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Congress and District Clash Over a New City Ordinance

House Opposes Coverage of Contraceptives

By STEVEN A. HOLMES

WASHINGTON, July 13 — Reflecting the continued tensions between Congress and the District of Columbia, House Republicans are angry about a proposed city ordinance requiring insurance companies to cover prescription contraceptives routinely and plan to try to overturn it.

Influential Republicans and some Democrats in the House said today that the city government's failure to exempt religious organizations with doctrinal objections to providing contraceptive benefits to their workers threatened the good will that had been built up between the city and Congress.

Angered by the lack of an exemption or "conscience clause," for church-based employers and by what he termed anti-Catholic comments of several council members, Representative Ernest Istook, an Oklahoma Republican who is chairman of the subcommittee that appropriates money for the District, has drafted legislation that would overturn the ordinance.

"Not only did they not put in place a conscience clause, but there was a very ugly situation regarding comments from some people," Mr. Istook said.

Mr. Istook and other Republicans singled out the comments of Jim Graham, one of two openly gay members of the city council who, during debate on the measure, angrily took issue with recent statements by Pope John Paul II that castigated homosexuals.

In a message delivered last Sunday in Rome, the Pope said that "homosexual acts go against natural law" and that it was an "objectively disordered" inclination. The pontiff did add that homosexuals should be treated with "respect, compassion and sensitivity."

Church groups, including the Roman Catholic Archdiocese of Washington, had lobbied heavily for a broad exemption from the ordinance, asking that not only purely religious organizations be exempted but that institutions like Georgetown University, with a largely secular purpose, also be excluded.

To date 13 states require insurance companies that pay for prescriptions to also pay for at least some prescription contraceptives. Of those states, nine exempt religious organizations from the requirement.

"My problem is surrendering decisions on public health matters to the church," Mr. Graham said at a council meeting Monday night as he waved a newspaper clip containing the Pope's comment. "I've spent years fighting church dogma."

The city council member went on to criticize the Catholic Church for its opposition to the distribution of condoms in the 1980's, an action he said helped foster the spread of AIDS.

Later during the Monday meeting the council approved the measure. To become law it must be signed by Mayor Anthony A. Williams, who has not yet said how he will act on it.

Catholic leaders, who said they were disappointed by Mr. Graham's comments, argued that they should receive a broad exemption from the ordinance because many functions that seem secular are central to what the church is about.

"The church's mission is not merely to promote religious beliefs, but has always been involved in education, and health care and social services," said William E. Lori, the auxilary bishop of Washington. "All of these are integral to our mission as a church. And the government shouldn't tell us which of our Catholic institutions can follow Catholic principles and which ones cannot."

Allies of Mr. Graham said he was not anti-Catholic but was expressing frustration over both the views expressed by the Pope and the lobbying efforts of local Catholic leaders to avoid being covered by the ordinance.

"He had just read some very intolerant views from the Pope on gays, and then had the bishops come in and say, hey, cut us some slack on this law," said Brian Bond, president of the Gay and Lesbian Victory Fund, a group that helps openly homosexual candidates win public office.

Some Congressional Democrats complained that the Republicans were making the municipal law an issue to regain the party's appeal to Catholics who might have been upset by the visit of Gov. George W. Bush to Bob Jones University, as well as the House leadership's initial objection to the appointment of the first Catholic to be chaplain of the House.

As if to confirm those suspicions, Representative Thomas M. Davis III of Virginia, head of the National Republican Campaign Committee, noted in an interview how much he objected to the allegedly anti-Catholic comments made by Mr. Graham, who is a Democrat.

"After all the anti-Catholic stuff the Democrats have been hurling at Republicans, for Jim Graham to get up and say what he did about the Pope was very unfortunate," Mr. Davis said.

Bill on Pension Rules Moves Forward in House

By RICHARD W. STEVENSON

WASHINGTON, July 13 — The House Ways and Means Committee today approved legislation that would significantly raise maximum allowable contributions to individual retirement accounts and 401(k) plans.

The bill would gradually increase, over three years, the maximum annual contribution to individual retirement accounts, to $5,000 from $2,000. The change would apply both to conventional retirement accounts, under which contributions are tax deductible, and to Roth I.R.A.'s, under which contributions are taxable but withdrawals are tax free.

The bill would increase, over five years, the maximum annual employee contribution to 401(k) accounts, to $15,000 from $10,500.

The vote was 27 to 9, with 5 Democrats joining 22 Republicans on the committee in favor.

The bill now goes to the House floor, where a vote is expected in the next week or two. It is unclear whether the Senate will consider similar legislation this year.

"The bill before us responds to the fact that pension coverage and retirement savings today is wholly inadequate at a time when it is badly needed," said Representative Rob Portman, Republican of Ohio, who wrote the bill with Representative Benjamin L. Cardin, Democrat of Maryland.

The bill is expected to attract considerable support from Democrats when it goes to the full House. But some Democrats in the House, as well as officials in the Clinton administration, said they were concerned about provisions of the bill intended to reduce the regulatory burden on employers who offer pension plans. They said the regulatory changes could lead some employers to cut back on pensions for low- and moderate-income workers.

"We do not want to create what we would consider adverse effects," said Jon Talisman, an assistant secretary of the Treasury.

The legislation would also allow some people, under some circumstances, to make contributions above the maximum amounts to retirement accounts and 401(k) plans. People who are at least 50 years old would be allowed to contribute to individual retirement accounts as much as $5,000 a year starting next year, instead of having to wait for the higher limits to be phased in over three years.

Under provisions of the bill, people who are at least 50 would also be permitted to make contributions to 401(k) plans of up to $5,000 above the limits imposed on younger account holders. For example, when the general contribution limit reaches $15,000 in 2005 under the bill's provisions, people 50 or older could contribute as much as $20,000 a year to a 401(k) plan.

The bill would reduce federal revenue by an estimated $54 billion over 10 years.

The New York Times

FRIDAY, JULY 14, 2000

House Vote Sets Up a Battle On Family Planning Abroad

By STEVEN A. HOLMES

WASHINGTON, July 13 — The House of Representatives has set the stage for a reprise of last year's battle over the financing of international family planning, narrowly voting today to maintain restrictions on the ability of private organizations that receive federal money to use their own money to provide abortions overseas.

By a vote of 221 to 206, the House defeated an amendment to a $13.3 billion foreign aid bill that would have removed the restrictions. The limitations had been attached to the foreign aid measure last year as part of a one-year compromise worked out by the White House and Congressional Republicans to end a stalemate over the federal budget.

The foreign aid bill for the next fiscal year was approved today by the House on a vote of 239 to 185 after lawmakers added money for indebted nations and anti-AIDS programs to the package of economic, military development measures. The total was $1.8 billion less than President Clinton had requested, and the measure faces a possible presidential veto on that basis.

With the failure of the family-planning amendment, which was co-sponsored by Representatives Nita M. Lowey, Democrat of New York, and James C. Greenwood, a Pennsylvania Republican, the spotlight returns to the White House. President Clinton's advisers have said they will recommend that he veto the measure, in part because it maintains the restrictions.

Both sides say that, like last year, the issue will loom large in the budget negotiations. And both sides agree that the only question is whether President Clinton will hold firm on a veto or whether, as he did last year, he will allow the restrictions to become law despite his aides' vows that he will not do so.

"That's what the groups are nervous about, making sure that the White House doesn't cave in the final hours of the budget deal," said one abortion rights advocate who has been involved in the fight over the restrictions.

Representative Carolyn B. Maloney, a Manhattan Democrat who supports abortion rights, sighed when asked whether she was confident that Mr. Clinton would adhere to his veto pledge.

Then, in measured tones, she said: "I know the president doesn't want his legacy to be that this administration turned its back on the young women of the world. I believe the president will stand firm."

The restrictions affect groups that provide abortions in foreign countries, or lobby foreign governments on the issue, even if they use their own money for these activities. Current law prohibits the federal government from directly financing abortions in foreign countries. The rules were first enacted by President Ronald Reagan in an executive order in 1984. One of Mr. Clinton's first acts as president in 1993 was to issue his own executive order rescinding the restrictions.

Last year, during the crush of negotiations about spending bills, the Clinton administration permitted the restrictions, dubbed the "gag rule" by abortion rights advocates, to become law for one year. In return, Congressional Republicans agreed to legislation that began paying down the United States' debt to the United Nations.

The compromise permitted Mr. Clinton to waive the restrictions, which he did. But in doing so he automatically invoked a provision in the law that cut federal money to all international family planning organizations by $12 million. The compromise also required that no more than $15 million in federal money could go to international family planning groups or their overseas subcontractors that refuse to abide by the limitations.

Should the legislation stand, President Clinton could again waive the restrictions, but a consequence would be further cuts in family planning financing.

Anti-abortion campaigners in Congress are seeking to extend the limits for another year, arguing that a precedent has been set. They say the cuts in family planning money last year did not result in many family planning groups refusing to accept American money for their services.

Limits on aid to overseas groups that offer abortions.

"I think our position is much stronger now because all of the scare tactics that were put forward were totally unfounded," said Representative Chris Smith, a Republican from New Jersey who is a leading abortion opponent in the House. Indeed, during today's debate, Representative Jim Ryun, a Republican from Kansas, said that the House should "honor the spirit of the compromise." The Senate foreign aid bill does not contain similar restrictions, but lawmakers say the issue will be among the last resolved resolved before the end of the fiscal year on Sept. 30.

Administration officials have assured abortion-rights advocates that Mr. Clinton intends to stand firm on vetoing any legislation that contains restrictions on the activities of international family planning organizations. But some advocates recall the President's reversal last year.

"I was in a meeting with the chief of staff last year where he said under no circumstances would the president cave on this," said one abortion-rights supporter who spoke on the condition of anonymity. "A few days later he did."

But some abortion rights advocates predicted that the administration's resolve would be strengthened by a need to keep faith with a core constituency in an election year.

"It being a presidential election year, the advocates will direct their attention to the vice president and tell him it's time to keep the president's knees straight on this," Mr. Greenwood said.

The New York Times

FRIDAY, JULY 14, 2000

"Conscience Clause" Debate

July 20-21, 2000

July 20, 2000

The Washington Post

"Lawmakers Seeks Cut in D.C. Control Board Funds" Fehr and Tucker

"The D.C. Contraceptive Bill" LETTERS TO THE EDITOR

"The Council and 'Conscience'" Editorial

The Washington Times

"Condom mania-D.C. mandate threatens charities" Kenneth Smith

The New York Times

"Insurance Should Cover Cost of Contraceptives, Suit Says" Lewin

[Does not discuss D.C. situation but related to national Health insurance and contraceptives debate]

July 21, 2000

The Washington Post

"Hill Committee Enters Fray on D.C. Measure-Birth Control 'Conscience Clause' Sought" Fahrenthold

The Washington Times

"City budget bill given 'conscience'" Williams, A1

"A strong anti-Catholic streak" Editorial

[Note: All these articles should be available off the Internet. I just pulled them from the clips because I had them. Hope this helpful.]

Lawmaker Seeks Cut in D.C. Control Board Funds

Reduction Is Proposed For Court System, Too

By Stephen C. Fehr
and Neely Tucker
Washington Post Staff Writers

The House Republican who oversees District spending has slashed the D.C. financial control board's budget in half, saying the agency that Congress created to bring fiscal discipline to the city had failed to justify a request for more money.

Rep. Ernest J. Istook Jr. (R-Okla.), chairman of the House Appropriations subcommittee on the District, is recommending that the House cut the federally appointed board's budget from $6.5 million to $3.1 million for the fiscal year that begins Oct. 1.

The full Appropriations Committee is scheduled to meet today to consider the District's 2001 budget, which includes the control board funding.

The panel also will review a subcommittee's recommendation that the District's cash-strapped courts absorb a $200,000 budget cut, while other criminal justice agencies are scheduled to receive modest to huge increases, a sharp reminder of the distrust with which Capitol Hill still views the city's busiest courthouse.

The subcommittee has proposed that D.C. courts receive $99.5 million next year, down from this year's $99.7 million, and $21 million less than what the courts requested. Also up for consideration at today's markup are the fate of $25 million slated for a Metro stop at New York and Florida avenues NE and a D.C. Council-passed bill forcing health care insurers to pay for prescribed contraceptives. The criticism leveled at the control board was a rare display of congressional pique over the entity that lawmakers created to guide the city out of its financial crisis.

Istook scolded the control board for submitting what he considered to be a vague, one-page justification for doubling its budget next year even as its tenure is winding down. Created in 1995, the board by law is supposed to shut down after the District produces four consecutive balanced budgets, the last of which is the current budget year, which ends Sept. 30. The control board is scheduled to close Oct. 1 next year.

Istook, in the committee report accompanying the D.C. bill, said "the control board should set an example for the District government in how to prepare budgets that managers can use to evaluate their performance."

"The audacity of requesting a budget that is more than double that of the previous year with little or no written justification, for a year when the control board will be winding down, speaks volumes," Istook said.

Francis S. Smith, executive director of the control board, said the agency requested additional money to cover higher personnel costs stemming from severance pay for the board's 30 staff members who will lose their jobs next year. As employees are cut, he said, the board will have to hire contractors to pick up some of the work.

"All I can say is, I would hope Congress would consider the fact that going out of business is more expensive than operating a business on a continuing basis," Smith said.

Smith said he is puzzled at Istook's complaint that the board did not supply enough information. Congress knows every financial detail about the control board, including rent, salaries and contracts, he said. The agency is audited every year.

"They know everything about us," Smith said.

If the Appropriations Committee goes along with the recommended budget for the D.C. courts, local officials will find it extremely difficult to provide raises for a demoralized and depleted work force that hasn't had a raise in three years. D.C. Superior Court and the D.C. Court of Appeals have been under a hiring freeze for two years and have lost 113 employees in that time, court documents show. The remaining 1,126 nonjudicial employees are paid 19 percent less than their counterparts in federal court.

Judges and court managers, who thought they had overcome most congressional concerns about their spending habits, were taken aback by the proposed budget cut.

Annice M. Wagner, chief judge of the D.C. Court of Appeals and chair of the Joint Committee on Judicial Administration, the court's top policymaking body, declined to be interviewed. Instead, the six-member Joint Committee released a one-sentence statement:

"While disappointed with the initial mark-up, court officials remain optimistic that adequate funding for operating the courts will be provided by the time the budget process is completed."

The Washington Post
Thursday, July 20, 2000

SPECIAL INTERESTS

Judy Sarasohn

Lytle Answers the USTA's Call

Gary M. Lytle, a veteran telecom lobbyist of more than 30 years, is stepping in at the U.S. Telecom Association as **Roy Neel** steps out.

Neel, president and chief executive of USTA, is taking a leave of absence beginning Sept. 1 to help his old friend and former boss Vice President Gore win the presidential election. Lytle, who has a consulting shop, will serve as interim president in Neel's absence.

Lytle retired as vice president of federal relations for Ameritech and head of the company's Washington office last year after the company was taken over by SBC Communications. SBC was one of his first lobbying clients. While at Ameritech, Lytle served on the board of directors of USTA, then known as the U.S. Telephone Association.

He is said to be close to Republicans and Democrats on the Hill, including House Speaker J. Dennis Hastert (R-Ill.) and Democratic Whip David E. Bonior (Mich.).

On vacation in Scotland, Lytle said in a brief telephone message that he's "looking forward" to his USTA assignment.

"He's well known to our board of directors. He's got friends in both parties. He was a natural," Neel said yesterday.

Antiabortion Catholic Group Hits Hill

A Catholic antiabortion group criticized for its links to the more militant wing of the movement launched "Campaign for Life 2000" this week, running ads in major newspapers and planning to visit all of the Catholic lawmakers on Capitol Hill to ensure their opposition to abortion rights.

Politicians who call themselves Catholic or Christian but vote to keep any kind of abortion legal are "false prophets," said the Rev. **Frank Pavone**, national director of Priests For Life, at a news conference Tuesday. "Don't claim you're a believer if you don't act like one."

The group has no official connection to the Vatican or the American Catholic hierarchy, although several prominent Catholic leaders sit on the board or support it. Pavone worked for two years on Pope John Paul II's Pontifical Council for the Family, helping coordinate the Roman Catholic Church's international antiabortion activities.

Abortion rights advocates criticize the group for tacitly condoning lawbreaking. They point to one of the group's pamphlets, "Our Media Is the Streets," where Pavone writes: "Breaking a law of trespass to prevent killing is perfectly justified."

Pavone yesterday denied the charge.

The group, which met earlier with Republican presidential candidate George W. Bush, has buttonholed about a dozen Catholic members of Congress, and plans to meet the rest of the Catholic members and congressional candidates over the coming weeks.

Ex-Senator Simpson to Join Tongour Group

He's baaack—soon. After the Republican convention next month, former senator **Alan K. Simpson** (R-Wyo.) will join the **Tongour Group**, the D.C. government relations shop of **Mike Tongour**, his former chief counsel, and **Brad Holsclaw**, who worked for Senate GOP leaders Robert J. Dole (Kan.) and Trent Lott (Miss.). The firm is being renamed the **Tongour Simpson Group**.

Simpson, a former Republican whip, recently served as director of the Institute of Politics at the Kennedy School of Government.

Tongour said Simpson isn't ruling out any lobbying work but he'll generally be providing "strategic advice" to clients. Tongour reports that Simpson says he does not want to "strike fear" in his former colleagues when they see him coming. Simpson's out West on vacation and could not be reached for comment.

Verner, Liipfert Counsel Moves to Smithsonian

Nell Payne, of counsel at D.C. law firm **Verner, Liipfert, Bernhard, McPherson and Hand**, is joining the Smithsonian Institution as director of its Office of Government Relations, getting what she calls her "dream job." She starts July 31, succeeding **Don Hardy**, who retired in December 1999.

The Smithsonian encompasses 16 museums, the National Zoo and research facilities around the world.

Payne made the Smithsonian connection through Sheila Burke, undersecretary for American museums and national programs. They've known each other since the 1980s, Payne said, when Burke worked for Sen. Robert J. Dole (R-Kan.) and Payne worked for Sen. Pete V. Domenici (R-N.M.) and the Senate Budget Committee. She also served as special assistant to President George Bush for legislative affairs and lobbied for Turner Broadcasting System.

Sun Microsystems Hires Ex-Legislative Aide

Robert Smith, until this week legislative director for Rep. Wes Watkins (R-Okla.), joined Sun Microsystems Inc. on Monday as a federal affairs representative specializing in tax and trade issues. He was a media coordinator for the 1996 Republican National Convention.

Former Puerto Rico attorney general **Jose A. Fuentes** has moved to Washington to join the lobbying firm of **Morgan Meguire**. Fuentes chairs Gov. George W. Bush's presidential campaign in Puerto Rico. Also signing up at Morgan Meguire is **Jocelyn R. Hong**, former vice president at the **Dutko Group** lobby shop, who had worked on President Clinton's 1992 transition team.

Marc Pearl is leaving the Information Technology Association of America for **Shaw Pittman**'s government relations practice group. Pearl, ITAA's senior vice president for government affairs and general counsel, will be leading the law firm's technology policy practice.

Staff writer Hanna Rosin contributed to this report.

News or leaks about Washington influence? Send to Special Interests by e-mail to fedpage@washpost.com.

The Washington Post

THURSDAY, JULY 20, 2000

LETTERS TO THE EDITOR

The D.C. Contraceptive Bill

Rep. Ernest J. Istook Jr. (R-Okla.), co-chairman of the House Government Reform subcommittee on the District, believes that the D.C. Council's passing of the bill for health insurance coverage of contraceptives was used as a forum for bashing the Catholic Church [front page, July 13].

I am Catholic, and I support this bill. Let's worry more about child abuse and domestic violence than this.

A. F. RODRIGUEZ
Washington

■

D.C. Council member Jim Graham acted in a bigoted way even as he attempted to take the "moral high ground" in his accusations against the Catholic Church for "forcing" its morality on others [front page, July 12].

No one is forced to belong to a health plan, and no one is forced to work for a Catholic institution. It would seem to follow that those who do can accept the moral standards of that institution (or at least bear with them). Otherwise, the employees are compromising their consciences and values.

Disappointing also is the "caving in" of the council to Mr. Graham's faulty arguments. If this legislation becomes law, costly litigation inevitably will follow—simply to allow a religious entity to practice its legitimate freedom under the Constitution.

What will be (and has been) accomplished is increased division rather than the "inclusiveness" that so many of our civil leaders proclaim to desire.

LAURALEE E. SEUBERT
Washington

■

Colbert I. King's July 15 op-ed column about the controversy surrounding the D.C. Council bill requiring Catholic institutions to provide contraceptive coverage shows he is looking at it from the wrong end. While it is true that "nothing compels an employee or an employee's dependent to take advantage of a contraceptive benefit," it is also true that the bill would directly compel a Catholic institution to provide a service in direct contradiction to religious beliefs.

It is also a red herring to point out that some large Catholic institutions would be exempt because they are self-insured. Since when is it a requirement to be self-insured to enjoy religious freedom?

More troubling (and not addressed by Mr. King) are the anti-Catholic statements of council member Jim Graham, whose comments sounded like something from the 1950s. Every person who believes in freedom of religion should be concerned about this bill and the bigoted statements made during the debate on it.

PATRICK SCULLY
Director of Communications
Catholic League
New York

■

One can disagree with the Vatican's position on contraception and homosexuality and not be anti-Catholic. One can draw attention to the Vatican's historical position on a particular issue and not be anti-Catholic.

In calling the D.C. Council's session (on a bill requiring health insurance coverage of contraceptives) "a forum for bashing religion, and one faith in particular," Rep. Ernest J. Istook Jr. shows a preference for an emotional rather than an intellectual approach to the issue.

Auxiliary Bishop William E. Lori also found "evidence of anti-Catholic bigotry of the unreconstructed kind." He too claims that the council's decision was based on hatred rather than intellectual discipline. Think of what could be accomplished if leaders approached issues rationally unfettered by emotional baggage.

Labeling a position that does not agree with Rome as "anti-Catholic" is as frightening as seeing how easy it is for Congress to nullify legislation passed by the D.C Council.

ANNE DAMMARELL
Washington

■

Here's a big Bronx cheer for the D.C. Council! In one vote its members managed to stomp on the Bill of Rights, alienate the Catholic Church and raise the cost of health insurance in Washington.

Meanwhile the plumbing at the public swimming polls is all fouled up (literally), the ball fields aren't mowed, D.C. General is going broke from mismanagement, the Anacostia River is polluted, and several agencies are in receivership.

This is the same crowd that slept for years while the previous mayor partied the city into the dumpster. They want to have a vote in Congress and an end to the control board?

Don't make me laugh!

TIM HAYES
Fairfax

Internet Privacy

Until we have legislation protecting Internet privacy, customer lists and the data attendant to them will be available as it was in the Toysmart.com bankruptcy [editorial, July 12]. The customer list is one of the most basic assets of a dot-com, which devotes most of its effort to building a customer base. A trustee in bankruptcy is obligated to maximize the value of the debtor's assets for distribution to creditors. Only comprehensive legislation on this issue would subject a bankruptcy proceeding to restrictions.

CHARLES A. DOCTER
Washington

South Africa's Fight Against AIDS

A June 4 Outlook article attacking South African President Thabo Mbeki cited his "skepticism over whether the HIV virus causes AIDS." However, President Mbeki has never said anything questioning the link between HIV and AIDS. Indeed, South Africa's war against AIDS is based on the idea that HIV causes AIDS.

What President Mbeki has said is that we need more information to make a more effective fight against HIV and AIDS. Under the auspices of the U.S. Centers for Disease Control and the South African Medical Research Council, he has encouraged scientists to work on unresolved scientific matters relating to HIV/AIDS issues.

Other inaccuracies in the article include the assertions:

- That 50 percent of South African women will be raped during their lifetimes. A 1998 survey revealed that approximately 4.4 percent of South African women have been raped. While this figure is disturbingly high, it is nowhere near the 50 percent of women alleged by Charlene Smith.
- That 70 percent of the members of the South African National Defense Force are HIV-positive. The Defense Force never has conducted mandatory testing or published any official statistics on HIV infections.
- That 36 percent of pregnant women in South Africa are HIV-positive. The only accurate source on HIV infection rates among pregnant women comes from 1999 public health clinic records; those put the infection rate at 23 percent—an alarmingly high statistic, but not 36 percent.
- That three drug trials in South Africa have proved the efficacy of antiviral drugs in preventing transmission of HIV in rape cases. To date, no such trials have been performed.

Ms. Smith tried to use her experience of being treated with anti-retroviral drugs after being raped to demonstrate the efficacy of such drugs in preventing transmission of the HIV virus. But her personal experience of not subsequently testing HIV positive, in contrast to that of another rape survivor, fails to prove the point that these drugs are effective for this specific purpose. Indeed, these drugs are not licensed anywhere in the world for preventing HIV transmission during rape.

