 510. Same as FY 1999 Enacted.
Treasury/G eneral Govern-ment	Sec. 656. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage. (b) Nothing in this section shall apply to a contract with: (1) any of the following religious plans: (A) SelectCare (B) Personal CaresHMO (C) Care Choices (D) OSF Health Plans, Inc. (E) Yellowstone Community Health Plan (2) any existing or future plan, if the plan objects to such coverage on the basis of religious beliefs. (c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions. (d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.	Same as FY 1999 Enacted.	Sec. 635. Same as FY 1999 Enacted, except that SelectCare is deleted under (A) and Providence Health Plan is added.	Sec. 634. Same as FY 1999 Enacted, except that SelectCare is deleted under (A) and Providence Health Plan is added.	Sec. 635. Same as FY 1999 Enacted, except that SelectCare is deleted under (A) and Providence Health Plan is added.	Sec. 635. Same as FY 1999 Enacted, except that SelectCare is deleted under (A) and Providence Health Plan is added.