SHEILA SISULU
Ambassador
Embassy of South Africa
Washington

Letters must be exclusive to The Post, must be signed and must include the writer's home address and day and evening telephone numbers. Because of space limitations, published letters are subject to abridgment. Although we are unable to acknowledge letters we cannot publish, we value the views of those who send us their comments. Letters should be addressed to Letters to the Editor and may be hand-delivered, submitted via U.S. mail or via our e-mail address at letters@washpost.com

The Washington Post
THURSDAY, JULY 20, 2000

MARY McGRORY

Gore's Pregnant Pause

The next time someone asks Al Gore if he supports a law forbidding the execution of a pregnant woman, let's hope he says, "Gimme a break, of course I do."

Or he could say, "Are you kidding? The average time between a death sentence and execution is 10½ years. By the time the mother ran out of appeals, the baby would be in the eighth grade. That's a trick question."

On "Meet the Press" last Sunday, Gore eschewed both common humanity and common sense. Asked about it by host Tim Russert, he hedged.

"Well, I don't know what the circumstances would be in that situation. I would, you know, it's an interesting fact situation. I'd want to think about it," he said.

What's to think about in a double execution, a mother and her blameless baby? If she's been on death row for any time, where contact visits are forbidden, how could the father be anybody but a prison guard, and that raises a whole bunch of other issues.

The future of the baby, should mom fail in her appeals, is assured. Childless couples would be lined up outside the prison to take it home. Record numbers of baby-starved couples are traveling to Russia, China and South Korea in search of children. All they ask is that they be available.

Gore is often accused of pandering, but in this case, it's hard to see what the audience is. Who would be pleased at his temporizing? The most militant feminists are not clamoring for equal-gender opportunity in the death chamber.

Or maybe you have to ask who would have been offended. Even Pat Robertson has endorsed the idea of a moratorium on capital punishment such as that imposed by Illinois's conservative governor to try to avoid any more mistakes.

Gore was detached about the chance of taking an innocent life. "You have to acknowledge since we're all human and humans are imperfect, even a jury system . . . may sometimes produce a mistake. It has been my impression that such mistakes are exceedingly rare."

That's pretty much what his opponent George W. Bush—who was interviewed immediately after on "Sunday Morning" by Cokie Roberts and Sam Donaldson—thinks, although he's sure Texas has never been wrong. Maybe on the mother-child twofer, Gore figured that W. would not waver in his enthusiasm for the death penalty, which has been carried out 137 times on his watch. Gore may not have wished to be any less grim a reaper than the compassionate conservative who is jostling him in the polls.

Gore's gaffe brought back to Democrats the melancholy memory of a night in 1988, when another Democratic candidate fatally tripped over a hypothetical death penalty question. When he was asked if he would change his anti-execution stand for the man who raped and murdered his wife, Kitty, Michael Dukakis gulped, floundered and sank.

The day after the program, Gore issued a "clarification" about his bizarre diffidence. He said, unenlighteningly, that "the principle of a woman's right to choose governs in that case."

In contrast to Gore, who had the look of someone in the midst of a root canal, Bush seemed to enjoy his session. The questioning was less eviscerating, and when he didn't want to answer one, he slipped in swaggers about his certain victory.

Poor Gore never got a break. After the miserable business of the death penalty and the Supreme Court ruling on the Boy Scout ban on gays, and parental consent for abortions, he was hustled into the Buddhist temple. Russert unfurled a list of government officials and agencies that certified his 1996 visit as a fundraiser. Gore was reduced to accusing Russert of "beating a dead horse."

What do these two Sabbath shows tell us about the debates to come? His partisans contend that Gore, who is a legendary debater, a master of detail and savagely combative, will devour the Texas governor. Bush looks easy. He is not a know-it-all. He is a know-enough. He thinks he knows enough to be president and has not the slightest curiosity about what he doesn't know.

Gore seems spooked by Bush, who is extremely nonchalant about offending certain constituencies, which is inevitable in this process. Gore is so terrified of offending so many people he is walking on eggs from coast to coast. Bush doesn't think there's a state or an audience that won't like him if he gives them the chance. He waltzed into a NAACP convention and into Little Rock in high good humor.

Bush could be a tougher customer for Gore in debate than anyone imagined. If Gore goes for his throat, as is his wont, he could end up hurting himself.

The Washington Post
Thursday, July 20, 2000

A Fold on Tax Cuts

HOUSE DEMOCRATS folded in the face of tax cut pressure yesterday and joined Republicans in voting 401 to 25 for top-heavy legislation that would greatly sweeten the pensions of the better-off while doing next to nothing for the lowest-income 60 percent of the population, most of whom have no pensions and little other retirement income.

Some provisions in the bill would actually have the effect of reducing the likely retirement income of the lesser-paid by reducing the pressure on employers to make the same opportunities available to them as to higher-paid employees.

The measure is the latest in an avalanche of tax cut bills that Republicans have been pressing, to the increasing discomfort of Democrats, in advance of the August recess and national nominating conventions. This is a relatively modest one; the estimated annual cost by the fifth year, when most of the provisions would be in effect, would be "only" about $5 billion. The president objected to similar provisions in vetoing the omnibus tax cut bill the Republicans sent him last year; whether, if it reached him, he'd veto this year's stand-alone version is less clear.

Supporters say the bill would increase savings. Its far more likely effect would be simply to give people who can afford to save tax breaks for savings they would have made anyway. The legislation would increase the maximum annual amounts that can be contributed to 401(k) and individual retirement accounts; only the relative few already at the maximums would benefit. Other provisions would ease so-called nondiscrimination rules, which limit the tilt of pension plans in favor of higher-paid employees.

Proponents say the projected budget surpluses make this and other tax cuts affordable. But the surpluses are mostly accounting illusions, and if money does become available, there are better uses for it than these. If Congress wants to improve retirement income, why not start with those who lack it rather than those who already have it? The Republicans know the direction in which they want to take policy. Do the Democrats mean to go that way as well?

The Council and 'Conscience'

D.C. COUNCIL CHAIRMAN Linda Cropp and Mayor Anthony Williams hope their letter yesterday to Rep. Ernest Istook, chairman of the House D.C. appropriations subcommittee, will stave off a congressional blow to the city's home rule prerogative. At issue is a subcommittee provision tacked onto the District's fiscal year 2001 appropriations bill last week that would have the effect of nullifying a council measure mandating contraceptive coverage in health insurance plans. The so-called Istook rider, added after the council's bill failed to include a "conscience clause" exemption for religiously affiliated institutions, is a good example of what can happen when poorly thought-out local legislation encounters the ever-present congressional desire for overkill.

In the case of contraceptive coverage, the council went about its legislative business in the worst possible way: It tried to rewrite controversial legislation on the dais, instead of in the calm of a committee room, and it made a hash of things. District elected leaders, belatedly recognizing the depth of local religious opposition to the Health Insurance Coverage for Contraceptives Act of 2000, are asking for a second chance to produce legislation that all parties in the city can support. Rep. Istook and his colleagues should give District officials an opportunity to get it right this time around.

The basic intent of the council's legislation—to meet the needs of low- and moderate-income families that cannot afford family planning services—is sound. The council is well within its prerogatives to address that issue through the city's insurance law. At the same time, the council should avoid enacting laws that infringe upon the religious freedom of institutions adhering to doctrines that prevent them from providing such services. The mayor and Chairman Cropp, indicating that they and their colleagues understand the obligation they are under to respect conscientious objection to contraception based on religious convictions, wrote Rep. Istook that they are "prepared to address the necessary clause—giving great weight to parties in the District who advocate family planning and religious liberty."

The House appropriations subcommittee should take the city's leaders at their word. Rep. Istook ought to remove his restrictive language from the D.C. appropriations bill. We understand that the council—if given the chance—intends to approach the reshaping of this legislation in a more deliberate fashion, consulting closely with the various local parties. That's reason enough for Congress to stand down and let the council and mayor step up to their duty to produce a responsible bill that can pass muster in the city and on Capitol Hill.

The Washington Post
THURSDAY, JULY 20, 2000

Eliot Fishman

A Middle Class 'Estate Tax'

We have heard a lot in recent weeks about the estate tax—or death tax, as many of its opponents prefer to call it. House and Senate Republicans, together with a diverse group of Democrats ostensibly concerned about family businesses, have voted to repeal the federal estate tax. President Clinton has threatened to veto the repeal.

But unnoticed in the hubbub is a policy that drains the estates of many more families than does the estate tax. The families this policy affects are typically much less wealthy than those who pay estate taxes, and their assets can be and often are swallowed whole. This policy is means-tested (that is, income-based) coverage of nursing home care through the Medicaid program.

Government coverage for nursing home care operates mostly through the Medicaid program, the health care program for the poor, rather than Medicare, the universal health care program for the elderly. Nursing home residents with any substantial savings do not qualify for Medicaid. But after paying the $46,000 average annual cost of nursing home care, many become poor enough to have Medicaid assume their nursing home costs.

Let me rephrase this: The way we pay for nursing homes is designed so that middle-class seniors must become poor before the public pays for their care. The only way for nursing home residents to protect some portion of their savings for the next generation is to hide it or give it away to family members, both of which are hard to pull off and sometimes illegal.

So, in contrast to our country's universal system of paying for hospital and physician care for the elderly, the way we pay for nursing homes is quite complicated, limited and often arbitrary. This contrast brings out one of the unsung benefits of covering medical costs universally without regard to income: Universal coverage protects lifelong savings for the next generation. Medicare protects vastly more inheritances than the estate tax repeal ever could.

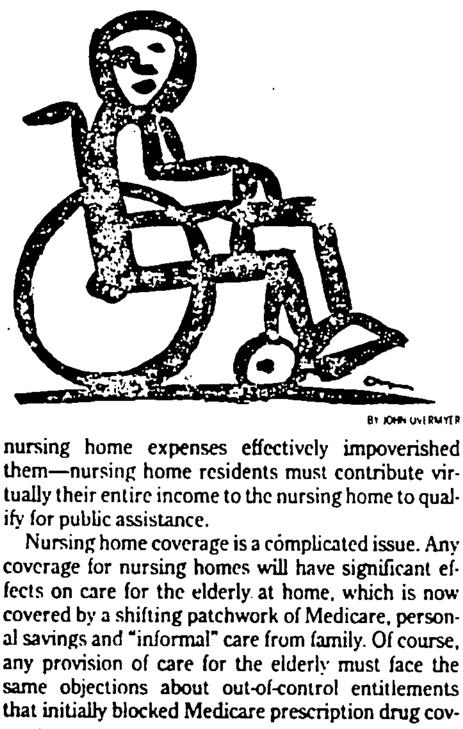
But for the one in four American seniors who will stay in a nursing home for a year or more, Medicare is no help. (Medicare will pay for a little over three months of nursing home rehabilitation for patients coming out of a hospital, but that intentionally excludes long-term nursing home residents.)

There are some striking similarities between estate taxes and the means test for nursing home coverage. They each net federal and state governments about $30 billion a year. (Out-of-pocket spending for nursing home care totaled $31 billion in 1998 according to government figures.) They both are subject to semilegal avoidance; indeed, the Medicaid policy literature is filled with talk of "Medicaid estate planning" and state programs to recover Medicaid expenses by seizing the homes of dead former beneficiaries.

The difference is that Medicaid ceilings affect many more estates than the estate tax does. The estate tax affects only estates larger than $675,000, and that figure will rise to $1 million over the next few years. Only 43,000 families paid estate taxes in 1997.

Means-testing nursing home coverage affects hundreds of thousands of people a year. About 300,000 current elderly nursing home residents had assets that they have lost or will lose before becoming poor enough to qualify for Medicaid. The government will not pay for nursing home care for people who possess non-housing assets of *$2,000* or more. (Even a house is included if there is no one living in it and the nursing home resident is not expected to go home.)

An even larger number of previously middle-income seniors qualified for Medicaid on admission to the nursing home for the sole reason that incipient



BY JOHN OVERMYER

nursing home expenses effectively impoverished them—nursing home residents must contribute virtually their entire income to the nursing home to qualify for public assistance.

Nursing home coverage is a complicated issue. Any coverage for nursing homes will have significant effects on care for the elderly at home, which is now covered by a shifting patchwork of Medicare, personal savings and "informal" care from family. Of course, any provision of care for the elderly must face the same objections about out-of-control entitlements that initially blocked Medicare prescription drug coverage.

Nevertheless, two other countries with much older populations—Japan and Germany—have recently changed from means-tested to universal nursing home coverage. (They have differed over the challenging question of informal care in the home: Germany reimburses it, Japan does not.)

But Congress and the states have been trying to squeeze savings out of Medicaid nursing home coverage, not expand it. To seriously debate estate tax repeal for the super-rich when, for the same money, we could prevent nursing home costs from taking the inheritances of so many middle-income Americans shows an obtuseness that transcends ideology.

The writer is a senior research associate at the Institute for Medicare Practice at Mount Sinai School of Medicine in New York City. Keith Chu, an intern at the institute, contributed research to this article.

The Washington Post

THURSDAY, JULY 20, 2000

Condom mania

D.C. mandate threatens charities

Sarian Bouma was six months pregnant and worried. An immigrant from Sierra Leone living in the District, she had no health insurance and no guarantee that she would be able to get the medical attention the child inside her needed. She considered the prospect of giving birth in her back yard or, in still darker moments, of committing suicide.

Kenneth Smith

That was 23 years ago. Today Ms. Bouma is a successful entrepreneur, one who is forever grateful to officials at Providence Hospital's Center for Life who took her in when she had no place else to go. They cared for her and the child to whom she gave birth, as they care for hundreds of low-income women every year, and gave her a chance to collect the fragments of her life and fashion it anew. The Center for Life is just one small part of a vast Roman Catholic safety net in the District that provides everything from education to medical care to housing to persons who might not otherwise receive it. "I was looking for a bridge to help me get across, and the center gave me one," she says.

Such help may have been enough for Ms. Bouma but not, alas, for the District City Council. Last week, council members voted unanimously to require that in return for acting so charitably, the Roman Catholic Archdiocese of Washington must give away its doctrine too. Specifically, the council demands — in complete violation of the church's pro-life, anti-contraceptive teachings — that the diocese join other District employers in offering insurance to cover the cost of contraceptives for its employees. That goes for the Little Sisters of the Poor too.

The unspoken threat here? No condoms, no charity. That's not the way proponents of the measure put it, naturally. They want both condoms and charity. What is hoary church doctrine, they wonder, in the face of deadly health risks from which contraceptives can protect them? "Women spend over 20 percent of their life avoiding being pregnant," a spokeswoman for the National Abortion and Reproductive Rights told The Washington Post. "Contraception is absolutely basic to women's health care."

Likewise Councilman Jim Graham attacked the church for its backward views. "I spent years in this city fighting — and let me mention the Catholic Church by name — fighting Church dogma in terms of the availability of condoms in this city which prevented us from having an effective program ... for the prevention of the transmission of HIV," he said. It's possible that Mr. Graham may have had more than public health on his mind. He pointedly referred to Pope John Paul II's criticism of a homosexual rally in the Vatican's back yard, Rome — a calculated affront to the pope on the order of holding an anti-civil rights demonstration at the headquarters of the NAACP.

Whether handing out condoms to everyone to prevent the transmission of the virus linked to AIDS is sound public policy is a matter for debate. But there is nothing stopping any District employer from providing insurance for contraceptives or even from dispensing them directly to employees by the case. Nor is there anything stopping someone from seeking employment where such "benefits" are available. Mr. Graham wants more. He wants to impose the tenets of his faith on a religious institution that happens to disagree. He and his colleagues are betting, paradoxically, that the church is too committed to its good works in the District to stop offering them.

Ms. Bouma's case is just one small example of those works. The Center for Life helped see that she got the care she and her son needed. That son, Dominic, is now a student at Penn State. She is married with three more children and the owner of a janitorial services firm with some 150 full- and part-time employees. Every year, she says, she returns to the Center for Life on her son's birthday and makes a contribution to help others get the same opportunity she did.

If her story is moving, the contributions of the archdiocese as a whole are staggering, perhaps greater even than those of Mr. Graham and his colleagues. Catholic Charities alone provides assistance to 80,000 in the region annually. Just one of those charities, the Archdiocesan Health Care Network provides $2 million in free medical care to 3,500 people annually. The Spanish Catholic Center provides aid to 36,000 low-income Spanish-speaking people in D.C. and Montgomery County each year. The archdiocese's mental health program serves roughly 900 persons with psychiatric disabilities each year.

There is another notable service the archdiocese offers: a coalition of parish-based AIDS ministries known as D.C. Catholic AIDS Network. The archdiocese has held day-long training sessions for its clergy on how to establish and operate such a ministry, which might involve taking food to persons who can't cook themselves, simply listening to AIDS victims, holding prayer vigils and "healing services" for them and making sure they know they are welcome in the parish. "The love of Christ excludes no one," one priest told the Catholic Standard.

The comments of D.C. Council officials and activists notwithstanding, these are not the acts of homophobes and misogynists. By imposing their creed on the archdiocese, Mr. Graham and friends are the ones threatening exclusion. If they succeed, the district, AIDS victims and the Sarian Boumas of D.C. would be worse for it.

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STEPHEN MOORE

Worm in the education apple

There is an old joke about teachers that goes like this: What are the three best reasons for becoming a teacher? June, July and August.

Lately there has been a massive propaganda campaign about the inferior pay that teachers receive for their nine-month-a-year jobs. Earlier this month the National Education Association (NEA) held its national convention in Chicago where the union publicized a study indicating that teachers are paid $30,000 a year less than computer engineers and other professionals. Robert Reich recently moaned in his National Public Radio editorial that we are never going to get better schools until we start paying teachers more. And many fast-growing communities complain there is a severe shortage of competent teachers. The message is: If parents want school quality, they are going to have to pony up for it.

If only the solution to better schools were just that simple. It is not. Most public school teachers are not paid less than a market wage, but more. There is a competitive marketplace for teachers and it is called the private school system. And guess what? Private school teachers are generally paid about 30 percent less — yes, less — than what their public school counterparts earn. In the Chicago area, Catholic school teachers are sometimes paid only *half* what the public school teachers earn. Yet, every objective testing measure on student performance indicates that private school teachers do a better job than public school teachers. Ahh, but the public school teachers complain the comparison is unfair. Private schools have other advantages, including the fact they can impose discipline, they can expel problem kids, and they have parents who are more engaged. True enough, but this only reinforces the point that teacher pay is mostly irrelevant when it comes to improving schools; it's these other factors that are critical to academic excellence.

Even if we examine just the performance of the public schools across the states, we find teacher pay is totally unrelated to student performance.

- North Dakota ranks 44th in per pupil expenditures, 49th in teacher salaries, and in the bottom ten of every measure of spending. But it ranks in the top five in almost all measures of student performance.
- South Dakota ranks dead last in teacher salaries. It ranks third in SAT scores.
- New Jersey spends twice what Utah does on schools and yet New Jersey ranks in the bottom 12 in test scores and dropout rates among the states, while Utah ranks in the top five in these achievement categories.

The problem with our schools is not teacher pay, it's the heavy hand of the unions. Today there are more than 4 million unionized teachers, 2.5 million of whom are members of the NEA. In 1960, only 20 percent of teachers were unionized — now 80 percent are. Back then public schools worked. Today a lot don't.

Nearly every meaningful school reform measure has been rejected over the years by the unions: teacher competency testing, true pay for performance, the abolition of tenure, vouchers, tuition tax credits, allowing professionals in other occupations to teach part time, and other promising experiments. Because of the job-for-life laws in most states, Jeanne Allen of the Center for Education Reform reports that "in New York it can cost up to $200,000 to dismiss a teacher who is incompetent."

Ironically, at the same time the teachers are complaining about being woefully underpaid, they somehow found the discretionary income to afford to raise their union dues this year so they can raise more money to defeat Republican candidates in November. (Helping the Democrats take back control of the House of Representatives is a top NEA priority.) The NEA collects more than $250 million a year in dues from its "underpaid" clients. Big chunks of this money is diverted to promoting political causes — including abortion rights, gun control, national health care, and racial quotas — many of which have little to do with education. In August the teachers unions are expected to send more delegates to the Democratic Convention than any other special interest group. What makes this union especially insidious is that it is willing to hold our nation's 6-year-olds political hostage to achieve its self-serving agenda of higher pay.

More money for teachers won't buy better schools. What it will buy is more NEA funding for political causes, including opposition to parental choice reforms that would actually mean more competition and better schools. No wonder Forbes Magazine once described the teachers unions as "the worm in the education apple." Until parents have total control over where they send their kids to school, and who teaches them, teacher pay raises simply further entrench a system that is failing our children.

Stephen Moore is president of the Club for Growth.

The Washington Times
THURSDAY, JULY 20, 2000

Insurance Should Cover Cost Of Contraceptives, Suit Says

By TAMAR LEWIN

In a case that could have broad impact on health insurance coverage of contraceptives nationwide, Planned Parenthood yesterday filed a class-action lawsuit charging that a company whose insurance plan covers most prescription drugs but excludes contraceptives is illegally discriminating against its female employees.

"It's sex discrimination when male employees get their basic health care needs covered by insurance but women are forced to pay for their own," said Gloria Feldt, president of the Planned Parenthood Federation of America.

The case, brought under Title VII of the Civil Rights Act, was filed in federal court in Seattle on behalf of Jennifer Erickson, a pharmacist at the Bartell Drug Company, and all other female employees of the company, which operates 45 drugstores in Washington.

Ms. Erickson, a married 26-year-old who spends more than $300 a year out of pocket on her own contraception, said she had become troubled by the inequity as she had to tell women who came to the store that their insurance would not pay for contraceptive prescriptions.

"Every single day, I'm processing prescriptions and telling women that their pills aren't covered," said Ms. Erickson, who has worked at the drug chain for about 18 months. "Sometimes, they walk away from the counter and say they can't afford it. It really makes you sad, and then you realize your own company doesn't cover it either."

Last summer, Ms. Erickson said, she wrote to the human resources department at the family-owned Bartell's asking that contraceptive coverage be added to the policy, and was told that it was not something the company felt it should cover.

Mike McMurray, Bartell's vice president for marketing at Bartell's, said the company had worked hard to provide the health benefits its employees considered most valuable. "No medical benefits program covers every possible cost," he said, benefits its employees considered most valuable. "No medical benefits program covers every possible cost," he said, adding that Bartell, for example, does not pay for infertility drugs, Viagra or cosmetic surgery. "We strongly believe our program is a quality program for all of our employees. Our program is lawful and nondiscriminatory."

The issue of contraceptive coverage has been a rallying point for advocates for women's rights, especially since many employers who do not pay for contraception moved quickly to provide coverage for Viagra, which, at nearly $10 a pill, is used to combat impotence.

While almost all traditional indemnity insurance plans provide coverage for some prescription drugs, only about half cover any of the five contraceptive methods available by prescription — oral contraceptive pills, the intrauterine device, Depo Provera, Norplant and the diaphragm — all of them prescribed to women. And only about a third cover the pill, which costs about a dollar a day. Even among health maintenance organizations, which offer the most comprehensive coverage, only 39 percent cover all five methods, and 7 percent do not cover the pill.

As a result, a study by the Alan Guttmacher Institute found, women of reproductive age typically spend

Larry Davis for The New York Times

Jennifer Erickson, a pharmacist for a Washington State company, is part of a class-action lawsuit.

68 percent more on out-of-pocket health care than men.

In response to requests by Planned Parenthood of Western Washington and other women's rights groups, the Microsoft Corporation changed its benefits to cover contraceptives, as have Darigold and Swedish Hospital, two other local employers.

But so far, the question of gender equity in prescription drug coverage has mostly been one for the legislatures. Since April 1998, 13 states have passed laws requiring that private insurance plans that pay for prescription drugs must also include contraceptive coverage: California, Connecticut, Delaware, Georgia, Hawaii, Iowa, Maine, Maryland, Nevada, New Hampshire, North Carolina, Rhode Island and Vermont. Similar legislation is pending in more than a dozen other states, including New York and New Jersey.

The Equity in Prescription Contraceptive Coverage Act has been stalled in Congress since 1997.

The idea of taking the matter to court, as a form of sex discrimination under Title VII, is not a new one. Indeed, a New York University law professor, Sylvia Law, argued for that strategy in a 1998 article in the Washington Law Review.

"It's perfectly clear that Title VII covers sex discrimination in health coverage," Ms. Law said this week. "The defendants may say that they're not excluding contraception for women only, they're excluding contraception for everyone, and it just happens that the only prescription contraceptives available in this country are for women. But there's such a disparate impact on women, 100 percent, that I think there's a pretty persuasive argument for sex discrimination."

Getting from a legal strategy to a live plaintiff took some doing. "It turns out that it's hard to find a woman who wants to sue her employer over contraceptive coverage, for all the obvious reasons," said Eve Gartner, a lawyer for Planned Parenthood. "It's not like suing when you've been fired.

"Even though the verdict will only be legally binding on this one employer," she said, "if we win, it puts everyone who doesn't provide contraceptive coverage on notice that their employees could sue."

The New York Times

THURSDAY, JULY 20, 2000

F.B.I. Seizes Computer Drive in a China Nuclear Inquiry

By JAMES RISEN

WASHINGTON, July 19 — Federal Bureau of Investigation agents seized a computer hard drive from the home of a former Energy Department intelligence official in an effort to determine whether he had disclosed classified information about the government's investigation into whether China had stolen United States nuclear secrets, officials here have said.

The F.B.I. agents removed the computer drive last Friday from the home of Notra Trulock, the Energy Department's former director of intelligence, after a Central Intelligence Agency official determined that an unpublished, 62-page manuscript he had written revealed secrets from the investigation.

Mr. Trulock, who resigned from the department last year and has been a major critic of the government's handling of the espionage inquiry, said the seizure of the computer drive was an effort to intimidate him into silence.

"I came to expect this kind of treatment while I was at D.O.E.," he said in an interview. "But I thought by leaving D.O.E. and going into the private sector, I would avoid it. Instead, it's only gotten worse. I have no job, no benefits and I was trying to start a consulting business and all my contact information was on the computer the F.B.I. seized. So I am dead in the water."

Mr. Trulock was also questioned by the F.B.I. agents about whether he had kept any classified documents, and whether he believed there was any classified material in the manuscript, Mr. Trulock said.

He said he told the agents that he had not had access to classified material on the spy case since he left the government and that there was nothing classified in the document.

The agents also questioned the owner of the suburban Virginia town house where Mr. Trulock lives who is an Energy Department employee. She consented to the search of the house and agreed to the removal of the computer, which she also owns. But the F.B.I. agents did not show a search warrant to either Mr. Trulock or the owner of the town house, they said.

Investigating a major critic of the Energy Department.

Mr. Trulock acted as a whistleblower on the handling of the nuclear espionage case, revealing that the investigation had not been pursued aggressively within the government.

In late 1998 he was a secret star witness for the House panel that investigated illegal technology transfers to China and revealed the existence of the long-delayed espionage investigation at Los Alamos National Laboratory.

Mr. Trulock became a lightning rod for criticism of the way the spy case played out. Scientists and Asian-American groups attacked the F.B.I. and the Energy Department for prematurely making Wen Ho Lee, a scientist at Los Alamos, the focus of the counter-intelligence inquiry.

Dr. Lee was never charged with espionage, but has been arrested on charges of mishandling classified material.

The F.B.I. now says that the initial inquiry conducted jointly by the bureau and the Energy Department into the possible theft of nuclear data from Los Alamos was flawed, and has broadened the espionage inquiry to look beyond the New Mexico lab.

Mr. Trulock wrote the manuscript about the spy case earlier this year, and then distributed a few copies to, among others, Congressional aides and former intelligence officials. One former intelligence official who read it suggested that it be submitted for possible publication in Studies in Intelligence, a C.I.A. journal.

Studies in Intelligence declined to publish the manuscript and told Mr. Trulock that he should have it checked to determine whether it contained classified material. But at the same time, a C.I.A. official also referred the matter to the F.B.I., informing the bureau that the article represented an unauthorized disclosure of classified material.

The F.B.I. has begun what one official described as a preliminary investigation to determine whether the manuscript revealed secrets.

"The F.B.I. received information from other government agencies that classified information was subject to a possible compromise," said an F.B.I. spokesman, John Collingwood. "The F.B.I., working with the Department of Justice, has an obligation to at least preliminarily determine the facts and determine if further investigation is warranted."

Mr. Trulock recently wrote a shorter article on the spy case for the conservative magazine National Review, but that article did not prompt the F.B.I. inquiry, officials said.

By the time he left the government last year, Mr. Trulock had not only become controversial with outside groups angered by the Wen Ho Lee case, but his willingness to speak out and criticize senior administration officials had made him plenty of enemies within the government. He was given a $10,000 award last year by Energy Secretary Bill Richardson for persevering in the espionage case.

After leaving Energy, Mr. Trulock moved to the Washington office of TRW, a government contractor. But he was dismissed from his job in June. He says that he was told by one official there that he was being let go because TRW had a big contract with the Energy Department, and company officials had received pressure from the Energy Department to dismiss him.

Both TRW and Energy Department deny the accusation.

The New York Times
THURSDAY, JULY 20, 2000

Hill Committee Enters Fray on D.C. Measure

Birth Control 'Conscience Clause' Sought

By David A. Fahrenthold
Washington Post Staff Writer

The House Appropriations Committee voted yesterday to require the D.C. Council to insert a "conscience clause" in a bill that would mandate health insurance coverage for contraceptives, but allowed local officials broad leeway in crafting an exemption for those who object to birth control.

Rep. Ernest J. Istook Jr. (R-Okla.), chairman of the House Appropriations subcommittee on the District, attached the proposed requirement to the District's budget during a markup. The amendment says Congress would let the bill stand if the council adopted language allowing those with "religious beliefs or moral convictions" against contraception to opt out of the insurance plan.

Council Chairman Linda W. Cropp (D) said yesterday the council would reconsider the bill when it returns from summer recess in September. "My preference overall would be for them to say let the locally elected officials handle it," Cropp said. This week, she and Mayor Anthony A. Williams (D) sent a joint letter to Istook asking him to permit local officials to try to work out the disagreement that led to the week-long standoff among the council, the Archdiocese of Washington and Congress.

The controversy erupted last week when the council unanimously approved a bill that would require employers to provide insurance coverage for prescription contraceptives, including birth control pills, shots and implants. But after a long, emotional debate, members rejected three versions of a conscience clause. The archdiocese had lobbied council members to include an exemption for churches and affiliated institutions. Last week, its cause was taken up by Istook and other members of Congress who monitor District affairs.

Istook's office said yesterday that the amendment, if approved by the full House next week, would allow the council to decide whether the exemption would apply to employers or employees in the District.

Council members had already begun to talk about revising the bill to include language to exempt those who object on religious grounds. Yesterday, some council members criticized the proposed requirement for a moral exemption—an idea the council dismissed quickly last week.

"I'm a bit surprised and dismayed. . . . Even in the dialogue that followed the council's vote, no one has focused on moral convictions," said D.C. Council member Vincent B. Orange Sr. (D-Ward 5). "I think at this point, Congress is really trampling on home rule."

Council member Jim Graham (D-Ward 1), whose criticism of Catholic Church doctrine prompted Istook to accuse the council of "religion bashing," also disagreed with the inclusion of a moral exemption.

"The language in this particular provision is so sweeping as to go way beyond even religious organizations," Graham said. "This is the most extreme variety of exemption and thus is unacceptable."

Though the bill had not been submitted for congressional approval, Istook and others on Capitol Hill have opposed it since it was passed last week. During yesterday's debate, even one of the amendment's opponents continued the criticism of the D.C. Council.

Rep. David R. Obey (D-Wis.) called the bill "sloppy," "ill-advised" and "idiotic," but still urged the committee to let the council revise the bill without federal interference.

"One of the great things about the Constitution is that it gives people the right to make damn fools of themselves," Obey said.

Rep. James P. Moran Jr. (D-Va.) proposed an alternative to Istook's amendment that would have required only some kind of religious exemption be inserted into the District bill. It failed in a 24 to 19 vote.

Moran said he will oppose the bill on the House floor and expects to win in part because of the lack of clarity about whether the exemption would apply to employees or employers.

"I'm afraid we're going to have to fight about it," he said.

The Washington Post
Friday, July 21, 2000

House Panel Reallots Metro Stop Funding

Lawmakers Vote to Cut Federal Share

By Stephen C. Fehr
Washington Post Staff Writer

A House committee yesterday approved a financing plan for a proposed Metro stop that President Clinton's budget chief said falls short of paying for a project viewed as crucial to the District's economic growth.

The District government, private businesses and the federal government have agreed to put up about $25 million each toward building the Red Line station on New York Avenue in Northeast Washington. The House Appropriations Committee voted yesterday to kick in $7 million in direct federal appropriations, with the remaining $18 million coming from interest earned on federal money that is deposited in accounts controlled by the D.C. financial control board.

But control board Chairman Alice M. Rivlin told GOP leaders that the interest income already has been budgeted by the District to pay for government operations next year, including criminal justice programs and special-education transportation. Spending the money on the Metro station could knock a hole in the city's general fund, Rivlin and other D.C. officials said.

Rep. Ernest J. Istook Jr. (R-Okla.), chairman of the House Appropriations subcommittee on the District, said the New York Avenue Metro station is not in jeopardy. He said city officials are engaging in "scare tactics" because they want to decide how to spend the money in the interest income accounts.

White House budget director Jacob "Jack" Lew said in a letter to lawmakers that the House should fully fund the $25 million, as the president requested in his budget. The Metro stop was a key reason the federal Bureau of Alcohol, Tobacco and Firearms decided to locate its headquarters at New York and Florida avenues.

Lew said failing to contribute the federal government's one-third share of the Metro station's cost "misses an opportunity to fund critical investments in economic growth" in the District, undermining the House's own efforts to help revitalize the city.

Mayor Anthony A. Williams (D) wrote in a separate letter that the proposed cut in Metro funding has sent "a chilling message" to the business community. He said he was concerned that the private sector might not put up its share of the project if the federal government doesn't.

Williams and Lew also were critical that the committee did not include the president's request for $10 million to clean up Poplar Point in Southeast Washington to make way for a rejuvenation of the Anacostia River waterfront.

Istook said using the interest funds for Metro construction wouldn't short-circuit other District programs or stop the subway project. He said figures supplied to the Appropriations Committee by the District's chief financial officer show that the control board would have enough money in the interest account to cover both the $18 million for Metro construction and the $20 million that the city had planned to spend on operations next year.

"Every penny of the requested $25 million has been included" in the bill, Istook said.

The Appropriations Committee, in approving the District's $5 billion budget for fiscal 2001, also narrowly defeated a proposal by Rep. Todd Tiahrt (R-Kan.), that would have prevented drug needle exchange program administrators from distributing needles to drug addicts within 1,000 feet of schools, day-care centers, parks, swimming pools, playgrounds or youth centers throughout the District.

Though the proposal was meant to keep children from seeing—or stepping on—drug needles, many lawmakers said the effect would have been to end exchange programs, because there would be few places in the city that weren't covered by the restriction. Health experts say such needle programs curb the spread of HIV and AIDS.

The Washington Post
Friday, July 21, 2000

City budget bill given 'conscience'

By Clarence Williams
THE WASHINGTON TIMES

The House Committee on Appropriations yesterday forced a "conscience clause" into the District's contraceptives measure, but will allow the city's elected leaders to make the changes themselves.

This and other so-called social riders dominated committee debate on the District's $4.8 billion budget bill, which the panel ultimately approved.

The committee tacked on an amendment preventing the contraceptives measure from taking effect without "a 'conscience clause,' which provides exceptions for religious beliefs and moral convictions."

"What we're saying is the laws of the nation's capital should be consistent with the rest of the nation," said Rep. Ernest Istook, Oklahoma Republican and chairman of the subcommittee on the District, who introduced the amendment.

Last week, the D.C. Council passed a measure requiring all health insurance plans that cover prescription drugs to pay for birth control pills and other devices defined as contraceptives available by prescription.

Democratic opponents fought the House committee's amendment yesterday, arguing Congress should not try to legislate for the D.C. Council.

"I think it's obvious [the D.C. government is] going to have to correct this," said Rep. David R. Obey, Wisconsin Democrat and ranking member on the House Appropriations Committee. "[But] I think we ought to give them the opportunity to correct their mistake," he said, calling the council's debate and approval a "sloppy and ill-advised action."

In a letter sent to House leaders Wednesday, Mayor Anthony A. Williams and D.C. Council Chairman Linda W. Cropp, at-large Democrat, said city officials were prepared to address an exemption clause. Yesterday's vote almost ensures the city must add the clause to provide the health care option.

"It is clear that the city must revisit the language," Mr. Williams said yesterday. "The city's leadership can find common ground and pass legislation that meets the health needs of our citizens and is sensitive to religious liberties."

Mrs. Cropp expressed disappointment that the committee required the conscience clausebut said she was pleased the council will be able to write the language.

"Congress, by its act, said we could make that determination," Mrs. Cropp said.

She said the council would take up the issue again in the fall.

The District claimed a victory yesterday on another divisive social issue when the committee voted to allow the use of city funds for a needle-exchange program that proponents said would prevent the spread of AIDS among drug users.

Mr. Istook and other Republican opponents of the program — who say it sanctions drug abuse — lost that battle. But they hinted that the fight would continue to the House floor.

Delegate Eleanor Holmes Norton, a Democrat and the District's nonvoting congressional representative, expressed displeasure with the budget bill.

"On Metro funding and tuition assistance, on contraception insurance and charter schools and on a number of other issues — especially redundant riders, out-of-date riders and social riders — this is a bill that should not be signed by President Clinton," Mrs. Norton said.

She also said she hopes discussion on the floor of the House before the final vote will focus more on putting funds back into the budget instead of social riders.

"There were some needless fights picked here today," Mrs. Norton said. "[The D.C. government] sent a balanced budget with cuts in it — it's the kind of budget that people would say, 'D.C., finally you've got your act together.' "

But the fiscal 2001 spending plan was praised by both Democrats and Republicans. It includes $414 million in federal money for the city — about $30 million less than what the city's elected leaders wanted and the Senate proposed.

The House bill provides $7 million in federal funds for the New York Avenue Metro stop — $18 million short of what the city said it needs. The D.C. tuition-assistance program also received $3 million less than last year's $17 million.

The bill now goes to the full House, which hopes to vote on it before the session ends July 28.

The Washington Times
FRIDAY, JULY 21, 2000

Bush plots surprises for GOP convention

Roll call votes won't get prime time

By Ralph Z. Hallow
THE WASHINGTON TIMES

A1

George W. Bush, leading the most unified Republican Party in many years, is set to turn the tradition of nominating conventions on its head.

The Texas governor hopes to dispense with the prime-time roll call in which delegations from 50 states and five U.S. territories officially nominate the party's presidential candidate.

And instead of the customary first night of partisan, self-congratulatory speeches, Mr. Bush will put his wife, Laura, and Gen. Colin Powell in the spotlight to talk about the party's vision and future.

The second night of the convention, usually reserved for attacking the Democrats, will be equally upbeat, featuring Bush adviser Condoleezza Rice, former Red Cross President Elizabeth Dole and — in the prime 10:30 p.m. slot — Arizona Sen. John McCain, Mr. Bush's rival in the nomination contest.

In another major departure, the Republican vice presidential candidate will deliver the prime-time speech Wednesday night, and Mr. Bush will wind up the convention with his own acceptance speech Thursday night. Normally, the vice presidential and presidential nominees, in that order, both address the convention's closing night.

"Two of the television networks didn't even take [Jack] Kemp's acceptance speech at the 1996 convention," a Bush aide said privately, referring to Republican nominee Bob Dole's running mate four years ago. "So this time the veep will have his own prime-time slot on Wednesday."

Convention planners hope that putting the two most important speeches on consecutive nights will lend a touch of drama and anticipation — and get the major television networks to pay attention.

The biggest departure, however, is from the traditional nomination roll call. The ritual — "Mr. Chairman, the great state of . . . proudly casts all its ballots for the next president . . ." — is beloved by political junkies.

In an age when primary voters decide the party nominee months before the convention, however, the roll call has lost whatever excitement it possessed in the old days of vote-swapping by state party bosses. The droning roll call has become a TV liability.

Instead, convention co-chairman Andrew Card said the convention committee is asking the national party's rules committee for a one-time change to allow for a "rolling" roll call of about a third of the states on three successive nights. It would begin Monday, July 31, and culminate Wednesday, Aug. 2, the next-to-last night of the convention.

"Normally the roll call takes up to two hours plus, but that's when we'd like to highlight our purpose and principles as a party," Mr. Card said.

One reason for all this convention reform with a purpose is that, according to Mr. Card, Mr. Bush will have a disadvantage against his opponent, Vice President Al Gore, who will be nominated two weeks later at the Democratic National Convention, Aug. 14-17, in Los Angeles.

"Normally, a presidential candidate gets bounce coming out of his nominating convention by unifying and solidifying his party," Mr. Card said.

"Gore doesn't have the 'problem' of an already unified party, and should be able to get momentum out of the Democratic convention," said Mr. Card, former White House deputy chief of staff and Transportation secretary during the administration of Mr. Bush's father.

Mr. Gore has yet to solidify his party's rank-and-file behind him.

Polls show Mr. Bush has 95 percent of Republican voters' support while barely 80 percent of Democrats support Mr. Gore.

That difference is considered a plus for Mr. Bush, except when it comes to "bounce," as Mr. Card sees it. And to overcome the problem, the Texas governor is out to change nominating convention tradition in other ways.

Republicans perennially talk about reaching out to independents and disaffected Democrats. But Mr. Bush is determined to make it happen this time — so much so that the convention being planned appears so positive in tone as to render "upbeat" an inadequate adjective. The convention theme is "Renewing America's Purpose — Together."

Mr. Bush, who campaigned first as a "compassionate conservative" and later — when battling Mr. McCain, an advocate of campaign finance reform — as a "reformer with results," will use the convention to show himself as a new kind of candidate.

He is not planning, for example, to belittle Mr. Gore the way the elder Bush devastatingly characterized Michael Dukakis, the 1988 Democratic candidate, as a "ACLU liberal." Instead, the younger Mr. Bush will contrast his world view with Mr. Gore's — but do it with a smile.

"Ours will be a different kind of convention for a different kind of Republican," Mr. Card said. "We will be talking about things like education and Social Security, issues which have not been center stage at Republican conventions."

Rather than relentlessly hammering the Democrats, this convention will accentuate the positive — in the belief that the Republican faithful don't need energizing so much as independents and anti-Clinton Democrats need assurances that they can comfortably vote for a Republican.

As he has from the beginning of his nomination campaign in June, Mr. Bush and other convention speakers will say the nation is hungry for a leadership that offers "real vision, clear direction, clear goals" — and in a subtle dig at the scandal-ridden Clinton-Gore administration — "clear moral authority."

"Governor Bush is more interested in attacking our country's problems than scoring points against political opponents," Mr. Card said.

Indeed, Mr. Bush will be joined onstage at the convention by leading Texas Democrats and ordinary Democrats from around the country who will say they like his bipartisan approach to solving problems.

'A strong, anti-Catholic streak'

When George W. Bush spoke at Bob Jones University during the Republican primaries earlier this year, Democrats were quick to criticize him for speaking at an institution that they claim foists "hate-filled, racist and anti-Catholic views upon its students." When House Speaker Dennis Hastert picked a Protestant rather than a Roman Catholic to serve as the chamber's chaplain, (with support from many Democrats by the way) House Minority Leader Richard Gephardt exploited the controversy "to prove the GOP has a strong anti-Catholic streak," Roll Call reported.

So where are all the Democrats, self-appointed guardians of the Roman Catholic faith, now that the Democrat-dominated D.C. City Council is trying to foist anti-Catholic practices on the church itself? Why, doing their best to look the other way.

At issue is the council's unanimous passage of legislation requiring employers in the District whose health insurance plans cover prescription drugs to cover the cost of prescribed contraceptives too. That mandate covers so-called morning-after pills or abortifacients. The church's position on contraception and abortion could not be clearer. It opposes both. The Roman Catholic Archdiocese of Washington, however, is a major District employer; Providence Hospital, a Catholic institution, alone employs 1,900 people. By law, then, the archdiocese would have to offer coverage for contraceptives in violation of its tenets and its conscience.

Almost certainly, the council's social and religious engineering won't end there. Councilman Jim Graham, a homosexual who brags that he has been fighting "church dogma" for years, backed the contraceptive mandate and promises that he will offer legislation requiring insurance coverage for "domestic," same-sex partners. Given that the church regards homosexuality as a sin, subsidizing such arrangements would render the church guilty too.

"What we are fighting," the Most Rev. William E. Lori, auxiliary bishop of Washington, said in a blunt message to parishes in the diocese last Sunday, is " 'health care totalitarianism' whereby the government makes all health care decisions and forces its will on religious organizations. That's bad for the Church, but it's bad for democracy too."

The usual way of handling problems like this is to provide a "conscience clause" that would allow religiously affiliated institutions an exemption from requirements contrary to church beliefs. The D.C. Council considered several proposed conscience clauses, but declined to approve any of them. So Rep. Ernest Istook, chairman of the Appropriations subcommittee for the District, has included in pending legislation a provision requiring the District to include a conscience clause. The measure passed the full Appropriations Committee yesterday, and is scheduled for a vote in the full House as early as next week.

One hopes House Democrats will back inclusion of the conscience clause, lest someone suggest they have a "strong anti-Catholic streak." Democrats, not Republicans, made it a campaign issue. Now they must cope with it.

The Washington Times
FRIDAY, JULY 21, 2000

Do-nothing White House

Vice President Al Gore, fancying himself a latter-day Harry Truman, has lately adopted a variation of Truman's 1948 campaign slogan, criticizing the Republican-controlled 106th Congress as a "do-nothing-for-people Congress." Well, if that isn't clever of him.

As Mr. Gore was sloganeering, Congress was in the midst of granting taxpayers a series of long-overdue tax cuts. Much to the chagrin of the Clinton-Gore administration, moreover, the tax cuts Congress has been passing have been significantly bipartisan.

Putting a chink in Mr. Gore's armor, 65 Democrats joined 214 Republicans on June 9 to pass a bill to gradually eliminate the estate tax, which is more aptly called the "death tax." Passed in the House by a 279-136 veto-proof margin, the bill would reduce taxes by $100 billion over the next 10 years. Last week the Senate voted to eliminate the estate tax by a 59-39 margin, which included nine of the Senate's 45 Democrats, including noted liberals Dianne Feinstein, Patty Murray, Robert Torricelli and Ron Wyden.

Bipartisanship also contributed to another important tax cut in recent days — the elimination of the marriage penalty, which hits 25 million married couples. By a 269-159 margin, the House approved a 10-year, $182 billion marriage-penalty elimination plan. Forty-eight Democrats joined Republicans in voting to abolish it. The Senate soon followed suit. On Tuesday, eight Senate Democrats, including Joe Biden, Mrs. Feinstein, Herb Kohl and Mr. Torricelli, joined 53 Republicans to pass legislation that would slash the marriage penalty. Yesterday, 51 Democrats joined 219 Republicans in passing a compromise bill worked out between House and Senate negotiators that would reduce the marriage penalty by an estimated $90 billion over the next five years. Retroactive to January 1, 2000, the tax cut would increase the standard deduction for married couples from $7,350 to $8,800. It would also begin expanding the lowest 15 percent tax bracket for couples who itemize. In addition, the compromise, bipartisan bill would expand the earned-income tax credit for low-income married couples.

Unless Congress passes a Medicare prescription-drug subsidy acceptable to the president, Mr. Clinton has threatened to veto the reduction in the marriage penalty. He will do so at Mr. Gore's peril.

In yet another bipartisan adventure in tax cutting, the House on Wednesday resoundingly passed legislation that would increase the levels of contributions for individual retirement accounts (IRAs) and 401(k) retirement programs. The vote was a lopsided 401 to 25. Maximum annual contribution would increase over three years from $2,000 to $5,000 for both conventional IRAs, which are tax-deductible, and for Roth IRAs, whose contributions are taxable but whose withdrawals are tax free. Maximum annual contributions for 401(k) plans would increase over five years from $10,500 to $15,000. Employers could contribute up to 20 percent in tax-deductible matching funds. The measure would reduce taxes by $17 billion over five years and by $52 billion over 10 years.

Also this week, the Congressional Budget Office estimated that the non-Social Security surplus over the next 10 years would total an amazing $2.2 trillion. Beginning to return a relatively small portion of these massive federal tax overpayments is right and necessary. Unfortunately, it seems the Clinton-Gore administration disagrees.

Peace process fatigue

President Clinton has left Camp David without brokering a peace deal and Israeli Prime Minister Ehud Barak and Palestinian leader Yasser Arafat are sleeping. The two leaders have been left to catch up on some rest at the rural Maryland retreat center and chat with Madeleine Albright till Mr. Clinton returns from the G-8 summit in Okinawa Sunday or Monday. Mr. Arafat would do well to take this hiatus as a chance to rethink all Israel is offering in return for peace.

Mr. Barak has offered Mr. Arafat a fair package, and more. Israel would recognize a Palestinian state, 100,000 Palestinian refugees could be accepted in Israel, and Palestinians in East Jerusalem would have broad autonomy, according to a report from Israel's Ha'aretz newspaper. There have also been reports that Israel would agree to return 94 percent of the West Bank. In return, Israel would have sovereignty over East Jerusalem, and Israel could keep some of its settlements on the West Bank. That Mr. Arafat could sniff at these concessions further illuminates his unwillingness to be serious about a peace deal in the first place. There is little more that Israel can offer, but Mr. Arafat will not be happy until he can claim all of Jerusalem.

Mr. Barak is staking his political future on clinching a peace deal with the Palestinians, but in so doing he cannot give up Israel's heart and soul. Any deal he would make with the Palestinians must be approved by the Knesset and his constituents in a national referendum upon his return. If he is staying at Camp David to try to save his own political reputation, he must think again. A deal made under pressure which would compromise Israel's security is worse than no deal at all.

The Israeli leader is already coming under criticism at home from opposition Likud leader Ariel Sharon for giving away too much. The Jerusalem Post reported that Israeli proposals would even allow Palestinians limited sovereignty over holy shrines of the Christian faith. Over 100,000 protesters added their voices to Mr. Sharon's in Tel Aviv square on Sunday night to protest the concessions.

The only way forward is for all three leaders at Camp David to remember whose legacy they need to preserve — that of their people. Mr. Clinton will do the American people no favors if he ushers in a peace deal that compromises Israeli security, forcing Israel to be dependent on American troops, intelligence and funds. Mr. Barak's legacy as a deal-maker will hold no significance if it means an era of Palestinian dominance over Israel's resources, strategic defense areas and holy sites. Nor will Mr. Arafat bring peace to the Palestinians by using them as pawns in an endless game of bigger-and-better summits, only to miss yet another opportunity. For now, we should let sleeping negotiators lie.

The Washington Times
FRIDAY, JULY 21, 2000

DC Council and "Conscience Clause" articles

July 26-July 31, 2000

WASHINGTON POST

Moran Rebuked for Text Change

By Stephen C. Fehr Page B01, July 28, 2000

An aide to Rep. James P. Moran Jr. (D-Va.) deleted critical words about the Catholic Church from the congressman's remarks in the Congressional ...

Little Things Are No Small Matter for Graham

By David A. Fahrenthold Page J04, July 27, 2000

Depending on one's viewpoint, Jim Graham either stepped into the limelight or was thrust into a harsh spotlight this month after taking on the ...

A D.C. Bill Without the Votes Page A18, Jul 29, 2000

THE D.C. budget that reached the House floor Wednesday was the 13th and finalappropriations bill to be considered by that body in this session.

Angry Norton Defends Williams's Word on Veto By David A. Fahrenthold and Stephen C. Fehr Page B04, Jul 27, 2000

Del. Eleanor Holmes Norton (D-D.C.) yesterday angrily defended Mayor Anthony A. Williams when House Republicans refused to remove an attachment to ...

WASHINGTON TIMES

Cover birth control, July 31, 2000

Jim Graham Much controversy has resulted from the recent D.C. Council decision to pass the Health Insurance Coverage for Contraceptives Act of 2000 without an exemption for the Roman ...

Arbiter of doctrine, July 26, 2000

The Most Rev. William E. Lori During the now famous D.C. City Council debate over the Health Insurance Coverage for Contraceptives Act of 2000, several council members took on an ...

The Washington Times

July 26, 2000

Arbiter of doctrine

The Most Rev. William E. Lori

During the now famous D.C. City Council debate over the Health Insurance Coverage for Contraceptives Act of 2000, several council members took on an unusual role for government officials — that of arbiter of Catholic Church doctrine.

Rather than debate the merits of the legislation, certain council members told us they have "spent years fighting church dogma," that a religious freedom exemption would be tantamount to "social engineering" and that "to suggest the Church is somehow unduly burdened . . . by this minor provision [is] absurd."

The real absurdity is a governmental body overlooking that constitutional right known as religious freedom. The City Council, by refusing to include a comprehensive conscience clause, tried to compel religious organizations and employers to violate their religious and moral convictions. In this case, all District employers with prescription drug plans, including Roman Catholic hospitals, nursing homes, schools and churches, would be required to offer birth control pills, Norplant, Depo-Provera, IUDs and even the so-called "morning after pill" to their employees and employees' children.

Far from a "minor provision," this bill flagrantly violates our religious liberty. But how? What "church dogma" led council members to push aside the fundamental issue of religious liberty? The answer is that the Catholic teaching that contraception is contrary to the right understanding of human sexuality and the value of human life.

From time to time, you probably hear some social commentator pontificate that the Catholic Church is hung up on sex or needs to "get with the times." But take another look. The truth is, we believe sexual intimacy is good —within marriage and without contraceptives — not only for the couple but for society as well.

Marriage isn't some Hollywood fantasy of a hero and heroine driving off into the sunset, thank goodness. While beautiful, sunsets tend to fade rather quickly. Marriage is permanent — a total loving, a total giving, a total sacrifice of a man and woman to each other. Our model for this love is Christ who literally died on the Cross for our salvation because he loved us so completely. Marriage doesn't come with parentheses. You know the kind: "I'll love you (unless you get sick)" or "I'll love you (until you look old)."

Which gets us to sex and contraception. Sexual intimacy is a privileged way for married couples to express their love for each other. Popular culture may attempt to reduce sex to a throwaway physical act, but it isn't. It is about connecting with one's spouse completely —physically, emotionally and spiritually. It is a total giving of self.

Contraception is a violation of this giving. It's a parenthesis in the marriage: "I'll give everything I have to you — body, soul and spirit (but not my fertility)." It breaks that complete connection between spouses by literally throwing up a barrier to life itself. It breaks the God-given link between the love-expressing and life-giving purposes of human sexuality, thus opening the door to the misuse of sexuality. In addition, many forms of contraception can sometimes cause an early abortion. So, not only is a life prevented, but one may actually be taken. Sadly, many couples do not realize this.

More than 30 years ago in the landmark document, "Humanae Vitae," Pope Paul VI accurately predicted what would happen in a contraceptive culture. Consider what he said: Widespread contraception would lead to "conjugal infidelity and the general lowering of morality" as well as a decline in respect by men for women to the "point of considering her as a mere instrument of selfish enjoyment." The pope predicted people would believe they have unlimited sovereignty over their bodies. Such "sovereignty" has led to abortion on demand and the many ethical issues we face today: stem-cell research, discarded embryos and the nightmare of human cloning.

Finally, very apropos to our current struggle before the City Council, Pope Paul VI wrote that the wide acceptance of contraception would be a "dangerous weapon . . . in the hands of those public authorities who take no heed of moral exigencies." Today we see the truth of those words. As one council member said, "I am very concerned about having religious principles impact public health policy." Assuming that religious and moral convictions have no place in the public square, several council members pushed through this bill, saying it was about "public health" and AIDS prevention; that "public health" interests must override fundamental religious liberties.

Yet the council showed no compelling public health interest. None of the contraceptives covered in the bill prevents AIDS. Nothing prevents employees from purchasing contraceptives on their own. And, nothing in the CatholicChurch's teaching on sexuality leads to AIDS, teen pregnancy, sexually transmitted diseases or out-of-wedlock births.

Three decades ago, Pope Paul VI correctly identified contraceptives as the theological wedge that would be used to justify widespread sexual immorality and the loss of respect for human life. In the District and elsewhere, contraceptives are functioning as a political wedge by which government tries to force false values onto religious institutions and people of faith and conviction. In other words, the current legislation is but a prelude to further infringement on religious liberty.

William E. Lori is the auxiliary bishop of the Roman Catholic Archdiocese of Washington.

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July 31, 2000

Cover birth control

Jim Graham

Much controversy has resulted from the recent D.C. Council decision to pass the Health Insurance Coverage for Contraceptives Act of 2000 without an exemption for the Roman Catholic Church. The measure would require all health insurers regulated by the District of Columbia to cover prescription contraceptives if the plan covers other prescription medications. In response, Catholic officials have accused council members of exceeding the boundaries of their office by seeking to reach a decision on this matter. Nothing could be further from the truth.

When a public policy issue comes into conflict with the position or doctrine of an interest group, whatever group that might be, it is the job of any legislative body to ascertain the facts as best it can, weigh the positions of all parties involved and then act in the public interest. In these situations, the solution may not make everyone happy. But to say that it is not our job to weigh these factors is to miss the very essence of policy-making.

The Council has also been accused of trying to force Catholic institutions to violate their religious convictions by mandating that they provide coverage for prescription contraceptives, something the Catholic Church prohibits. But a look at the facts suggests that it may be the church that is violating individual conscience, not the Council, and that religious institutions' need for a sweeping exemption from the contraceptive coverage law may be greatly exaggerated.

A new report by the pro-choice group Catholics for a Free Choice, which monitors and studies the Catholic health care system extensively, documents that 52% of the Catholic-run managed care plans in the U.S. cover at least one form of contraception. According to the report, these HMOs are applying the principle of legitimate cooperation, a doctrinally based position that allows Catholic institutions to cooperate with acts considered immoral if it will prevent a greater harm and they are not immediately involved in the act. Because Catholic doctrine prevents these health plans from paying for contraception directly, they have developed a number of ways to keep themselves one step removed from the actual payment for or provision of contraception. Some Catholic health plans divert the money for contraceptives through third-party administrators. Others work with secular insurance plans or clinics to provide coverage to their enrollees. Specifics aside, the important point is that there are approaches where religious plans remain true to church teaching while their enrollees are able to exercise their right to practice responsible parenthood through the use of contraception.

Another similar approach worthy of consideration is that taken by the state of Hawaii, which has a narrowly defined exemption for religious organizations. But it also allows those with insurance to purchase contraception coverage from the plan at a cost about the same as would have been imposed on the plan had it provided that coverage.

Contrast all of that with the sweeping language now advanced by Rep. Ernest Istook, to the effect that anyone — whether a religious organization or not — who runs a health care plan can decline to provide this coverage based on "moral convictions." That approach must be rejected as too broad. Since many Catholic-run HMOs in the U.S. have found a way to cover at least some form of contraception, why can't the Archdiocese of Washington arrive at a similar accommodation that allows it to remain true to its doctrine while respecting the consciences of those it insures who choose to use contraception?

Many Catholics themselves want this coverage. Surveys of contraceptive use conducted by the Centers for Disease Control and Prevention show that 75% of sexually active Catholic women of childbearing age currently use a contraceptive method. At the same time, what about those who work for Catholic organizations who are not themselves Catholic? They may belong to religions that condone the use of contraceptives. Why should they be forced to adhere to Catholic doctrine on the use of contraceptives? Make no mistake about it: Without this coverage, it may be impossible for some persons who are at the lower end of the pay scale to obtain needed birth control. It is not a satisfactory response (such as what we have heard from Church representatives) that employees knew the rules when they came to work at a Church-run institution. Tell that to the cook's helper at a university, or a janitor at a hospital. Jobs are hard to come by, and not easily replaced.

Not only do Catholics use contraception, but there is widespread support among the public for requiring health insurers to cover contraceptives just like they do any prescription drug and for health plans to provide reproductive health services no matter what their religious affiliation. A poll done this April by Belden, Russonello & Stewart for Catholics for a Free Choice showed that 83% of women believe that insurance plans that cover prescription drugs should be required to cover birth control. The same poll found that more than four in five (84%) women would disapprove if a Catholic institution purchased their health plan and discontinued reproductive health coverage.

I know that my own experience in this controversy bears this out. The support from my constituents in Ward 1 has been overwhelmingly supportive of the position I took in favor of the woman's right to plan her family.

Also noteworthy is the fact that many Catholic institutions in the District would be exempt from the contraceptive coverage requirement regardless. The Archdiocese of Washington and Georgetown University run their own insurance programs and are therefore not subject to the insurance regulations of the District of Columbia. And many other Catholic organizations such as schools and churches receive their insurance coverage through the archdiocesan program, so they would also be exempt, despite the contention of the bishops that many such Catholic organizations would be forced to provide contraceptive coverage.

This issue does involve the balancing of various interests, not the least of which is the woman's right of choice in terms of birth control. What is needed is calm and rational dialogue on how the consciences of the people who live and work in the District of Columbia can be protected while respecting religious doctrine.

Jim Graham is the Ward 1 representative on the D.C. Council.

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EDITORIAL

A D.C. Bill Without the Votes

Saturday, July 29, 2000; Page A18

E-Mail This Article
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THE D.C. budget that reached the House floor Wednesday was the 13th and final appropriations bill to be considered by that body in this session. The number 13 was not the bill's only unlucky feature. The measure had the misfortune of being written by overreaching House Republican appropriators out to remake municipal policy in areas that ought to be left to local control. They steered the budget into deep trouble. Faced with possible defeat of the misshapen legislation, the leadership was forced to pull it from the floor. The bill must now await Congress's return from its August recess.

This foul-up and delay could have been avoided. The District sent Congress not just a balanced budget but one including a surplus--for the fourth straight year. Passing it should have been a no-brainer. Instead, the bill that emerged from the Republican-led Appropriations subcommittee was freighted with intrusive riders and funding changes not sought by city leaders. The full House then paved the way in a procedural vote for further Republican amendments. Those would kill the District's private needle-exchange program, impose federal penalties on D.C. children caught smoking and block the city from implementing local initiatives even where no federal monies are involved. The idea of House members--unaccountable to District residents--overriding legitimately elected local representatives and their priorities didn't sit well with most Democrats and apparently with some Republicans. The dissent focused the House leadership's attention wonderfully. "Republicans didn't have the votes, so they had to pull the bill," said Rep. James Moran, the ranking Democrat on the D.C. appropriations subcommittee.

When they return, House appropriators should undo their handiwork. They can start by making up the $31 million funding shortfall caused by their decision to redirect money from the city officials' priorities to pet congressional spending schemes. They can also undo the damage already done to the bill by getting rid of the punitive and paternalistic prohibitions that they wouldn't think of imposing on their own congressional districts. Those correctives might help muster the votes necessary to pass a good bill. It's the least a Congress supposedly deferential to local decision-making can do.

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Moran Rebuked for Text Change

By Stephen C. Fehr
Washington Post Staff Writer
Friday, July 28, 2000; Page B01

CQ Profile
• James P. Moran (D-Va.)

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An aide to Rep. James P. Moran Jr. (D-Va.) deleted critical words about the Catholic Church from the congressman's remarks in the Congressional Record, a violation of House rules that drew a rebuke from the chairman of the panel that oversees the publication.

Last night, Moran told the House that he will restore his original comments, made Wednesday during a debate over a D.C. bill mandating health coverage for contraceptives, to the Congressional Record, the official proceedings of Congress. Moran was told by Rep. Bill Thomas (R-Calif.), chairman of the Committee on House Administration, that he had violated ethics rules that prohibit lawmakers from making substantive changes in the record.

Also yesterday, the House put off a vote on the District's $4.8 billion budget until September, a surprising development that could could make it unnecessary for Congress to carry out its threat to block the D.C. Council's bill because it does not include a "conscience" clause exempting Catholic and other religious institutions that oppose birth control.

Moran's comments came during a debate of a provision attached to the city budget by House Republicans prohibiting the D.C. legislation from taking effect. Some lawmakers objected to the measure because council member Jim Graham (D-Ward 1), in arguing against a conscience clause, criticized Pope John Paul II for comments he had recently made denouncing homosexuality.

According to a television transcript of the debate, Moran said: "Having been educated in Catholic schools all my life . . . if I were a gay man, I would feel the same sense of frustration and disappointment that councilman Jim Graham expressed on the D.C. Council. And that disappointment, and the intolerance, and yes, the hypocrisy of the Catholic church as an institution towards homosexuality ought to be addressed."

Rep. Ernest J. Istook Jr. (R-Okla.), who spoke after Moran, said Moran's remarks "added fuel to the fire rather than trying to suppress it."

A few hours later, Paul Reagan, Moran's chief of staff, said he asked for Moran's comments to be changed because, Reagan said, he was worried his boss could be overstating Graham's position.

The Congressional Record quoted Moran: "Having been educated in Catholic schools all my life, I understand the same sense of frustration and disappointment that councilman Jim Graham expressed on the D.C. Council. . . . He expressed disappointment with the Catholic church as an institution because of its position towards homosexuality."

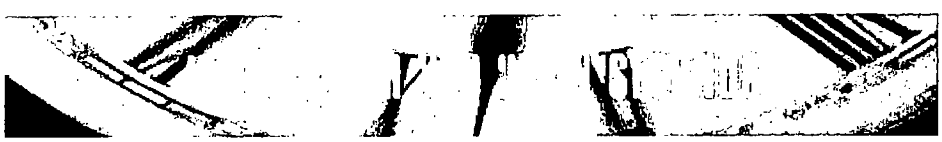
Moran's more neutral language violated rules that say only grammatical changes, not factual changes, can be made to the official record. "In no event would the actually uttered remarks be removable," the rules state.

The practical effect of the postponed vote on the D.C. budget could be the elimination of the health insurance provision.

Mayor Anthony A. Williams (D) is planning a "pocket veto" of the council's bill, meaning he won't sign it into law by next Friday, 10 days after the council sent it to him. Council members have said they would craft a new bill in September with a conscience clause, and that pledge, along with the veto, could be enough to head off Congress.

"I would certainly think that if the mayor actually vetoed the bill, it would make a big difference to many members," Istook said.

Staff writer David A. Fahrenthold contributed to this report.



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Little Things Are No Small Matter for Graham

By David A. Fahrenthold
Washington Post Staff Writer
Thursday, July 27, 2000; Page J04

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Depending on one's viewpoint, Jim Graham either stepped into the limelight or was thrust into a harsh spotlight this month after taking on the Catholic Church because of its stance on contraception.

But those who work with Graham (D-Ward 1) say his 19-month career on the D.C. Council has been more about rats and road repair than big controversies.

And Graham has the letters to prove it.

"These are all thank you letters," he said proudly, pointing to a sheaf of papers more than a foot thick in the bottom drawer of his desk. The letters come from constituents across Ward 1 and are about the smallest of matters: trees, trash, street lights and police patrols.

"Most of the energies of this office are based on constituent services," Graham said. "That type of engagement . . . that's what it's been about for me."

Graham, 54, criticized Catholic doctrine on sex and gays--using himself as Exhibit A--during a council debate last week on health insurance for contraception. Waving a picture of the pope at a group of local Catholic dignitaries attending the hearing, he described his struggles with Catholic doctrine and urged the council against "deferring to Rome."

"My problem [is] surrendering decisions on public health matters to the church," Graham said. "I've spent years fighting church dogma."

After Graham's remarks, the chairman of the House appropriations subcommittee on the District called him a bigot and one Catholic group urged him to resign.

But other council members and community activists say the outspoken behavior was unusual. Since his election in 1998, the freshman lawmaker has focused on improving communication and services in his district rather than on broader legislative crusades. Graham said that he prefers a quiet career serving constituents but that his personal history compelled him to speak out.

Graham appeared on the District's political landscape in the mid-1980s as executive director of the Whitman-Walker clinic, the area's largest health care provider for people with AIDS. When AIDS was still young and called gay-related immune deficiency, he had to be both an administrator and an activist.

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administrator and an activist.

"He was very out front, carrying the flag," said Mark M. Levin, president of Whitman-Walker's board of directors. "I can't say he wore his homosexuality on his sleeve, but he made a lot of people very proud of being gay and lesbian."

Graham's home and the clinic were in Ward 1, the city's smallest yet most diverse district. And by the late 1990s, from the yuppie bars of Adams-Morgan to poorer neighborhoods near Georgia Avenue, many of its residents thought the ward was crumbling. They blamed 14-year council veteran Frank Smith.

Graham said he ran for the council in 1998 to help recharge the city's government.

"People were tired of Frank Smith, and they were looking for someone who could deliver just basic things," said Ward 1 Advisory Neighborhood Commissioner Lenwood Johnson.

Since taking office, Graham has made sure to return all phone calls and take seriously any complaints about tree trimming and road work. He spends most mornings answering his e-mail.

"He's held more meetings [this year] than Smith did in the last three or four years of his term," said Linda Softli, an ANC commissioner in Adams-Morgan. "People, when they call his office, they get answers."

Graham has focused on alcohol licensing, slum housing and animal cruelty. As a legislator, that has made him more a problem-solver than a radical. He had never received the kind of political notoriety or criticism he received last week.

"He's like all of us; he picks his issues," said council member Phil Mendelson (D-At Large), a fellow liberal who sits next to Graham on the dais. "But they all kind of originate out of his ward, out of his constituency."

Last week, however, Graham took a big step away from anonymity when he confronted the Catholic Church. Looking directly at Bishop William E. Lori, of the Washington diocese, who wanted the council to add a "conscience clause" exempting Catholics from a bill mandating health insurance coverage for contraceptives, Graham discussed his battles with the church over sexual orientation and the use of condoms. His confrontation with the church, Graham said, was "catalyzed" a day earlier by the pope's denunciation of homosexuality as "disordered."

"The very day I read those remarks in the newspaper, I had [Lori] sitting in my office asking for tolerance," Graham said. "I said, 'Did you read the newspaper this morning?' He sort of smiled, and that was the end of the conversation."

Graham told Lori about his time as head of Whitman-Walker, when Catholics objected to the distribution of condoms and to TV ads about contraception. Graham saw direct parallels between that controversy and Catholic opposition to the insurance bill.

In the days since the council debate, Graham has defended his remarks, saying he worked with Catholic institutions during his time at Whitman-Walker and as a council member.

But "I shudder to think of the number of gay people worldwide who will be injured" by the pope's words, Graham said. "People say, 'Why do you care what the pope thinks?' This is the reason I care."

Council member Jack Evans (D-Ward 2) said Graham's comments were not the deciding factor in the debate. "I think what he said was on target, but most people were already focused on where they were" on the bill, he said.

Still, the day after the health insurance measure won unanimous council approval, Graham's remarks drew angry opposition from Republican lawmakers and Catholics, who charged him with "anti-Catholic bigotry of the unreconstructed kind."

Mendelson said Graham's comments have polarized the debate to the point where no good solution can be forged. "This issue has gotten much too overheated. . . . Now it's Jim Graham versus the Catholic Church," he said.

The council will reconsider the bill in September.

As Congress, Catholics and council members fret over the controversy, Graham was in an alley in Woodley Park on Friday, supervising a restaurant inspection after residents complained about rats.

"This is what I ran to do," Graham said.

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Angry Norton Defends Williams's Word on Veto

By David A. Fahrenthold and Stephen C. Fehr
Washington Post Staff Writers
Thursday, July 27, 2000; Page B04

E-Mail This Article
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Del. Eleanor Holmes Norton (D-D.C.) yesterday angrily defended Mayor Anthony A. Williams when House Republicans refused to remove an attachment to the District budget bill that would nullify a controversial D.C. Council measure mandating health insurance coverage for contraception.

Williams, who is generally well regarded on Capitol Hill, has told Congress he will veto the council bill, which would require health insurance providers to pay for prescription birth control. The council this month rejected including a "conscience clause," which would have exempted Roman Catholic institutions that object to contraception on doctrinal grounds.

Congress isn't convinced the mayor will veto the bill and has included a provision in the District's budget bill that adds the conscience clause to the insurance measure. Norton told Rep. Ernest J. Istook Jr. (R-Okla.), chairman of the House committee that controls District spending, that he is in effect calling Williams a "liar."

"A . . . veto from the mayor should be all you need," Norton told Istook, her voice cracking and stomping her feet. "I've had it. I've really had it. The man has indicated that he will . . . veto this bill. It would never be enough for you."

An aide to the mayor said last night Williams (D) probably would effectively veto the bill by not signing it before Aug. 4, which is 10 days after the council sent the bill to him.

Istook said he would not remove the stipulation until Williams actually vetoes the bill. "This is a live issue," Istook said.

Norton's berating of the GOP leadership came on a sometimes emotional day of debate on the District's $4.8 billion budget for 2001, with Democrats charging that the GOP is cutting the city's budget and jeopardizing key programs such as a Metro station along New York Avenue NE and college tuition aid for high school graduates.

An hour into the debate, eight District residents sitting in the visitors' gallery overlooking the chamber stood up yelling, "Free D.C." and "D.C. Votes No," the latter a reference to a rules vote that Democrats said limited their opportunity to make changes in the bill.

U.S. Capitol Police pulled the five women and three men out of the

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building and arrested them on charges of disrupting Congress. They were released on their own recognizance pending a date in D.C. Superior Court today, Lt. Dan Nichols, a police spokesman, said. The House put off a planned vote yesterday on the District's budget until today, leaving in doubt the outcome of other changes, including whether the city can continue its needle exchange programs for drug addicts.

Istook, in a gesture to Rep. Thomas M. Davis III (R-Va.), removed a provision calling for a $100,000 study of taxes on commuters who live in Maryland and Virginia but work in the District. Davis opposes commuter taxes on his Northern Virginia constituents and was upset Istook had not consulted with him first. The $100,000 was added to the federal funds for the New York Avenue station.

Norton led an effort to strip the 68 attachments, also known as riders, from the bill, arguing that some are 27 years old and already are part of D.C. or federal law. Her effort was ruled out of order.

The most controversial rider – which will come up for a vote today – is a prohibition on the use of federal funds for programs that provide clean needles to drug users to reduce the spread of HIV/AIDS. The House approved such a prohibition last year, a reason President Clinton vetoed the D.C. budget bill. House and Senate negotiators compromised, allowing privately funded clinics such as Whitman-Walker to distribute needles without losing federal money.

Staff writer Petula Dvorak contributed to this report.

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DC Council and "Conscience Clause" articles
July 10-19, 2000

WASHINGTON POST

Catholics Hear Plea To Lobby (Washington Post)
By David A. Fahrenthold Page B05, Jul 17, 2000

> Catholic pastors urged parishioners yesterday to lobby Mayor Anthony A. Williams against a D.C. Council bill requiring health insurance coverage for ...

Contraception and Conscience (Washington Post) Page B06, Jul 16, 2000

> Everyone is entitled to his or her views, but it is disturbing, though no longer shocking, to see church-hating wielded so bluntly and brazenly by a

The Clash Over the 'Conscience Clause' (Washington Post)
By Colbert I. King Page A21, Jul 15, 2000

> About the same time Pope John Paul II condemned a gay pride festival in Rome as an offense to Christian values," the New York-based Sexuality ...

D.C. Insurance Exemption Cited (Washington Post)
By David A. Fahrenthold and Michael H. Cottman Page B01, Jul 14, 2000

> District officials said yesterday that the city's insurance law already exempts many large Catholic employers from a bill that would force them to ...

Hill Raps D.C. Over Insurance Demands (Washington Post)
By David A. Fahrenthold Page A01, Jul 13, 2000

> The chairmen of congressional subcommittees that oversee the District said yesterday that they will not allow a D.C. bill requiring health insurance ...

D.C. Contraceptives Bill Passes (Washington Post)
By David A. Fahrenthold Page A01, Jul 12, 2000

> The D.C. Council voted yesterday to require health insurance providers to pay for contraceptives, rejecting a "conscience clause" favored by the ...

D.C. Contraceptive Bill to Be Amended (Washington Post)
By David A. Fahrenthold Page B01, Jul 11, 2000

> The sponsors of a D.C. Council bill mandating health insurance coverage for contraceptives said yesterday they will add a "conscience clause" ...

Catholics Exhorted To Protest D.C. Bill (Washington Post)
By David A. Fahrenthold Page B01, Jul 10, 2000

Catholic clergymen throughout the District urged their parishioners yesterday to protest a bill before the D.C. Council that would require health...

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Congressmen hit D.C. Council vote by Clarence Williams
July 13, 2000

Anti-Catholic dogma Todd Lindberg
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EDITORIAL No tolerance for Catholics
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NEW YORK TIMES

Congress and District Clash Over a New City Ordinance
July 14, 2000

Catholics Hear Plea To Lobby

'Conscience Clause' Fight Pressed in D.C.

By David A. Fahrenthold
Washington Post Staff Writer

Catholic pastors urged parishioners yesterday to lobby Mayor Anthony A. Williams against a D.C. Council bill requiring health insurance coverage for contraceptives, beginning the second week of a controversy that has grown to include charges of anti-Catholic "bigotry" and concerns about home rule in the District.

In Catholic services across the District, priests read a letter from Auxiliary Bishop William E. Lori and worshipers were given a handout calling the bill "health-care totalitarianism." Catholics have lobbied against the bill all week because it does not include a "conscience clause" exempting their church and other institutions that oppose contraception on doctrinal grounds.

"The D.C. City Council . . . is forcing Catholic institutions to pay for what is contrary to Church teaching," said the handout, authored by Lori and inserted in church bulletins. "Kindly ask Mayor Anthony Williams to veto this unnecessary bill, which is an affront to religious liberty."

Last Sunday, Catholic leaders called for parishioners to lobby the council to reject the bill. But after a nearly four-hour debate Tuesday, the council rejected three versions of a "conscience clause" and approved the bill with no exemptions.

The next day on Capitol Hill, the chairmen of two House subcommittees overseeing the District attacked the bill and the council. Rep. Ernest J. Istook Jr. (R-Okla.), who chairs the D.C. Appropriations subcommittee, criticized council member Jim Graham (D-Ward 1) for his remarks about the Catholic Church's stance on contraception and homosexuality.

Since then, Istook and others have promised to block the bill's passage unless a "conscience clause" is included. City officials said Thursday that a clause in federal insurance law means that many of the District's largest Catholic employers, including Georgetown University and the Archdiocese of Washington, will be exempt from the law because they are self-insured.

Lori said yesterday that he would be interested in talking to Williams (D) but had no immediate plans to do so. He said the handouts were meant to show local Catholics "what the issue is, namely religious freedom—and what the issue is not, namely health care."

Williams, who is Catholic, has not taken a side on the issue. A spokesman said yesterday the mayor wants to settle the issue in the District.

"The mayor clearly sees this issue as a local policy, and [it] should be based on the voices of our residents," Peggy Armstrong said.

After Mass at St. Matthew's Cathedral near Dupont Circle, several parishioners expressed support for Lori's arguments.

"I think there's a difference between having the right to choose something and being forced to pay for something," said Sara Hessenflow. "I have some personal differences of opinion [with the church], but for the church to be forced to betray its own teachings, that's wrong."

Church officials said last week they hadn't lobbied Congress, but the political influence of church officials has been marked over the last week. Council members say one "conscience clause" amendment introduced Tuesday was rejected because Lori opposed it.

Council member Charlene Drew Jarvis (D-Ward 4), proposed a clause that would have given a "conscience" exemption to primarily religious institutions, but no exemption to church-run institutions such as colleges or hospitals with a secular purpose.

Lori said he approached council Chairman Linda W. Cropp (D) and told her that the clause was too narrow. Several council members said yesterday that Lori's opposition was crucial: The amendment failed 8 to 5.

"Had the Catholic Church not interfered at the last vote, there probably would have been a narrower conscience clause included," said council member Jack Evans (D-Ward 2). Evans said he felt many council members still support some version of a conscience clause. He criticized Istook for ignoring that fact and for infringing on the District's self-rule.

"I feel the council did get an unfair whack taken at it," Evans said. "People shouldn't be interfering in local affairs like they are."

The Washington Post
Monday, July 17, 2000

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LETTER TO THE EDITOR

Contraception and Conscience

Sunday, July 16, 2000; Page B06

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Everyone is entitled to his or her views, but it is disturbing, though no longer shocking, to see church-hating wielded so bluntly and brazenly by a holder of public office such as D.C. Council member Jim Graham [front page, July 12].

I only hope Mayor Williams vetoes the council's attempt at oppressing the free expression of religion in this bill, which would require insurers to pay for birth control even if their religious views disallowed it. As an evangelical Protestant, the only two possible benefits I can see from Mr. Graham's harsh attack are to (a) demonstrate the narrow, exclusive nature of his position and (b) indicate the increasing tendency for issues of morality to masquerade as "public health" issues.

J. RANDALL BURKHOLDER

Washington

I was surprised to read that the Catholic Church was so upset about the D.C. contraceptive bill.

Assuming that all good Catholics follow church doctrine and would never consider using contraceptives, why does the church care?

DANIEL M. BERLER

Washington

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Colbert I. King

Opinion Columnist

The Clash Over the 'Conscience Clause'

By Colbert I. King
Saturday, July 15, 2000; Page A21

About the same time Pope John Paul II condemned a gay pride festival in Rome as an "offense to Christian values," the New York-based Sexuality Information and Education Council, consisting of more than 850 clergy and other religious leaders, endorsed a declaration calling upon all faiths to bless same-sex couples and ordain gay ministers. It was also the week in which the African Methodist Episcopal Church elected the first female bishop in the 213-year history of the nation's oldest black denomination.

Three separate and distinct stances by religious leaders, all of whom profess a belief in God's unconditional, inclusive love and the healing balm of forgiveness.

You are perfectly free to join the pontiff in believing that homosexual acts are "contrary to natural law"--or to vociferously disagree; to concur with the council that abortion and sex education should be widely accessible--or to strongly object; to cheer the idea of a woman bishop--or to groan at the thought.

It's a free country. Do as you please.

Likewise, they--the Catholic Church, the African Methodist Episcopal Church, the New York groupings of Jewish, Unitarian, Episcopal, Presbyterian and United Methodist clergy--are at liberty, as private associations, to believe and advocate their views to their hearts' content.

But on Tuesday, religious conviction--freely expressed--collided with public health policy--openly arrived at--in the chambers of the D.C. Council.

The fight was over a bill supporters call the "Health Insurance Coverage for Contraceptives Act of 2000." The Archdiocese of Washington calls it an infringement on religious freedom.

The issue posed by the bill, simply put, is whether the D.C. Council can require employers with employee health plans to pay for contraceptive services, even if those religiously affiliated employers (e.g., Georgetown and Providence hospitals) have religious objections to providing such services. City lawmakers concluded that such employers should comply. As the Religious Coalition for Reproductive Choice would note, the hospitals may have religious affiliations, but they also serve the general public, have a secular purpose, receive public funds and are major providers of key health services. To let them opt out of providing health services to which they are religiously opposed--e.g., contraception--is tantamount to allowing Georgetown and Providence to impose their religious beliefs on staff and workers who don't happen to share those convictions.

The archdiocese, contending that church doctrine comes first, wanted a "conscience clause" to exempt religious entities with health plans from having to cover the cost of services that run contrary to church teachings.

But after nearly four hours of debate, policy prevailed over prelates.

It wasn't pretty, and the conflict isn't over. Now we have Auxiliary Bishop William Lori telling The Post that he found the performance of certain council members to be "evidence of anti-Catholic bigotry of the unreconstructed kind."

And even before Mayor Anthony Williams and the financial control board decide where they stand on the bill, the battleground has shifted to Capitol Hill, where the council has been branded once again with the "bigotry" label. Moves are now underway in the House to block the council's measure outright--before it's even signed into law.

Short of a miracle, the outcome seems preordained: When the wreckage is finally cleared, the real casualty in this latest local dust-up will be that fragile, often-battered privilege called "Home Rule."

It shouldn't have come to this.

Apparently the city's insurance laws already exempt many large Catholic employers that are self-insured from the reach of the council's bill. District lawmakers and Catholic leaders evidently didn't know it at the time they faced off. But why didn't they, if they were doing their jobs?

In addition, the council and church leaders behaved this week as if they were confronted with either-or, do-or-die propositions. They weren't.

There are several variations of "conscience clauses" in states where contraceptive coverage laws are on the books. How carefully were those exemptions examined in public hearings--as opposed to this week's end-of-the-session scramble?

Consider the case of Hawaii. Legislators there took steps to make certain that employees wouldn't be placed at a disadvantage even if their employer invoked a religious exemption. The state enacted a law requiring the employer to notify workers of their right to buy coverage directly from the health plan--at no more than the price established if the employer had not opted out.

Of course conscience clauses must be conscientiously watched, lest they be used to deny women health care services that are their right. But does it follow that all current exemptions are harmful to the health of women? Likewise, does the availability of contraceptive benefits lead to a dangerous loosening of religious convictions? Answers to those questions would inform the debate.

As for fears of plan enrollees violating their religious convictions if given the chance to obtain contraceptives, NOW HEAR THIS: Nothing--not one word, jot or tittle--in the council's bill compels an employee or an employee's dependent to take advantage of a contraceptive benefit.

If ever there was an issue that belongs off the Hill and back at One Judiciary Square for serious work, this is it. The D.C. Council is on solid ground when it sets out to enact a contraceptive coverage bill. And opponents have a right to voice their objections.

But the place to resolve fundamental differences over such an issue is within the halls of the District of Columbia government--not Congress. The District is where citizens, council members and the mayor are expected to come together to shape the laws under which we all are governed.

In all of this week's clamoring about religious freedom, it's worth remembering that self-government is a democratic process that many residents also hold dear. It deserves respect, too.

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D.C. Insurance Exemption Cited

By David A. Fahrenthold and Michael H. Cottman
Washington Post Staff Writers
Friday, July 14, 2000; Page B01

What's Your Opinion?
E-Mail This Article
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District officials said yesterday that the city's insurance law already exempts many large Catholic employers from a bill that would force them to provide health insurance coverage for contraceptives, even without the kind of "conscience clause" that has led to a standoff between Congress and the D.C. Council.

The Archdiocese of Washington, Georgetown University and Providence Hospital--with thousands of insurance policies among them--are all at least partially self-insured. That makes them subject only to federal, not District, insurance laws on this issue.

And because federal law does not mandate contraceptive coverage, those employers, all cited by Catholic leaders as potential victims of the measure, would not have to cover contraceptives even if the law was passed.

"If they're covered by a self-insurance plan, we have no jurisdiction," said Lawrence Mirel, commissioner of insurance and securities for the District.

The revelation comes a day after key members of Congress vowed to kill a bill passed by the council Tuesday mandating coverage for prescription contraceptives, including birth control pills, shots and intrauterine devices. The council rejected a conscience clause, and one member criticized the Catholic Church for its teachings against contraception and homosexuality.

Yesterday, Rep. Ernest J. Istook Jr. (R-Okla.), chairman of the House Appropriations subcommittee on the District, introduced a provision in the D.C. budget bill that would block enforcement of the council's measure. But Rep. James P. Moran Jr. (D-Va.) said he would offer a softer amendment in full committee by adding a conscience clause in the law.

Officials of the archdiocese, which has led the fight to include language exempting those who object to the mandate on religious grounds, said yesterday that they were not aware of the limitations of the local law yesterday that they were not aware of the limitations of the local law.

However, Auxiliary Bishop William E. Lori said the church's objections still stand because some smaller Catholic organizations are not self-insured and would still be subject to the bill.

"We're dealing with a matter of principle, and the principle at stake is religious liberty," Lori said. "You shouldn't have to be self-insured to have religious freedom."

Mayor Anthony A. Williams declined yesterday to say whether he would sign or veto the bill.

"I'm a Catholic, and I strongly support the Catholic Church," said Williams, who also said he supports family planning. The mayor said the bill was "causing me a lot of personal difficulty, but you have to do the right thing. . . . I have not taken a position."

The bill passed without fanfare at the council's June meeting but erupted into controversy last weekend when Catholic priests urged parishioners to lobby for a conscience clause. After lobbying by several interfaith and abortion-rights groups, the council rejected three conscience clauses before passing the bill unanimously.

Reps. Thomas M. Davis III (R-Va.) chairman of the House Government Reform subcommittee on the District, and Istook attacked the bill Wednesday, along with what they called anti-Catholic "bigotry" during the council's debate. Davis said it would not pass the House without a conscience clause attached.

Yesterday, council members defended the bill as being primarily about women's health and said they would not back down to pressure from Congress. "We're not looking at this as a fight," Council Chairman Linda W. Cropp (D) said. "The primary purpose was to extend health insurance for women."

Council members said they were not aware of the self-insurance exemption enjoyed by many large Catholic enterprises in the city. "If that is the case, I don't know why they're concerned about it," said council member Sharon Ambrose (D-Ward 6).

The archdiocese and Georgetown University are completely self-insured, officials at those institutions said. Georgetown Hospital and Providence Hospital offer employees an option of a self-insured plan and one contracted with an outside insurance agency. Neither could say how many employees were in the self-insured plans.

Self-insured organizations pay their employees' policy claims without money from an outside agency. According to the city's Department of Insurance and Securities Regulation, which would administer the bill if it became law, these organizations are exempt from District law because they do not create transactions to be regulated.

Kathy Rickford, an attorney for the department, said that for Catholic employers that are partly self-insured, the bill would mandate contraceptive coverage for those employees enrolled in non-self-insured plans.

The Catholic Archdiocese of Atlanta already uses the same federal provision to exempt itself from a similar Georgia law. In New Hampshire, one church official said it was a simple way out of what local officials have called an intractable dilemma.

"The obvious mechanism for you to get around it is self-insurance," said the Rev. Edward Arsenault, secretary for administration for the Diocese of Manchester, N.H.

Staff writer Allan Lengel contributed to this report.

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Hill Raps D.C. Over Coverage

Leaders Demand Birth Control Bill 'Conscience Clause'

By DAVID A. FAHRENTHOLD
Washington Post Staff Writer

The chairmen of congressional subcommittees that oversee the District said yesterday that they will not allow a D.C. bill requiring health insurance coverage of contraceptives to become law unless the D.C. Council adds a "conscience clause" advocated by the Washington Archdiocese.

The admonition came a day after the council rejected language that would exempt employers and their insurance companies from complying with the bill because of religious or moral beliefs.

Council Chairman Linda W. Cropp (D), who went to Capitol Hill yesterday for a routine hearing on the city's budget, found herself facing an irate Rep. Ernest J. Istook Jr. (R-Okla.), who called the council debate over the bill "a forum for bashing religion, and one faith in particular." Istook chairs the House Appropriations subcommittee on the District.

Rep. Thomas M. Davis III (R-Va.), who chairs the House Government Reform subcommittee on the District, said in an interview that the bill will survive his panel and the House floor only if it includes language exempting Catholic employers from paying for birth control.

He said he had been approached by numerous members of Congress who were angered by the council's action and that one lawmaker told him, "You can't let this happen."

The bill, which drew little attention when the council unanimously approved it on first reading last month, has in a matter of days sparked a major dispute. It started in the pulpit Sunday when Catholic priests urged parishioners to lobby council members to amend the bill. It moved into the council chambers Tuesday, where council member Jim Graham (D-Ward 1), who is gay, criticized a recent papal denunciation of homosexuality and urged his colleagues against "deferring to Rome."

Council members debated for nearly four hours before unanimously adopting the bill without a conscience clause. Catholic Church officials who attended the council meeting were restrained after the vote.

But yesterday, Auxiliary Bishop William E. Lori was blunt in his assessment. "I did find yesterday's performance by a number of members of the city council shocking," Lori said, calling it "evidence of anti-Catholic bigotry of the unreconstructed kind."

At Istook's hearing, Cropp argued that the council viewed the bill as a public health issue, not a religious one. After learning of Davis's plan to overrule the council, Cropp criticized it as "an example of decisions not being made by local leaders."

Mayor Anthony A. Williams (D), who has not spoken publicly on the issue as it has ballooned over the past four days, remained silent yesterday. He declined to comment on the threat to overturn the bill, a sore spot with many elected leaders who decry congressional interference in District affairs.

All legislation passed by the council, including the city's annual budget, must go to Capitol Hill for review. Usually, Congress rejects council bills by amending the city's annual budget. Davis said a case like this—where Congress would reject a council bill out of hand—has not happened in his six-year tenure as subcommittee chairman. Davis and Appropriations subcommittee member Rep. Robert Aderholt (R-Ala.) cited the bill's disregard of religious beliefs as their primary reason for opposing the measure and said many of their colleagues felt the same way.

"It's one thing when you talk about religion imposing itself on the state," Davis said. "Here you have the state imposing itself on religion. That is unfortunate in a city that has long been a symbol of tolerance."

Congress included a conscience clause in a 1998 measure that provided for all federal employees to have mandatory contraceptive coverage. The District's bill provides for birth-control methods including pills, diaphragms, shots such as Depo-Provera, the Norplant implant and intrauterine devices.

Maryland was the first state to mandate coverage for prescribed contraceptives, passing a bill with a conscience clause in 1998. Virginia has no mandated coverage for contraceptives. Only 12 states mandate insurance coverage for birth control; Istook's is not one of them.

Istook opened yesterday's budget hearing by rebuking Cropp for allowing the council action.

"The failure of others to speak up or at least disassociate themselves, and the bigotry that was expressed to the council . . . is a great disappointment," he said.

Cropp, who told Istook that she was Catholic, said that out of the entire discussion "there was probably a one- or two-minute discussion by one member of the council that may have dealt with a particular religion. It was not the majority of the council who took that position."

Graham, who did not attend the hearing, noted that he had worked with Catholic hospitals as head of the Whitman-Walker clinic, the city's largest health care provider for those with AIDS. He said that Pope John Paul II's recent attack on gay men and lesbians was a reminder of other battles with Catholic leaders on issues of condom distribution and homosexuality and that it had catalyzed his emotional arguments on this issue.

"People are entitled to believe what they want to believe, but there's always been limits on that," Graham said. "My purpose was to ensure that we made a medical decision on the basis of medical considerations.

"I am not a bigot. I am not anti-Catholic," Graham said. "To somehow twist my words in that fashion is disrespectful to me and my record."

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THURSDAY, JULY 13, 2000

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D.C. Contraceptives Bill Passes

By David A. Fahrenthold
Washington Post Staff Writer
Wednesday, July 12, 2000; Page A01

Councilman Vincent Orange, left, listens to William E. Lori, auxiliary bishop of Washington, and Sue Purvey, of Catholic University, right, during a break in the debate. (James M. Thresher - The Washington Post)

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The D.C. Council voted yesterday to require health insurance providers to pay for contraceptives, rejecting a "conscience clause" favored by the Catholic Church after one council member argued passionately against "deferring to Rome" on matters of sex and contraception.

Jim Graham (D-Ward 1) was the harshest critic of any language that would exempt employers and their insurance companies from complying with the bill because of religious or moral beliefs. Holding up newspaper clippings describing Pope John Paul II's latest denunciation of homosexuality, Graham, who is gay, spoke directly to a crowd that included priests and nuns and said he worried about setting a precedent.

"My problem [is] surrendering decisions on public health matters to the church," Graham said. "I've spent years fighting church dogma."

Council members spent almost four hours yesterday on the bill, which would require all insurers that offer prescription drug plans to cover prescribed contraceptives, including birth control pills, implants and shots. Catholic employers such as Georgetown University and the Archdiocese of Washington object to contraception on doctrinal grounds, and this past weekend, the archdiocese urged parishioners to lobby council members to include a conscience clause exemption.

"This is a breach in the wall between church and state," Auxiliary Bishop

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William E. Lori said after the vote. "I think it's a sad day for religious liberty in our city."

"We're not imposing anything--these are our institutions," Lori added. "It seems we ought to be allowed to be genuinely Catholic institutions."

Graham's comments represented a sudden and dramatic escalation in a debate that emerged only this week, after the archdiocese launched its last-minute campaign to change the bill, which passed with little comment last month. While some council members continued to argue yesterday that the issue was about public health, larger concerns about religious freedom and Catholic morality dominated the discussion.

The bill was approved unanimously, but not before members--who were deluged with calls Monday and yesterday morning--waged a long, heated debate over whether to permit exceptions to the measure.

Lori said he would lobby Mayor Anthony A. Williams (D). The mayor had left the city to attend Major League Baseball's All-Star Game in Atlanta before the council ended its meeting. His spokeswoman said he would not comment until he saw the final version of the bill, which was approved in the council's last scheduled session before its summer recess.

When first introduced by council members Charlene Drew Jarvis (D-Ward 4) and Carol Schwartz (R-At Large) late last year, the bill included an exemption for religious institutions, but that language was removed by the council's Committee on Consumer and Regulatory Affairs after hearing objections from women's health advocates.

A series of three amendments introduced yesterday attempted to reinstate the clause, each trying to carve out less protection than the last. Council member Harold Brazil (D-At Large) first proposed exempting private individuals with moral objections to contraception in addition to church-run employers.

Other council members objected, saying that plan would allow any business to seek the exemption as a way of escaping higher insurance bills. Brazil's amendment "makes this whole law moot, void and ridiculous," Schwartz argued.

Brazil withdrew his amendment. Then Jarvis and Vincent B. Orange Sr. (D-Ward 5) weighed in with proposals. Both would have protected religious employers, but Orange's proposal went further to protect institutions such as Georgetown University and Providence Hospital, which are church-run but have nonreligious purposes.

"The Catholic Church is here today saying they want to exercise their religious beliefs," Orange said. "Let's not belittle established church doctrine."

Graham, former executive director of the Whitman-Walker Clinic, the city's largest health care provider for those with AIDS, spoke against both amendments.

He cited examples of what he called the Catholic Church's intractability on matters of sex. He criticized the church's refusal to cooperate on condom distribution in the 1980s, which he said helped spread the AIDS virus in the District. He also said he worried about church interference concerning benefits for gay partners if the council took up that issue in the future.

"We are permitting religious principles to dictate public health," he said. "If we're going to set this precedent, what does it mean in terms of domestic partnership?"

After rejecting the amendments, the council passed the bill unanimously, with some council members changing their votes when it became apparent the measure would be adopted. Council member Jack Evans (D-Ward 2) and Chairman Linda W. Cropp (D) changed their "no" votes to "yes"; Brazil initially voted "present" but later changed to "yes"; Orange passed when his name was called the first time but voted "yes" in the end.

Women's health groups oppose conscience clauses, arguing that the restrictions give insurers, not individual women, control over what care is available. Yesterday, representatives of those groups said they were confident Williams would sign the bill.

"I doubt he'd veto a bill that passed 13-0," said Elizabeth Cavendish, legal director for the National Abortion and Reproductive Rights Action League. But noting that all District laws have to go to Capitol Hill, she added, "There's always a bit of threat from an anti-choice Congress."

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D.C. Contraceptive Bill to Be Amended

By David A. Fahrenthold
Washington Post Staff Writer
Tuesday, July 11, 2000; Page B01

E-Mail This Article
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The sponsors of a D.C. Council bill mandating health insurance coverage for contraceptives said yesterday they will add a "conscience clause" amendment to the bill after Catholic parishioners lighted up the switchboards across city hall.

But even as council members Carol Schwartz (R-At Large) and Charlene Drew Jarvis (D-Ward 4) prepared to draft the amendment, local Roman Catholic officials--who spoke out against the bill at Sunday Mass because it would make church-run institutions pay for birth control--rejected the clause as too narrow.

The bill is scheduled for a final vote today.

"It seems to me unseemly for the city government to tell the church which of its institutions can follow Catholic teachings and which cannot," said William E. Lori, auxiliary bishop of Washington.

Schwartz said the amendment would insert a conscience clause to protect purely religious institutions, such as an insurance plan offered to employees of the Archdiocese of Washington. But, she said, it would not apply to private business owners who are Catholic or organizations such as Georgetown or Providence hospitals, which are run by the church but have nonreligious purposes.

"I have a conscience about the conscience clause," Schwartz said.

The bill, which won preliminary approval last month, would mandate that all health insurance plans covering prescription drugs also pay for prescribed contraceptives, including birth control pills, shots and implants. When first introduced by Jarvis and Schwartz, the measure contained a conscience clause that would have exempted Catholic employers, whose doctrine opposes contraception.

Groups such Planned Parenthood oppose conscience clauses, contending that individual women, not their insurance providers, should decide their treatment. After a hearing at which Planned Parenthood representatives spoke in February, the council's Committee on Consumer and

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Regulatory Affairs deleted the clause.

Catholic officials said they didn't discover the deletion until last week, and Sunday all priests were instructed to read a letter from Lori that, in part, said, "This flawed bill would seriously infringe on religious freedom."

Council members and their aides said that they received dozens of calls and faxes yesterday supporting both sides of the issue and that church officials had visited council members' offices. One staff member called it the most vigorous public response on an issue since the snow removal problems last winter.

Church officials, who had said Sunday that their institutions would ignore the law or fight it in court rather than comply, declared that even Catholic hospitals and universities could not deviate from doctrine.

"The framers of this amendment should take into account the number and complexity of Catholic institutions in the city," Lori said. "The question is: Where do you draw the line?"

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Catholics Exhorted To Protest D.C. Bill

By David A. Fahrenthold
Washington Post Staff Writer
Monday, July 10, 2000; Page B01

E-Mail This Article
Printer-Friendly Version

Catholic clergymen throughout the District urged their parishion-ers yesterday to protest a bill before the D.C. Council that would require health care insurers to cover prescribed contraceptives.

Priests read a letter from William E. Lori, auxiliary bishop of Washington, asking the city's Roman Catholics to contact their council members directly to express their opposition to the bill before the council votes tomorrow.

Supporters say the measure would allow women, rather than their insurers, to determine what health services they can use. The Archdiocese of Washington regards the bill as an infringement on religious freedom. The archdiocese expressed concern that such church-related institutions as Georgetown University or Providence Hospital, which have health plans for their employees, would be required to pay for contraceptive services, in breach of church teachings.

"This flawed bill would seriously infringe on religious freedom by forcing organizations with religious convictions to violate those convictions at the direction of the government," said the letter, which the archdiocese requested be read at every Sunday Mass.

Cardinal James A. Hickey, archbishop of Washington, wrote his own letter last week to Council Chairman Linda W. Cropp (D), asking that the bill be amended to include a "conscience clause" that would exempt religious organizations from covering the cost of contraceptives if doing so would violate church doctrine.

"At the very least, this legislation, flawed as it is, should include a conscience clause, as is the case in many other jurisdictions," Hickey said in the letter.

The bill, called the "Health Insurance Coverage for Contraceptives Act of 2000," was modeled after legislation passed in Maryland in 1998 and adopted by several other states. Virginia does not mandate contraceptive coverage.

Although many HMOs and other health insurance providers do pay for some types of prescribed contraceptives, advocates for the bill say mandated coverage is necessary to ensure women get the contraceptive services they need.

"Women spend over 20 years of their life avoiding being pregnant," said Elizabeth Cavendish, legal director of the National Abortion and Reproductive Rights Action League (NARAL). "Contraception is absolutely basic to women's health care."

The Maryland law contains a conscience clause, as did the original D.C. bill. It was deleted after a February hearing before the council's Consumer and Regulatory Affairs Committee at which NARAL and Planned Parenthood members spoke.

Council member Sharon Ambrose (D-Ward 6), who chairs the committee, said yesterday that testimony from such groups persuaded the committee to take out the religious exemption.

"The intention of the bill is to provide maximum access to health care to District residents--that's all District residents," Ambrose said. "We wanted to make sure women didn't have to hassle to get coverage for contraception."

Church officials said they had been tracking the bill but had no idea that the conscience clause had been removed until the council gave the measure preliminary approval June 26.

"We weren't invited or informed about" the February meeting, Lori said in an interview. "I would be quite confident that if we had been invited to such a meeting we would have testified."

At Cathedral of St. Matthew the Apostle near Dupont Circle yesterday, parishioners were encouraged to pick up a list of council members' phone numbers at the back of the church.

"It certainly upsets me that this has been kept so quiet," said John Goltz, a parishioner. "We should have the right to practice our religion the way we want to. It sounds like something is being forced down our throats."

Several council members said they are open to dialogue but still supported the omission of a conscience clause. "The paramount concern is serving health care needs, not moral principles," said council member Jim Graham (D-Ward 1).

Susan Gibbs, a spokeswoman for the archdiocese, said the church could challenge the law either through a First Amendment lawsuit or appeals to Mayor Anthony A. Williams (D) or Congress.

Richard Doerflinger, an antiabortion activist with the National

Conference of Catholic Bishops, said a stalemate on the issue could mean the end of coverage for the District's many Catholic Church employees.

"We can't violate our consciences," Doerflinger said, counting himself among those who might lose coverage. "I don't know how I'm going to pay for it."

Staff writer Scott Wilson contributed to this report.

The Washington Times

Congressmen hit D.C. Council vote
Clarence Williams
Published 7/13/00

Congressional leaders reprimanded the District of Columbia Council yesterday over its vote requiring health insurers to pay for contraceptives.

Rep. Ernest Istook, Oklahoma Republican, criticized the council's discussions as involving "bigotry" during a House appropriations subcommittee hearing on the District's budget.

"There is so much buzz here in the Capitol about it," Mr. Istook said. "I think that D.C. Council in the eyes of Congress and the nation damaged itself immensely.

"The failure of others to speak up or at least disassociate themselves . . . from the bigotry that was expressed is a great disappointment," Mr. Istook said.

Under the measure, all health insurance plans that cover prescription drugs will have to pay for birth-control pills and other devices defined as contraceptives that are available by prescription. The District's proposal needs congressional approval.

Mr. Istook, a Mormon, said the discussion became a forum for bashing religion, and Catholicism in particular.

Council Chairman Linda W. Cropp, at-large Democrat, defended the council as a whole, downplaying the words as coming from just one member during heated debate. Council member Jim Graham spoke defiantly about the influence of religion in Tuesday's debate.

"I am very concerned about having religious principles impact public health policy," Mr. Graham said Tuesday. "Are we going to say we are going to defer to Rome, in terms of our views?"

Rep. Thomas M. Davis III, Virginia Republican and chairman of the House Government Reform subcommittee on the District, said the House will amend the contraceptive legislation rather than pass it whole. He said the sentiment came from Democrats as well as Republicans.

"There is no way this ordinance is going to fly on Capitol Hill in its current form," said Mr. Davis, a Christian Scientist. "I think the city has overstepped its bounds."

Mrs. Cropp took exception to negative characterizations and stood staunchly in support of the council's process and tried to clear up "misperceptions."

"It is a disservice to the council of the District of Columbia to label the council as . . . bashing any one particular religion," Mrs. Cropp said. "The council debated a very controversial issue."

Mrs. Cropp said the vote came after more than three hours of debate on the issue — an issue she insisted was about women's health. She said the discussion was briefly turned by one member of the council onto religion.

"Passions are running high. It's a very emotionally charged debate, which happens in every democracy," said Mayor Anthony A. Williams, backing up Mrs. Cropp. Both are Catholics.

Mr. Istook said he was sensitive to how the words of a few can tar a legislative body, but members of the Catholic community were outraged by the council's rhetoric.

"Religious viewpoints should be respected, not condemned. They are a valid basis for people's opinions," Mr. Istook said.

The Archdiocese of Washington condemned the remarks and said anti-Catholicism at the debate went beyond Mr. Graham.

"The Archdiocese of Washington was deeply offended by the bigoted comments of . . . four [council] members," said William Lori, auxiliary bishop for the archdiocese, which strongly criticized the bill. "We found it to be a prolonged attack on the Catholic Church."

Bishop Lori would name no specific council members nor say whether the archdiocese would lobby Congress to kill the bill.

Before the final unanimous vote Tuesday, council members tried to add a "conscience clause" that would exempt religious institutions. That provision was initially in the bill introduced by Charlene Drew Jarvis, Ward 4 Democrat.

Nationwide, 13 states have laws on the books requiring private insurers to provide coverage of all prescription birth-control methods approved by the U.S. Food and Drug Administration. All but four — Vermont, New Hampshire, Georgia and Iowa — have a "conscience clause" to exempt institutions, employers and providers with religious or moral opposition to contraception. Maryland passed the first such law in the nation in 1998. Nine other states — Vermont, Connecticut, Georgia, California, Hawaii, Maine, Nevada, New Hampshire and North Carolina — followed suit last year. Delaware, Iowa and Rhode Island passed such laws this year.

Richard Doerslinger, associate director of policy for the National Conference of Catholic Bishops pro-life office, attributes the trend to lobbying by pro-choice groups. He charged that those opposing conscience clauses in legislation mandating birth-control coverage are "using every opportunity to embarrass the Catholic Church."

"These groups have been losing the political battle over abortion. So they've seen a need to switch to something more appealing," Mr. Doerslinger said. "So they've had this big push for mandated coverage of contraceptives."

"The idea here is to end diversity and pluralism that's been in place in health care and force the Catholic Church out," he said.

He admits some states enacted laws without conscience language with little fanfare, presumably without the knowledge of local Catholic officials. He says he found out what happened in those states as he was researching information for his fight against the D.C. bill. Susan Tew, a spokeswoman for the Alan Guttmacher Institute, the research arm of Planned Parenthood, said the laws followed an American College of Obstetricians and Gynecologists report that showed many more insurance companies covered Viagra than contraceptives for women. Mandatory contraceptive services are opposed by those in the insurance industry.

"Our concern with the mandates — no matter how well intentioned — is that they ultimately raise the cost of coverage," said Richard Coorsh, Health Insurance Association of America spokesman.

"Our own studies show that 20 to 25 percent of the nation's uninsured are without coverage because of the cost."

Joyce Howard Price contributed to this article.

The Washington Times

Anti-Catholic dogma
Tod Lindberg
July 18, 2000

Every now and again, D.C. politics contrives to produce an entirely irrational result. Such is the case with the D.C. Council's vote last week to require all city employers offering prescription drug plans to include coverage for contraceptives. The no-exceptions mandate is deeply offensive to the Catholic Church, whose teaching opposes artificial means of birth control as well as abortion (some birth control measures take effect after conception). The church is, of course, a big employer in the District, not only at churches and parochial schools, but also at such major institutions as Providence Hospital and Georgetown University. It's also a huge provider of social services for the District's poor. Regardless of what you think about abortion and contraception, the idea that a municipal government feels free to overrule the Catholic Church on a basic tenet of faith is a huge intrusion on religion freedom.

Now, if one's concerns about teen pregnancy or other public health matters require that one mandate insurance coverage for contraceptives, there is a perfectly rational way to do so while accommodating the concerns of Catholics and others who have religious objections. That's to include a "conscience clause" that allows people to opt out in those cases. Maryland didn't have any trouble getting to that result when it imposed a similar mandate, nor have other states.
The District did. Council member Jim Graham was the leading proponent of the measure. The council voted down a version of a conscience clause exempted churches from the mandate but not a church-owned hospital. Rather than work out a provision that would satisfy the entirely legitimate concerns of the church, the council went on to approve the provision without a conscience exemption.

Why? This is where the story gets interesting. In no small measure, because of a gay pride rally in Rome the weekend before and the comments made in response to it by Pope John Paul II about the church's opposition to homosexuality. These comments were deeply offensive to Mr. Graham, who is gay. He averred, "I've spent years fighting church dogma." He also said, "My problem is surrendering decisions on public health to the church."
So the riled-up Mr. Graham pressed ahead and the council followed, with humiliation and doubts about the District's ability to govern itself the inevitable result. If D.C. lawyers don't step in to find the measure invalid (and they might), and if Mayor Anthony Williams doesn't decide to veto it (as he may or may not), Congress will surely act to overturn it. The vote will not be close, because in the rational political world, one does not indulge one's pique by sticking a finger in the eye of the Catholic Church (especially with an election coming up in which both political parties agree that the Catholic vote is critical).

Faced with this prospect, we are now hearing the usual chorus bemoaning congressional interference with home rule. True, Congress is interfering. But now, please, let's hear the defense of this particular exercise of home rule. There is no defense. And what about the fact that this measure would be politically impossible anywhere else in the country? In a way, statehood does lie at the heart of the District's political problems, as its proponents say. It is not, however, that D.C. needs statehood; it's that

D.C. is not in a state. Any other city trying thing would be frustrated at once by lawmakers in the state capital. That's because no state, even the most liberal, has a unicameral representative government elected entirely by a socially liberal, urban constituency and subject solely to the pressures such a constituency generates. What politics in the District tends to lack is what the "Federalist" puts at the center of the American constitutional scheme. The idea is "to supply by opposite and rival interest the defect of better motive." People can't be counted on to do the right thing, but they can be counted on to act according to their interest. The trick, then, is designing the system so that interests don't run unchecked but meet resistance in the form of contrary interests.

There are plenty of cities in which the political order is every bit as liberal on social issues as the District's, but none in which such a political order has anything like final say over local law and policy. In practical terms, urban interests compete with suburban interests and with rural interests. Sectional and regional interests also compete with each other. Most states even have people who are ideologically conservative, a largely irrelevant strain of opinion among the D.C. electorate. After all, not a soul on the D.C. Council opposed the idea of mandating contraception coverage; the notion that such a thing should be up to an employer to decide is simply beyond the pale.

A rational political process does not reach the conclusion to tell the Catholic Church to wise up and get with the program on contraception. Someone rises to counterbalance a Jim Graham. For structural reasons alone, District politics is from time to time unable to supply such counterbalance, with embarrassing results like the one here.

Todd Lindberg is editor of Policy Review magazine. His column appears Tuesdays.

The Washington Times

EDITORIAL

No tolerance for Catholics

July 18, 2000

Last week the D.C. Council struck a blow for religious intolerance by imposing on Roman Catholics an obligation in complete violation of church doctrine. Specifically, the legislation would require all health insurance plans covering the cost of prescription drugs — including plans at Roman Catholic institutions — to provide insurance that covers the cost of health insurers to pay for contraceptives. Such contraceptives include controversial intrauterine devices and morning-after pills, which effectively "abort" embryos. Publicly, the mayor, who is Roman Catholic, has not spoken much about the legislation, but he is expected to do so today during a panel discussion on health care for the uninsured.

The District joins several states that have passed similar legislation in recent years. Catholics and others are dismayed that it failed to include a "conscience clause" that would exempt certain religious employers, such as Catholic and Georgetown universities. Other states have such clauses. Why not D.C.?

Underscoring the moral dilemma posed by the legislation were the defiant and religiously insensitive remarks made during council debate by D.C. Council member Jim Graham, who is gay. "I am," Mr. Graham said, "very concerned about having religious principles impact public health policy. Are we going to say we are going to defer to Rome in terms of our views?" His comments were obviously a reaction to the pope's recent criticism of homosexuality as "contrary to natural law."

Now, ordinarily Congress takes a wait-and-see attitude toward most of the District's lawmaking decisions. The health care bill, though, drew immediate criticism from Democrats and Republicans alike, said Rep. Thomas M. Davis III, Northern Virginia Republican and chairman of the House Government Reform subcommittee on the District.

"There is no way this ordinance is going to fly on Capitol Hill in its current form," said Mr. Davis, a Christian Scientist. "I think the city has overstepped its bounds." The insurance industry warns, further, that the mandate will raise the cost of coverage.

The 13-member D.C. Council unanimously approved the legislation, and lawmakers say support remains strong enough to overturn a veto from Mayor Williams. Still, the bill must also be approved by the control board and by Congress, where Democrats and Republicans have historically barred the District from using local and federal funds to fund abortions except to save the life of the mother or in cases of rape or incest.

Someone with the conscience that the D.C. Council lacks should stop this legislation. Mr. Williams could and should demonstrate his by vetoing it.

Congress and District Clash Over a New City Ordinance

House Opposes Coverage of Contraceptives

By STEVEN A. HOLMES

WASHINGTON, July 13 — Reflecting the continued tensions between Congress and the District of Columbia, House Republicans are angry about a proposed city ordinance requiring insurance companies to cover prescription contraceptives routinely and plan to try to overturn it.

Influential Republicans and some Democrats in the House said today that the city government's failure to exempt religious organizations with doctrinal objections to providing contraceptive benefits to their workers threatened the good will that had been built up between the city and Congress.

Angered by the lack of an exemption, or "conscience clause," for church-based employers and by what he termed anti-Catholic comments of several council members, Representative Ernest Istook, an Oklahoma Republican who is chairman of the subcommittee that appropriates money for the District, has drafted legislation that would overturn the ordinance.

"Not only did they not put in place a conscience clause, but there was a very ugly situation regarding comments from some people," Mr. Istook said.

Mr. Istook and other Republicans singled out the comments of Jim Graham, one of two openly gay members of the city council who, during debate on the measure, angrily took issue with recent statements by Pope John Paul II that castigated homosexuals.

In a message delivered last Sunday in Rome, the Pope said that "homosexual acts go against natural law" and that it was an "objectively disordered" inclination. The pontiff did add that homosexuals should be treated with "respect, compassion and sensitivity."

Church groups, including the Roman Catholic Archdiocese of Washington, had lobbied heavily for a broad exemption from the ordinance, asking that not only purely religious organizations be exempted but that institutions like Georgetown University, with a largely secular purpose, also be excluded.

To date 13 states require insurance companies that pay for prescriptions to also pay for at least some prescription contraceptives. Of those states, nine exempt religious organizations from the requirement.

"My problem is surrendering decisions on public health matters to the church," Mr. Graham said at a council meeting Monday night as he waved a newspaper clip containing the Pope's comment. "I've spent years fighting church dogma."

The city council member went on to criticize the Catholic Church for its opposition to the distribution of condoms in the 1980's, an action he said helped foster the spread of AIDS.

Later during the Monday meeting the council approved the measure. To become law it must be signed by Mayor Anthony A. Williams, who has not yet said how he will act on it.

Catholic leaders, who said they were disappointed by Mr. Graham's comments, argued that they should receive a broad exemption from the ordinance because many functions that seem secular are central to what the church is about.

"The church's mission is not merely to promote religious beliefs, but has always been involved in education, and health care and social services," said William E. Lori, the auxilary bishop of Washington. "All of these are integral to our mission as a church. And the government shouldn't tell us which of our Catholic institutions can follow Catholic principles and which ones cannot."

Allies of Mr. Graham said he was not anti-Catholic but was expressing frustration over both the views expressed by the Pope and the lobbying efforts of local Catholic leaders to avoid being covered by the ordinance.

"He had just read some very intolerant views from the Pope on gays, and then had the bishops come in and say, hey, cut us some slack on this law," said Brian Bond, president of the Gay and Lesbian Victory Fund, a group that helps openly homosexual candidates win public office.

Some Congressional Democrats complained that the Republicans were making the municipal law an issue to regain the party's appeal to Catholics who might have been upset by the visit of Gov. George W. Bush to Bob Jones University, as well as the House leadership's initial objection to the appointment of the first Catholic to be chaplain of the House.

As if to confirm those suspicions, Representative Thomas M. Davis III of Virginia, head of the National Republican Campaign Committee, noted in an interview how much he objected to the allegedly anti-Catholic comments made by Mr. Graham, who is a Democrat.

"After all the anti-Catholic stuff the Democrats have been hurling at Republicans, for Jim Graham to get up and say what he did about the Pope was very unfortunate," Mr. Davis said.

Bill on Pension Rules Moves Forward in House

By RICHARD W. STEVENSON

WASHINGTON, July 13 — The House Ways and Means Committee today approved legislation that would significantly raise maximum allowable contributions to individual retirement accounts and 401(k) plans.

The bill would gradually increase, over three years, the maximum annual contribution to individual retirement accounts, to $5,000 from $2,000. The change would apply both to conventional retirement accounts, under which contributions are tax deductible, and to Roth I.R.A.'s, under which contributions are taxable but withdrawals are tax free.

The bill would increase, over five years, the maximum annual employee contribution to 401(k) accounts, to $15,000 from $10,500.

The vote was 27 to 9, with 5 Democrats joining 22 Republicans on the committee in favor.

The bill now goes to the House floor, where a vote is expected in the next week or two. It is unclear whether the Senate will consider similar legislation this year.

"The bill before us responds to the fact that pension coverage and retirement savings today is wholly inadequate at a time when it is badly needed," said Representative Rob Portman, Republican of Ohio, who wrote the bill with Representative Benjamin L. Cardin, Democrat of Maryland.

The bill is expected to attract considerable support from Democrats when it goes to the full House. But Some Democrats in the House, as well as officials in the Clinton administration, said they were concerned about provisions of the bill intended to reduce the regulatory burden on employers who offer pension plans. They said the regulatory changes could lead some employers to cut back on pensions for low- and moderate-income workers.

"We do not want to create what we would consider adverse effects," said Jon Talisman, an assistant secretary of the Treasury.

The legislation would also allow some people, under some circumstances, to make contributions above the maximum amounts to retirement accounts and 401(k) plans. People who are at least 50 years old would be allowed to contribute to individual retirement accounts as much as $5,000 a year starting next year, instead of having to wait for the higher limits to be phased in over three years.

Under provisions of the bill, people who are at least 50 would also be permitted to make contributions to 401(k) plans of up to $5,000 above the limits imposed on younger account holders. For example, when the general contribution limit reaches $15,000 in 2005 under the bill's provisions, people 50 or older could contribute as much as $20,000 a year to a 401(k) plan.

The bill would reduce federal revenue by an estimated $54 billion over 10 years.

The New York Times
FRIDAY, JULY 14, 2000

Support Contraceptive Coverage For District Of Columbia Residents

Vote YES on the Moran Amendment

On Tuesday, July 11, the D.C. City Council passed a contraceptive equity bill, the Health Insurance Coverage for Contraceptives Act of 2000 (No. 13-399), by a unanimous vote. The bill "requires that every health insurer issuing a policy in the District of Columbia which covers prescription drugs provide coverage for prescription contraceptives, medically-necessary examinations associated with a contraceptive prescriptions, and hormone replacement therapy prescribed to alleviate the symptoms of menopause." The bill did not exempt religious organizations, institutions, or employers. However, individual health care providers are routinely allowed to opt out of providing services to which they have a moral or religious objection.

On June 13, House Appropriations subcommittee chair Ernest Istook (R-OK) inserted legislative language in the FY 2001 funding bill for the District of Columbia that would prevent the contraceptive coverage provision from going into effect. When the full Appropriations Committee marks up the bill on June 20, pro-family planning member Jim Moran (D-VA) is expected to offer an amendment to prohibit the D.C. contraceptive coverage law from going into effect *until the D.C. Council adds a religious exemption to the bill.* The Moran amendment is viewed as a reasonable compromise by both local and national family planning advocacy organizations. It is also possible that anti-family planning such as Representative Todd Tiahrt (R-KS) will offer an alternative amendment that will be extremely broad and will effectively gut the entire bill.

- **The Moran amendment respects the right of D.C. residents to make their own laws while recognizing the need for a religious exemption.** The District of Columbia's local government should retain the authority to determine what laws and policies are appropriate for its citizens, particularly on important public health matters.

- **It is inappropriate for Congress to step in when elected D.C. representatives are committed to addressing the issue of a religious exemption.** A letter from the D.C. Council and the Mayor to subcommittee Chair Istook will be sent on June 19 that clearly states that the Council will reconsider the contraceptive coverage bill with the express intent of adding a religious exemption.

- **The D.C. Council is acting in line with a growing movement in the states to require private insurance coverage of contraception if other prescription drugs are routinely covered.** Since 1998, contraceptive coverage legislation has been enacted in 13 states. Of those, four do not have any exemption for religious employers or institutions. Other states have crafted exemptions that reflect the will of policymakers and citizens in those states.

- **If enacted, the new law would not force any health care provider in the District of Columbia to provide contraceptives or related services.** It would simply require health plans to cover contraceptives as part of a basic prescription drug benefit.

- **Improved access to preventive health services is critical to residents of the District of Columbia.** The District of Columbia has the highest rates in the nation of maternal mortality, teen pregnancy, and infant mortality. In fact, the rate of infant mortality is nearly double the U.S. average, and the death rate from AIDS is more than seven times higher than the nation as a whole.

- **Contraception is a basic health care need.** The typical American wants two children and therefore spends 80% of her reproductive life—or nearly three decades—trying to avoid unintended pregnancy.

- **Contraceptive drugs and devices are not routinely covered by insurers.** While virtually all health care plans cover prescription drugs, many cover no form of reversible contraception. In fact, half of large group fee-for-service insurance plans and preferred provider organizations do not cover any reversible contraception.

- **Only one-third of large group fee-for-service plans cover oral contraceptives** – the most popular form of reversible contraception. A year's supply of oral contraceptives can cost over $300 (a hefty price in a city where over 22% of residents have incomes below the federal poverty level). Additionally, less than 20% of large group fee-for-service plans and less than 40% of HMOs routinely cover all five of the major reversible methods of contraception. Most health care insurers, however, routinely cover abortion and expensive surgical procedures such as tubal ligation and vasectomy.

- **Women pay more out-of-pocket for health care.** Women of childbearing age pay 68% more in out-of-pocket health care costs than their male counterparts, with reproductive health care services accounting for much of the difference.

- **Improved access to contraception can reduce the need for abortion.** Nearly half of the more than six million pregnancies that occur in the U.S. each year are unintended, and half of all unintended pregnancies end in abortion.

"Dailard, Cynthia" <CDailard@agi-usa.org>
07/18/2000 04:40:10 PM

Record Type: Record

To: Heather H. Howard/OPD/EOP

cc:

Subject: FW: d.c. contraceptive coverage talking points

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fyi

-----Original Message-----
From: Marilyn Keefe [mailto:marilynkeefe@nfprha.org]
Sent: Tuesday, July 18, 2000 2:46 PM
Subject: d.c. contraceptive coverage talking points

Attached are talking points on D.C. contraceptive coverage and an amendment that Jim Moran (D-VA), with John Porter (R-IL) as a possible co-sponsor, will offer during the full Appropriations Committee mark-up. The Moran amendment will allow D.C.'s contraceptive coverage provision to go into effect if the Council passes its own religious exemption. (Istook had inserted languge in the subcommittee bill to prohibit the legislation from going into effect.) The Moran amendment is a compromise supported by many local and national women's organizations as a way to protect Home Rule and to ensure that the Council drafts the exemption, rather than Congress. The mark-up in the full Committee is scheduled for Thursday.

Please call all pro-family planning and mixed members on the full Committee. For those of you who have strong contacts, either personal or grassroots, with the following members, it is especially important that you call and/or activate your grassroots for these members: Regula, Lewis, Hobson, Miller, Frelinghuysen, Nethercutt, Murtha, Mollohan, Bonilla, Miller.

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

THE DIRECTOR

July 19, 2000

D.C. approps

The Honorable David R. Obey
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Obey:

The purpose of this letter is to provide the Administration's views on the District of Columbia Appropriations Bill, FY 2001, as reported by the Subcommittee. As the Committee develops its version of the bill, your consideration of the Administration's views would be appreciated.

The Administration appreciates the Subcommittee's approval of some of the requested funding for the Administration's priorities. Nonetheless, the bill underfunds programs vital to the District. We urge that these programs be funded at the full, requested levels. In addition, there are a number of provisions of the Subcommittee bill that continue a pattern of undermining local control. The Administration views these objectionable provisions as unwarranted intrusions into the affairs of the District, and we urge the Committee to remove them. Therefore, we strongly oppose this bill and urge the Congress to improve the bill consistent with the concerns discussed below so that it can be signed.

FUNDING ISSUES

Economic Growth

The Subcommittee mark misses an opportunity to fund critical investments in economic growth in the District of Columbia. These investments would help to revitalize our Nation's Capital and continue Federal efforts to help the District build the sound economic base that is essential to generate tax revenue for the city and ensure its fiscal health. Failing to fund these investments will undermine the Subcommittee's own efforts to put the District on a path to economic growth and fiscal strength.

- New York Avenue Metro Station. The Administration is concerned that the Subcommittee mark provides only $3 million of the Federal request of $25 million for the proposed New York Avenue Metro Station project from Federal funds. The development of this new station is critical to the economic development of an important section of the Capital City. When finished, the station will provide a vital link to the Metro system for the entire region. Although this project has the potential to benefit the Federal

Government, the Federal share of this project is only one-third, far less than what is normally provided on these types of transportation infrastructure projects. The construction financing of the new station has an innovative mix of funding sources, with a third pledged from the private sector, a third from the District Government, and a third from the Federal Government. We urge the Committee not to jeopardize this project and to fund the full $25 million from Federal funds as proposed in the President's budget. Under the bill, the remaining $22 million would come from the Washington, D.C. Financial Authority's account. The Authority is using these funds, almost all of which have already been obligated, for a number of other purposes, ranging from criminal justice programs to special education transportation. We urge the Committee to fully fund the request at $25 million in FY 2001 appropriated funds.

- Brownfields Remediation at Poplar Point. The Subcommittee bill fails to fund the Administration's request for $10 million for brownfields remediation and site preparation at Poplar Point. Failure to fund this initiative would undermine a central element of Mayor Williams' plan to rejuvenate historic Anacostia and the riverfront. The city's brownfields remediation and site preparation strategy for Poplar Point is a critical component of a three-phase effort to clean up and revitalize the city and Federal-owned parcels at Poplar Point. The history of Federal ownership of and involvement with various parcels of land at Poplar Point makes participation in the cleanup and the use of Poplar Point a Federal responsibility. Adequate funding of the remediation and preparation plan is crucial to completion of the Poplar Point initiative, which will help to link Poplar Point and historic Anacostia with development across the river at the Southeast Federal Center, and will galvanize rejuvenation of the entire waterfront.

- National Museum of American Music. We appreciate the $250,000 in start-up funding provided for the National Museum of American Music but believe that the museum should be funded at the full request of $3 million. Failure to fully fund the request could delay the project another year. The museum will significantly contribute to the revitalization of the Nation's Capital and to the preservation and celebration of the rich heritage of American music. Launching a National Museum of American Music at this time will bring critical momentum to the District's efforts to bring renewed vitality and growth to downtown Washington. The Subcommittee missed an historic opportunity to take advantage of a critical time in the economic growth of the City by funding the museum.

Resident Tuition Assistance

The Subcommittee mark provides only $13 million for the Resident Tuition Support program, $4 million (24 percent) below both the request and the FY 2000 enacted level of $17 million. This program, which equalizes educational opportunities for young people in the District of Columbia, is a priority of both the Mayor and the Administration and has strong bipartisan support in Congress. The current law restricts eligibility to students who graduated on or after January 1, 1998, which excludes students who will be entering their fourth and fifth years of college this fall. The Administration supports expanding the program to include students who graduated from high school on or after January 1, 1997. Expanding the program to include these students may not be possible if funding is reduced to $13 million. The Administration would support an amendment to fully fund the Resident Tuition Support program to ensure that all students in their first four years of college would be included.

Defender Services

The Administration objects to the Subcommittee's $4 million (10 percent) cut to the request for Defender Services. This action would eliminate funding for some 4,000 attorney claims for reimbursement of legal services for the District's indigent population through the Criminal Justice Act program. Current funding problems with this program have increased the difficulty for attorneys to receive just compensation for performing their vital role in the criminal justice system. The Administration's proposal would provide a one-time infusion of funds to this program to allow counsel and the Court to move beyond the difficulties caused by prior funding difficulties. We urge the Committee to restore funding to the President's requested level for Defender Services.

District of Columbia Courts

The Subcommittee bill fails to provide adequate funding to permit the District of Columbia Courts to administer basic justice in a fair, accessible, and cost-efficient manner. The Administration strongly opposes the Subcommittee decision to cut the request for the Federal Payment to the District of Columbia Courts by $3.5 million (3.4 percent). The Subcommittee's $3.5 million cut is from an operating budget level that is the bare minimum needed in FY 2001. By failing to provide funding for the built-in cost increases typical of any court, the Subcommittee bill would further exacerbate the District of Columbia Courts' growing difficulties in retaining skilled staff and jeopardize the quality of services provided to the community. In contrast, the House-passed version of the FY 2001 Commerce/Justice/State appropriations bill provides a seven-percent increase for Federal Court judicial personnel. We urge the Committee to fully fund the President's request for the Federal Payment to the District of Columbia Courts.

LANGUAGE PROVISIONS

The Subcommittee's decision to include 67 general provisions is unfortunate. The Administration believes that Congress need not re-enact any of the general provisions included last year, since all the legitimate policy purposes addressed by the general provisions are now addressed elsewhere in existing or proposed local or Federal law. The general provisions proposed by the Subcommittee are unnecessary or inappropriately interfere with local matters. Provisions such as section 114, which would require Council approval of capital project borrowing, and section 118, which would require automobiles to be fuel efficient, duplicate existing Federal and DC law. Section 113, which would require the Mayor to develop a plan by quarter and project for capital outlay borrowing, inappropriately interfering with local matters.

The following other highly objectionable provisions of the Subcommittee bill are particularly unwarranted intrusions into the affairs of the District.

- Voting Representation. The Administration opposes section 146 of the bill, which would prohibit the use of District funds to provide assistance for petition drives or civil actions that seek to require voting representation in Congress for the District of Columbia.

- Needle Exchange Programs. The Administration strongly opposes section 150, which would prohibit the use of Federal and local funds for needle exchange programs. A ban on the use of local funds is an encroachment on the District's prerogatives and could seriously disrupt current HIV prevention efforts. However, the Administration appreciates that the Subcommittee has not included language preventing entities that receive Federal funding from using their own separate funds for the purpose of needle exchange and would strongly oppose an amendment that may be offered that would prohibit such funding.

- Health Insurance Coverage of Contraceptives. The Administration objects to section 168 of the Subcommittee bill, which would prohibit the Health Insurance Coverage for Contraceptives Act of 2000 from taking effect. While increased access to contraceptives is important to women's health, the Subcommittee has raised an issue with respect to religious organizations. The Mayor and the City Council should be given an opportunity to address this issue.

- Controlled Substances. The Administration opposes section 158, which would prohibit the District from legislating with respect to controlled substances and from crafting effective diversion programs for nonviolent drug-dependent offenders, in a manner that all States are now free to do, and would remain free to do, under this provision.

- Abortion. The Administration strongly opposes the Subcommittee bill language that would prohibit the use of both Federal and District funds to pay for abortions except in those cases where the life of the mother is endangered or in situations involving rape or incest.

- Domestic Partners. The Administration objects to a provision (section 131) of the Subcommittee bill prohibiting the use of Federal and local funds to implement or enforce the Health Care Benefits Expansion Act of 1992 (the Domestic Partners Act).

- Infringement on Contract Authority. The Administration objects to the House Subcommittee bill infringing on the District's decision-making authority with respect to local contracts. This infringement also has the potential to result in inappropriate Medicaid billing for special education services, an issue that Congress and the Federal Government are working to eliminate.

The Administration objects to a number of provisions in the bill that would require congressional approval before Executive Branch execution. The Administration will interpret these provisions to require only notification of Congress, since any other interpretation would contradict the Supreme Court ruling in INS v. Chadha.

The Administration objects to language in the bill that would restrict the availability of funds for the Court Services and Offender Supervision Agency for drug testing and treatment, improved offender supervision, and expanded sanctions and re-entry programs until a new Director is appointed. In the event that a new Director is not confirmed by the Senate by October 1st, these programs would be shut down or severely curtailed, endangering public safety, until such time as the Senate acts. In addition, this provision is not consistent with INS v. Chadha, nor with the underlying authority which requires Senate confirmation of the Director.

The Administration is pleased that the Subcommittee bill does not include the provision included in last year's bill that would cap the award of fees for the attorneys of plaintiffs in cases brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (IDEA). This provision has had the effect of limiting the access of the District's poor families to quality legal representation, thus impairing their due process protections provided by the IDEA.

We look forward to working with the Committee to address our mutual concerns.

Sincerely,

Jacob J. Lew
Director

Identical Letter Sent to The Honorable C. W. Bill Young,
The Honorable David R. Obey, The Honorable Ernest J. Istook, Jr.,
and The Honorable James P. Moran

FAX

THE ALAN GUTTMACHER INSTITUTE
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Date: 7/20

Number of pages including cover sheet: 3

To: Heather Howard

@ 456-2878

From: [illegible]

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MESSAGE:

FROM : NFP & RHA WASH DC   202 293 1990   1900.07-19   15:21   #260 P.02/02

GOVERNMENT OF THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20001

July 19, 2000

The Honorable Ernest Istook
Chairman, House Appropriations
Subcommittee on the District of Columbia
United States House of Representatives
2404 Rayburn House Office Building
Washington, DC 20515

By facsimile to 202-226-1463

Dear Chairman Istook:

We understand that the District's Fiscal Year 2001 Appropriations Act includes a provision which would bar the Health Insurance Coverage for Contraceptives Act of 2000, D.C. Bill 13-399, from taking effect. We have been advised that Members of the subcommittee and of the Congress may be open to removing this language and preserving the city's home rule prerogative.

The District government regards this bill as a critical addition to our insurance law, especially considering the needs of thousands of low and moderate income families, who cannot afford this important personal option. We, who know the issues best and all the parties well, are prepared to address the necessary clause – giving great weight to parties in the District who advocate family planning and religious liberty.

Sincerely,

Anthony A. Williams
Mayor

Linda W. Cropp
Council Chairman

cc: The Honorable Eleanor Holmes Norton
The Honorable Tom Davis
Members of the House D.C. Appropriations Subcommittee
Members of the Council

JUL 19 00 02:49P   Chairman Cropp   202-724-8085   P.5

JUL-20-00 THU 01:44 PM   FAX NO. 2235756   P. 02

AMENDMENT TO FULL COMMITTEE PRINT (D.C. APPROPRIATIONS BILL, FY 2001)

OFFERED BY MR. ISTOOK

Amend section 168 to read as follows:

SEC. 168. (a) Notwithstanding any other provision of law, the Health Insurance Coverage for Contraceptives Act of 2000 (D.C. Bill 13–399) shall not take effect.

(b) Nothing in this section may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

FAX

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Date: 7/18

Number of pages including cover sheet: 9

To: Heather Howard

@ 456 2878

From: Cynthia Dailard

____ Original will not follow
____ Original will follow, via ____

MESSAGE:

**** PLEASE DO NOT DISTRIBUTE ****

Appropriations Committee Target List
Moran Contraceptive Coverage Amendment

PRO(18)	LEAN PRO (9)	UNDECIDED (9)	LEAN ANTI (0)	ANTI (25)
1 2 3	1 2 3	1 2 3		1 2 3
DeLauro (D-CT) + + +	Boyd (D-FL) + - +	Bonilla (R-TX) a + -		Aderholt (R-AL) - - -
Dicks (D-WA) + + +	Cramer (D-AL) + - +	Granger (R-TX) - - +		Callahan (R-AL) - - -
Dixon (D-CA) + + +	Edwards (D-TX) + + +	Hobson (R-OH) + + +		Cunningham (R-CA) - - -
Farr (D-CA) + + +	Frelinghuysen (R-NJ) + + +	Lewis (R-CA) + - -		DeLay (R-TX) - - -
Hinchey (D-NY) a + +	Kaptur (D-OH) + - +	Miller (R-FL) + + +		Dickey (R-AR) - - -
Hoyer (D-MD) + + +	Kolbe (R-AZ) + + +	Mollohan (D-WV) + - -		Emerson (R-MO) - - -
Jackson (D-IL) + + +	Obey (D-WI) + + +	Murtha (D-PA) + - -		Forbes (D-NY) * - -
Kilpatrick (D-MI) + + +	Porter (R-IL) a - +	Nethercutt (R-WA) - - +		Goode (I-VA) * - -
Lowey (D-NY) + + +	Visclosky D-IN) + + +	Regula (R-OH) + + -		Istook (R-OK) - - -
Meek (D-FL) + + +				Latham (R-IA) - - a
Moran (D-VA) + + +				Kingston (R-GA) a - -
Olver (D-MA) + + +				Knollenberg (R-MI) - - -
Pastor (D-AZ) + + +				Northup (R-KY) - - -
Pelosi (D-CA) + + +				Packard (R-CA) - a -
Price (D-NC) + + +				Peterson (R-PA) a a -
Roybal-Allard (D-CA) + + +				Rogers (R-KY) - - -
Sabo (D-MN) + + +				Taylor (R-NC) a - -
Serrano (D-NY) + + +				Tiahrt (R-KS) - - -
				Skeen (R-NM) - - -
				Sununu (R-NH) - - -
				Walsh (R-NY) - - -
				Wamp (R-TN) - - -
				Wicker (R-MS) - - -
				Wolf (R-VA) - - -
				Young (R-FL) - - -

Vote 1 - 1999 Committee vote on Moran needle exchange amendment to DC Approps bill (+ is yes, - is no, a is absent, * indicates a Member not on the Committee at the time)

Vote 2 - 1998 floor vote on Norton amendment to DC Approps bill to allow District to use locally-raised funds for abortion (+ is yes, - is no, a is absent)

Vote 3 - 1999 floor vote on Lowey amendment to Smith amendment to Treasury-Postal Approps bill. Smith amendment would have expanded "conscience clause" for contraceptive coverage in FEHB plans (+ is yes, - is no, a is absent)

NARAL 7/14/00

SEC. 167. The District of Columbia Health and Hospitals Public Benefit Corporation may not obligate or expend any amounts during fiscal year 2001 unless (at the time of the obligation or expenditure) the Corporation certifies that the obligation or expenditure is within the budget authority provided to the Corporation in this Act.

SEC. 168. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 169. Income earned in the District of Columbia, which by Federal law is not subject to the District's income tax, may not be subjected to income taxes by any other State or local jurisdiction, except under the terms of a tax compact approved both by the District and by such jurisdiction.

SEC. 170. Notwithstanding any other provision of law, the Health Insurance Coverage for Contraceptives Act of 2000 (D.C. Bill 13–399) shall not take effect.

This Act may be cited as the "District of Columbia Appropriations Act, 2001".

State Contraceptive Coverage Laws: Creative Responses to Questions of 'Conscience'

By Cynthia Dailard

In 1998, Congress set an important precedent for private-sector, employer-based health insurance when it guaranteed contraceptive coverage for employees of the federal government in the context of the Federal Employees Health Benefits Program (FEHBP), the largest employer-sponsored health insurance program in the world. Grappling with thorny questions over the scope of an exemption for FEHBP plans that might object to providing the coverage was key to allowing the proposal to become a reality for the nine million individuals enrolled in the program.

Indeed, questions over which of the 285 health plans participating in the FEHBP could opt out of the coverage requirement, and on what basis, were contentious sticking points. Opponents of contraceptive coverage argued for the widest possible "conscience clause"—one that would allow any plan to decline to provide the coverage because of a "moral" objection to doing so. In order to guarantee access to the greatest number of enrollees, contraceptive coverage supporters pressed for the narrowest possible exemption—one that would permit only *religious* plans that had a clearly stated "religious" objection to contraception to opt out. In the end, supporters largely prevailed: the law exempts five specific plans identified by the federal Office of Personnel Management (OPM) and allows additional existing or future plans to be exempted if they object to contraception "on the basis of religious beliefs."

In June, contraceptive coverage supporters reintroduced the Equity in Prescription Insurance and Contraceptive Coverage Act (EPICC)—proposed federal legislation designed to ensure contraceptive coverage throughout the private sector (*For the Record*, page 13). This has led some in Congress to question why the so-called conscience clause contained in the FEHBP provision ought not simply be transferred to EPICC. But while the exemption in the FEHBP law may be appropriate to that particular context, more appropriate models for EPICC may be found in state contraceptive coverage laws that address the related but different problems that might arise in the general private market.

Indeed, six of the nine states that have enacted contraceptive coverage laws aimed at the private sector included some form of "conscience clause" in their statute. These state-crafted provisions address the questions of what specific types of private-sector entities should be entitled to claim a conscientious objection to contraceptive coverage, what grounds should form the basis of the exemption and how the deleterious impact of those objections on individuals needing contraceptive services can be minimized.

Private-Sector Responses

While the conscience exemption agreed to in the FEHBP context neatly addresses the issues raised when the federal government imposes an insurance mandate on itself as an employer, it is not one that transfers well or appropriately to the private sector. Indeed, an exemption for religious *plans* was acceptable to contraceptive coverage supporters in the context of FEHBP because it is unlikely to significantly interfere with an enrollee's ability to obtain contraceptives: since a federal employee may choose from up to 285 plans, he or she can fairly readily avoid those few plans that take advantage of the exemption and refuse to provide contraceptive coverage. This is not the case in the private sector, however, where it is very often the employer, not the employee, who selects the plan. In fact, according to KPMG Peat Marwick, almost eight in 10 employees in small firms (79%) and almost half of employees in large firms (46%) work for employers who offer only one plan. As a result, balancing the perceived need to exempt some *employers* as well as some *plans* from covering contraceptives with the right of individual employees to obtain the coverage to which they are entitled becomes more difficult in the private sector.

Six of the nine state contraceptive coverage laws provide some form of opt-out on religious grounds.

Employer Opt-Outs

In addition to concerns about plans, the private-sector context raises new questions surrounding employers who may object on religious grounds to providing contraceptive coverage. Indeed, this question was moot in the FEHBP debate, where the employer—the federal government—clearly did not have a religious objection to contraception.

Here, as in the case with FEHBP plans, the goal should be to craft as narrow an exemption as possible—one that exempts only those employers with genuine religious objections to contraception, while minimizing the impact of such an exemption on employees. This is particularly important given that an employer who opts out of providing contraceptive coverage does so for *all* its employees—many of whom may not share the employer's beliefs. For example, if a large religiously affiliated hospital or university—in its role as employer—claims a conscientious objection to contraception, it does so to the very real detriment of those employees who have no affiliation whatsoever with the employer's religion.

The scope of an exemption for employers was very much at issue in five of the nine states that have enacted contraceptive coverage laws—Connecticut, Hawaii, Maine, Maryland and North Carolina. These exemptions tend to allow entities that qualify as a "religious employer" to opt out of the coverage requirement when covering contraception would conflict with the employer's "religious tenets" (Hawaii and North Carolina), "bona fide religious tenets" (Connecticut) or "bona fide religious beliefs and practices" (Maine and Maryland).

A central question determining the scope of such an exemption is how each law defines the term "religious employer." For example, while the Maryland law does not define the term at all—potentially allowing any entity that self-identifies as a religious organization to claim an exemption—the Connecticut law limits its exemption to "qualified church-controlled organizations," as defined in the federal tax code, or organizations that are "church-affiliated."

Maine, North Carolina and Hawaii have more elaborate standards. In the Maine law, a "religious employer" is defined as a tax-exempt organization that is "a church, convention or association of churches or an elementary or secondary school that is controlled, operated or principally supported by a church or by a convention or association of churches," also defined by the federal tax code. In this state, therefore, employers that are religiously affiliated universities or hospitals, for example, would not qualify as employers entitled to an exemption.

To qualify as a "religious employer" under the North Carolina law, the employer must be a nonprofit organization whose purpose is to further the "inculcation of religious values." Moreover, the employer must primarily employ individuals who "share the [employer's] religious tenets." Thus, it appears that churches, synagogues and religious schools in North Carolina would be exempt, but religiously affiliated hospitals would not.

Under Hawaii law, when an employer is exempted from the contraceptive coverage requirement, its employees are entitled to purchase coverage directly from the plan, at a cost no more than what they would have paid had the employer not been exempted.

The Hawaii law contains language similar to North Carolina's to define a religious employer, but it broadens the exemption to include nonprofit organizations that are owned or controlled by a religious employer. Hawaii adds a new restriction, however—that the entity cannot be staffed by public employees.

Mitigating the Harm

Thus far, Hawaii is the only state whose legislature has taken specific action designed to prevent individual enrollees from being disadvantaged as a result of their employer's invoking a religious exemption. The Hawaii law specifies that when an employer is exempted from the contraceptive coverage requirement on religious grounds, its employees are entitled to purchase coverage directly from the plan. The cost to the employee must be no more than the price the employee would have paid had the employer not been exempted. The law requires an exempted employer to notify its employees of this option. (This type of language was first proposed in legislation introduced in the state of Washington; that legislation will still be pending before the legislature when it reconvenes next year.)

California is the only other state to actively consider a means to ensure that individuals have access to contraceptives when their employer opts out of a coverage requirement on religious grounds, but it has yet to enact legislation. A bill passed by the state legislature in 1998 made such employees eligible for state-funded services, as part of a larger state-funded family planning program; the proposal went so far as to require that these employees be given the toll-free phone number for the state's family planning program. Then-governor Pete Wilson (R), however, cited this provision when he vetoed the bill—in his third veto of contraceptive coverage legislation in as many years. Nonetheless, the provision stands as an important model for efforts to strike a balance between maintaining the ability of employers to adhere to religious doctrine and protecting the right of employees and their dependents to obtain contraceptives.

What About Plans?

Finally, the question arises how an insurer that objects on religious grounds to writing a plan that includes contraceptive coverage can function in a marketplace where most private-sector employers are required to provide such coverage. In fact, religious plans across the country finding themselves in roughly analogous situations have been quietly developing means of sufficiently distancing themselves from the actual provision of services to which they object—thus allowing them, for example, to participate in Medicaid programs that require cov-

(Continued on page 14)

Contraceptive Coverage...
Continued from page 2

erage of contraception and to compete in the private marketplace in situations where contraceptive coverage is being sought by a large employer (*TGR*, Vol. 1, No. 6, December 1998).

Taking a cue from these models, the Connecticut law explicitly includes a "carve-out" option that allows religious plans to "provide for the coverage of prescription contraceptive methods...through another such entity offering a limited benefit plan. The cost, terms and availability of such coverage may not differ from [that] of other prescription coverage offered to the insured." In other words, plans that object on religious grounds to providing contraceptive services could, through a subcontract, assign responsibility for administering the required benefit to another insurer or third-party entity.

Looking Ahead

In summary, as the contraceptive coverage issue continues to gain momentum, questions over so-called conscience clauses will continue to play a major role in these debates. Indeed, recent history demonstrates that resolving these questions is often key to a bill's ultimate success. Fortunately, for each of the difficult issues that have been raised to date, a handful of states have devised creative responses that can serve as a starting point for future debates involving contraceptive coverage at both the state and federal level.

Age Differences...
Continued from page 11

As noted previously, such clearly criminal situations are in fact unusual. Moreover, there is no evidence that parental involvement requirements will prevent, uncover or remedy them. On the other hand, there is significant evidence that such requirements serve to discourage teens from seeking health care services altogether (*TGR*, Vol. 2, No. 3, June 1999). Indeed, a careful examination of the data raises serious questions about enacting legislation that restricts—and may significantly reduce—*all* minors' access to health services in the name of targeting specific, egregious cases. Complex social issues such as teens' being involved with adult men require complex responses—and responses that stand a reasonable chance of doing more good than harm.

THE GUTTMACHER REPORT
ON PUBLIC POLICY
August 1999

120 Wall Street, 21st floor
New York, NY 10005

ADDRESS SERVICE REQUESTED

Update ★

Californians, Federal Employees Secure Contraceptive Coverage

On September 27, Gov. Gray Davis (D) signed legislation making California the 10th state to require most private-sector insurance plans to cover Food and Drug Administration (FDA)-approved prescription contraceptive methods if they provide coverage for other outpatient prescription drugs. The California legislature has approved such a mandate four times in the past five years: the previous three bills were vetoed by then-governor Pete Wilson (R).

Like many of the measures approved in other states (*TGR*, Vol. 2, No. 4, August 1999), the new California law contains a narrow exemption that allows employers to opt out of providing contraceptive benefits that are contrary to the employer's "religious tenets": the exemption, however, applies only to a nonprofit organization that has as its purpose the inculcation of religious values and that employs and serves primarily people who share its religious tenets. In addition to California, eight states—Connecticut, Georgia, Hawaii, Maine, Nevada, New Hampshire, North Carolina and Vermont—enacted a contraceptive coverage requirement this year, joining Maryland, which approved the first such law in 1998.

Meanwhile, Congress on September 21 approved and sent to President Bill Clinton legislation that would renew for a second year a requirement that as a condition of participating in the Federal Employees Health Benefits Program (FEHBP), insurance plans include coverage of all FDA-approved prescription contraceptives. The requirement was renewed without debate by the Senate as part of the annual appropriations bill that includes funding for the FEHBP. During House consideration of the same measure, however, Rep. Chris Smith (R-NJ) attempted to gut the provision by allowing health plans to opt out of the coverage requirement on the basis of "moral" convictions, rather than, as under current law, solely on the basis of religious beliefs; the House rejected Smith's position, 217–200. Clinton signed the legislation on September 29.

States Act to Require Accurate Information In Sexuality Education

This summer, legislation was enacted in California and Missouri requiring the provision of medically accurate information in sexuality education courses. These are not the first states to impose such requirements: Alabama and Oregon have had similar provisions since the early 1990s. Still, the fact that these two very different jurisdictions felt compelled to address the issue of accuracy in sexuality education indicates that more states may follow.

In California, sexuality education supporters argued that the measure was necessary in order to require local school boards to adopt medically accurate curricula. As an example of the "scare tactics" in abstinence-only curricula they were aiming to prevent, they cited a lesson that suggested students could get AIDS from tears. Opponents of the bill contended that it could result in the labeling of all abstinence-promotion education as inaccurate and the prohibition of such instruction from public schools statewide.

Even with considerable opposition from abstinence-only education supporters, the bill passed both houses of the legislature with significant margins and was signed by Gov. Gray Davis (D) in August. Similar legislation was approved by the legislature last session, only to fall victim to then-governor Pete Wilson's (R) veto. Echoing the major arguments of abstinence-only advocates, Wilson said that the bill's definition of "medically accurate" information as that "supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies" was vague enough to invite litigation against individual school districts.

In Missouri, meanwhile, advocates of abstinence-only and more comprehensive sexuality education eventually came together around legislation signed by Gov. Mel Carnahan (D) in July. As originally introduced, the bill—which would have established abstinence-only sexuality education as the standard statewide—was strongly opposed by proponents of comprehensive sexuality education. Eventually, however, a compromise was struck, and a diverse coalition worked to reformulate the measure to require the provision of medically accurate information within the context of abstinence-based sexuality education. However, comprehensive sexuality education proponents maintain that the real challenge will be implementing the new law, given the extent to which abstinence-only programming is already established in the state.

Day of Six Billion: The World at a Crossroads

Sometime early this month, the world's population will reach six billion. "Y6B," as it has been dubbed by Zero Population Growth, is being marked on October 12 by events in the United States and around the world intended to heighten public awareness about the interrelationships among rapid population growth, economic development and the human condition.

This topic and all of its complexities are detailed in *The State of World Population 1999*, released in September by the United Nations Population Fund (UNFPA). Subtitled *6 Billion, A Time for Choices*, the

Support Contraceptive Coverage For District Of Columbia Residents

Vote YES on the Moran Amendment

On Tuesday, July 11, the D.C. City Council passed a contraceptive equity bill, the Health Insurance Coverage for Contraceptives Act of 2000 (No. 13-399), by a unanimous vote. The bill "requires that every health insurer issuing a policy in the District of Columbia which covers prescription drugs provide coverage for prescription contraceptives, medically-necessary examinations associated with a contraceptive prescriptions, and hormone replacement therapy prescribed to alleviate the symptoms of menopause." The bill did not exempt religious organizations, institutions, or employers. However, individual health care providers are routinely allowed to opt out of providing services to which they have a moral or religious objection.

On June 13, House Appropriations subcommittee chair Ernest Istook (R-OK) inserted legislative language in the FY 2001 funding bill for the District of Columbia that would prevent the contraceptive coverage provision from going into effect. When the full Appropriations Committee marks up the bill on June 20, pro-family planning member Jim Moran (D-VA) is expected to offer an amendment to prohibit the D.C. contraceptive coverage law from going into effect *until the D.C. Council adds a religious exemption to the bill.* The Moran amendment is viewed as a reasonable compromise by both local and national family planning advocacy organizations. It is also possible that anti-family planning Representative Todd Tiahrt (R-KS) will offer an alternative amendment that will be extremely broad and will, in effect gut the entire bill.

- **The Moran amendment respects the right of D.C. residents to make their own laws while recognizing the need for a religious exemption.** The District of Columbia's local government should retain the authority to determine what laws and policies are appropriate for its citizens, particularly on important public health matters.

- **It is inappropriate for Congress to step in when elected D.C. representatives are committed to addressing the issue of a religious exemption.** A letter from the D.C. Council to subcommittee Chair Istook on June 19 clearly states that the Council intends to reconsider the contraceptive coverage bill with the express intent of adding a religious exemption.

- **The D.C. Council is acting in line with a growing movement in the states to require private insurance coverage of contraception if other prescription drugs are routinely covered.** Since 1998, contraceptive coverage legislation has been enacted in 13 states. Of those, four do not have any exemption for religious employers or institutions. Other states have crafted exemptions that reflect the will of policymakers and citizens in those states.

- **If enacted, the new law would not force any health care provider in the District of Columbia to provide contraceptives or related services.** It would simply require health plans to cover contraceptives as part of a basic prescription drug benefit.

- **Improved access to preventive health services is critical to residents of the District of Columbia.** The District of Columbia has the highest rates in the nation of maternal mortality, teen pregnancy, and infant mortality. In fact, the rate of infant mortality is nearly double the U.S. average, and the death rate from AIDS is more than seven times higher than the nation as a whole.

- **Contraception is a basic health care need.** The typical American wants two children and therefore spends 80% of her reproductive life—or nearly three decades—trying to avoid unintended pregnancy.

- **Contraceptive drugs and devices are not routinely covered by insurers.** While virtually all health care plans cover prescription drugs, many cover no form of reversible contraception. In fact, half of large group fee-for-service insurance plans and preferred provider organizations do not cover any reversible contraception.

- **Only one-third of large group fee-for-service plans cover oral contraceptives** – the most popular form of reversible contraception. A year's supply of oral contraceptives can cost over $300 (a hefty price in a city where over 22% of residents have incomes below the federal poverty level). Additionally, less than 20% of large group fee-for-service plans and less than 40% of HMOs routinely cover all five of the major reversible methods of contraception. Most health care insurers, however, routinely cover abortion and expensive surgical procedures such as tubal ligation and vasectomy.

- **Women pay more out-of-pocket for health care.** Women of childbearing age pay 68% more in out-of-pocket health care costs than their male counterparts, with reproductive health care services accounting for much of the difference.

- **Improved access to contraception can reduce the need for abortion.** Nearly half of the more than six million pregnancies that occur in the U.S. each year are unintended, and half of all unintended pregnancies end in abortion.

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

July 18, 2000
(House)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 2909 - Intercountry Adoption Act of 2000
(Gilman (R) NY and 47 cosponsors)

The Administration supports House passage of H.R. 2909, as reported by the House Committee on International Relations. H.R. 2909 would implement the 1993 Hague Convention on Intercountry Adoption, an international agreement calling for a central authority in each country to supervise intercountry adoptions. The Administration supports designation of the Department of State as the United States central authority under the Convention, but believes that responsibility for oversight of accreditation of intercountry adoption service providers should be assigned to the Department of Health and Human Services. As the bill is currently drafted, the Department of State would have this responsibility.

Pay-As-You-Go Scoring

H.R. 2909 would affect receipts; therefore, is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of this bill is that it would increase receipts by $1.3 million per year. Final scoring of this legislation may deviate from this estimate.

* * * * * * * * * *

Jeanne Lambrew
07/19/2000 07:10:08 PM

Record Type: Record

To: Heather H. Howard/OPD/EOP@EOP

cc:
Subject:

The Administration objects to section 168 of the Subcommittee bill, which would prohibit the Health Insurance Coverage for Contraceptives Act of 2000 from taking effect. While increased access to contraceptives ~~is a priority for the Administration~~, the Subcommittee has raised an issue with respect to religious organizations. The Mayor and the City Council should be given an opportunity to address this issue.

is impt to ♀'s health,

Heather H. Howard
07/19/2000 09:49:47 AM

Record Type: Record

To: Martha Foley/WHO/EOP@EOP

cc:

Subject: D.C. approps -- Contraceptive Coverage

I just talked to Jeanne Lambrew and OMB wants to nail down the language for our letter to full committee. Following are two suggested drafts - let me know what you think. 67263

<u>Contraceptives Act.</u> **The Administration objects to section 168 of the Subcommittee bill, which would prohibit the Health Insurance Coverage for Contraceptives Act of 2000 from taking effect. Increased access to contraceptives improves women's health and reduces the need for abortion. Prohibiting this Act from taking effect is an unnecessary intrusion into DC affairs; the proposed amendment to prohibit the Act from going into effect until the City Council adds a religious exemption is a more appropriate response that respects the rights of D.C. residents to make their own laws while recognizing the need for a religious exemption.**

<u>Contraceptives Act.</u> **The Administration objects to section 168 of the Subcommittee bill, which would prohibit the Health Insurance Coverage for Contraceptives Act of 2000 from taking effect. Increased access to contraceptives improves women's health and reduces the need for abortion. Prohibiting this Act from taking effect is an unnecessary intrusion into DC affairs. The Administration recognizes the need for a religious exemption; however, the proposed amendment that would prohibit the Act from going into effect until the City Council adds a religious exemption is the appropriate response because it respects the rights of D.C. residents to make their own laws [this one more clearly says we support a conscience clause]**

Brooke B. Livingston

07/19/2000 03:23:25 PM

Record Type: Record

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

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

Subject: FOR FINAL CLEARANCE: LETTER TO THE HOUSE APPROPS COMMITTEE ON THE DC BILL -- COMMENTS DUE BY 6PM TODAY

Attached for your final clearance is a letter to the House Appropriations Committee on the DC Appropriations bill. **Please provide your clearance/comments on this letter to me by 6PM tonight.** The bill will be marked-up in Full Committee tomorrow at 10AM. Thank you, Brooke 5-4790

DCHCL.wpd

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Message Copied To:

The Honorable C.W. Bill Young
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The purpose of this letter is to provide the Administration's views on the District of Columbia Appropriations Bill, FY 2001, as reported by the Subcommittee. As the Committee develops its version of the bill, your consideration of the Administration's views would be appreciated.

The Administration appreciates the Subcommittee's approval of some of the requested funding for the Administration's priorities. Nonetheless, the bill underfunds programs vital to the District. We urge that these programs be funded at the full, requested levels. In addition, there are a number of provisions of the Subcommittee bill that continue a pattern of undermining local control. The Administration views these objectionable provisions as unwarranted intrusions into the affairs of the District, and we urge the Committee to remove them. **[Therefore, we strongly oppose this bill and urge the Congress to improve the bill consistent with the concerns discussed below so that it can be signed.]**

FUNDING ISSUES

Economic Growth

The Subcommittee mark misses an opportunity to fund critical investments in economic growth in the District of Columbia. These investments would help to revitalize our Nation's Capital and continue Federal efforts to help the District build the sound economic base that is essential to generate tax revenue for the city and ensure its fiscal health. Failing to fund these investments will undermine the Subcommittee's own efforts to put the District on a path to economic growth and fiscal strength.

- New York Avenue Metro Station. The Administration is concerned that the Subcommittee mark provides only $3 million of the Federal request of $25 million for the proposed New York Avenue Metro Station project from Federal funds. The development of this new station is critical to the economic development of an important section of the Capital City. When finished, the station will provide a vital link to the Metro system for the entire region. Although this project has the potential to benefit the Federal

Government, the Federal share of this project is only one-third, far less than what is normally provided on these types of transportation infrastructure projects. The construction financing of the new station has an innovative mix of funding sources, with a third pledged from the private sector, a third from the District Government, and a third from the Federal Government. We urge the Committee not to jeopardize this project and to fund the full $25 million from Federal funds as proposed in the President's budget. Under the bill, the remaining $22 million would come from the Washington, D.C. Control Board's account. These funds have been designated by the Control Board for other purposes. According to the Financial Authority, there does not appear to be $22 million available and not otherwise allocated in interest funds to pay for the Metro station. We urge the Committee to fully fund the request at $25 million in FY 2001 appropriated funds.

- Brownfields Remediation at Poplar Point. The Subcommittee bill fails to fund the Administration's request for $10 million for brownfields remediation and site preparation at Poplar Point. Failure to fund this initiative would undermine a central element of Mayor Williams' plan to rejuvenate historic Anacostia and to bring new life to the river's shores. The city's brownfields remediation and site preparation strategy for Poplar Point is a critical component of a three-phase effort to clean up and revitalize the city and Federal-owned parcels at Poplar Point. The history of Federal ownership of and involvement with various parcels of land at Poplar Point makes participation in the cleanup and the use of Poplar Point a Federal responsibility. Adequate funding of the remediation and preparation plan is crucial to completion of the Poplar Point initiative, which will help to link Poplar Point and historic Anacostia with development across the river at the Southeast Federal Center, and will galvanize rejuvenation of the entire waterfront.

- National Museum of American Music. We appreciate the $250,000 in start-up funding provided for the National Museum of American Music but believe that the museum should be funded at the full request of $3 million. Failure to fully fund the request could delay the project another year. The museum will significantly contribute to the revitalization of the Nation's Capital and to the preservation and celebration of the rich heritage of American music. Launching a National Museum of American Music at this time will bring critical momentum to the District's efforts to bring renewed vitality and growth to downtown Washington. The Subcommittee missed an historic opportunity to take advantage of a critical time in the economic growth of the City by funding the museum.

Resident Tuition Assistance

The Subcommittee mark provides only $13 million for the Resident Tuition Support program, $4 million (24 percent) below both the request and the FY 2000 enacted level of $17 million. This program, which equalizes educational opportunities for young people in the District of Columbia, is a priority of both the Mayor and the Administration and has strong bipartisan support in Congress. The current law restricts eligibility to students who graduated on or after January 1, 1998, which excludes students who will be entering their fourth and fifth years of college this fall. The Administration supports expanding the program to include students who graduated from high school on or after January 1, 1997. Expanding the program to include these students may not be possible if funding is reduced to $13 million. The Administration would support an amendment to fully fund the Resident Tuition Support program to ensure that all students in their first four years of college would be included.

Defender Services

The Administration objects to the Subcommittee's $4 million (10 percent) cut to the request for Defender Services. This action would eliminate funding for some 4,000 attorney claims for reimbursement of legal services for the District's indigent population through the Criminal Justice Act program. Current funding problems with this program have increased the difficulty for attorneys to receive just compensation for performing their vital role in the criminal justice system. The Administration's proposal would provide a one-time infusion of funds to this program to allow counsel and the Court to move beyond the difficulties caused by prior funding difficulties. We urge the Committee to restore funding to the President's requested level for Defender Services.

District of Columbia Courts

The Subcommittee bill fails to provide adequate funding to permit the District of Columbia Courts to administer basic justice in a fair, accessible, and cost-efficient manner. The Administration strongly opposes the Subcommittee decision to cut the request for the Federal Payment to the District of Columbia Courts by $3.5 million (3.4 percent). The Subcommittee's $3.5 million cut is from an operating budget level that is the bare minimum needed in FY 2001. By failing to provide funding for the built-in cost increases typical of any court, the Subcommittee bill would further exacerbate the District of Columbia Courts' growing difficulties in retaining skilled staff and jeopardize the quality of services provided to the community. In contrast, the House-passed version of the FY 2001 Commerce/Justice/State appropriations bill provides a seven-percent increase for Federal Court judicial personnel. We urge the Committee to fully fund the President's request for the Federal Payment to the District of Columbia Courts.

LANGUAGE PROVISIONS

The Subcommittee's decision to include 67 general provisions is unfortunate. The Administration believes that Congress need not re-enact any of the general provisions included last year, since all the legitimate policy purposes addressed by the general provisions are now addressed elsewhere in existing or proposed local or Federal law. The general provisions proposed by the Subcommittee are unnecessary or inappropriately interfere with local matters. Provisions such as section 114, which would require Council approval of capital project borrowing, and section 118, which would require automobiles to be fuel efficient, duplicate existing Federal and DC law. Section 113, which would require the Mayor to develop a plan by quarter and project for capital outlay borrowing, inappropriately interfering with local matters.

The following other highly objectionable provisions of the Subcommittee bill are particularly unwarranted intrusions into the affairs of the District.

- Needle Exchange Programs. The Administration strongly opposes section 150, which would prohibit the use of Federal and local funds for needle exchange programs. A ban on the use of local funds is an encroachment on the District's prerogatives and could seriously disrupt current HIV prevention efforts. However, the Administration appreciates that the Subcommittee has not included language preventing entities that receive Federal funding from using their own separate funds for the purpose of needle exchange and would strongly oppose an amendment that may be offered that would prohibit such funding.

- [Health Insurance Coverage of Contraceptives. The Administration objects to section 168 of the Subcommittee bill, which would prohibit the Health Insurance Coverage for Contraceptives Act of 2000 from taking effect. While increased access to contraceptives is a priority for the Administration, the Subcommittee has raised an ~~important~~ issue with respect to religious organizations ~~that may find it objectionable to provide such coverage~~. The Mayor and the City Council should be given an opportunity to address this issue. NOTE: PENDING FOLEY /TRAMONTANO DISCUSSION]

- Controlled Substances. The Administration opposes section 158, which would prohibit the District from legislating with respect to controlled substances and from crafting effective diversion programs for nonviolent drug-dependent offenders, in a manner that all States are now free to do, and would remain free to do, under this provision.

- Abortion. The Administration strongly opposes the Subcommittee bill language that would prohibit the use of both Federal and District funds to pay for abortions except in those cases where the life of the mother is endangered or in situations involving rape or incest.

- Domestic Partners. The Administration objects to a provision (section 131) of the Subcommittee bill prohibiting the use of Federal and local funds to implement or enforce the Health Care Benefits Expansion Act of 1992 (the Domestic Partners Act)..

- Voting Representation. The Administration opposes section 146 of the bill, which would prohibit the use of District funds to provide assistance for petition drives or civil actions that seek to require voting representation in Congress for the District of Columbia.

- Infringement on Contract Authority. The Administration objects to the House Subcommittee bill infringing on the District's decision-making authority with respect to local contracts. This infringement also has the potential to result in inappropriate Medicaid billing for special education services, an issue that Congress and the Federal Government are working to eliminate.

- [DIRECTOR SHOULD DISCUSS WITH NORTON WHETHER TO INCLUDE THIS –BARR AND GOTBAUM ARE NOT INCLINEDTO INCLUDE -- Public Benefit Corporation. We object to inclusion of the provision prohibiting the District from providing funds to the Public Benefit Corporation (PBC). We share the Subcommittee's concern about the financial circumstances confronting the PBC but are concerned that the provision contained in the bill would further exacerbate the problems at PBC. We believe that the District Government and the Financial Authority should retain the flexibility to address the financial and management problems at the PBC. Both the District Government and the Financial Authority have begun to move aggressively to reform management practices and to put in place new leadership at PBC, and respect for home rule would advise against congressional action.]

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The Administration is pleased that the Subcommittee bill does not include the provision included in last year's bill that would cap the award of fees for the attorneys of plaintiffs in cases brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (IDEA). This provision has had the effect of limiting the access of the District's poor families to quality legal representation, thus impairing their due process protections provided by the IDEA.

We look forward to working with the Committee to address our mutual concerns.

Sincerely,

Jacob J. Lew
Director

Identical Letter Sent to The Honorable C. W. Bill Young,
The Honorable David R. Obey, The Honorable Ernest J. Istook, Jr.,
and The Honorable James P. Moran

Molly O'Malley
07/18/2000 02:53:44 PM

Record Type: Record

To: Martha Foley/WHO/EOP@EOP, Heather H. Howard/OPD/EOP@EOP

cc:

Subject: please review for Jeanne

The following is language that is being sent in the DC Approps. bill.
Could you please review and send comments?

Thanks.

<u>Contraceptives Act.</u> **The Administration objects to section 168 of the Subcommittee bill, which would prohibit the Health Insurance Coverage for Contraceptives Act of 2000 from taking effect. The Act could already exempt religious plans from offering contraceptive coverage. In addition, prohibiting this Act from taking effect is an unnecessary intrusion into DC affairs.**

* Charles Kieffer
* Michael Barr

EXECUTIVE OFFICE OF THE PRESIDENT

FAX TRANSMITTAL COVER SHEET

OFFICE OF MANAGEMENT AND BUDGET 5

FEDERAL INTER-AGENCY DC TASK FORCE OFFICE

Number of pages (including cover sheet) 10 67431

DATE: 7/13/00 62878

TO: Andrea Kane / Heather Howard

SUBJECT: D.C. Contraceptive Act

Comments: fyi

From: X Michael Barr Phone No.: (202) 395-9155
X Joyce Clements-Smith (202) 395-3193
Phyllis Kaiser-Dark (202) 395-9155

Fax No.: (202) 395-7294

Council of the District of Columbia

One Judiciary Square • 441 Fourth Street, NW
Washington, DC 20001

To: Michael Barr

Fax #: 202-395-7294

From: Barry Kreiswirth
Office of D.C. Councilmember Charlene Drew Jarvis

Date: July 13, 2000

Pages: 9, including cover sheet

Message:

Attached is a compy of the Health Insurance Coverage for Contraceptives Act of 2000 and the two religious employer exemptions Councilmember Jarvis offered. The first amendment attached (containing five subsections) was rejected by the Council; the second (with two subsections) was withdrawn by Councilmember Jarvis and therefore not voted on.

If you have any questions, do not hesitate to call me at 202-724-8153.

From the desk of...

Barry Kreiswirth
Committee Counsel
Committee on Economic Development
DC Council
441 Fourth Street, NW
Washington, DC 20001

202-724-8153
Fax: 202-724-8120

ENGROSSED ORIGINAL

A BILL

13-399

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require health benefit plans that offer prescription drug coverage to provide coverage for prescription contraceptive drugs or devices and hormone replacement therapy prescribed or ordered for the purpose of treating or eliminating symptoms or conditions of menopause.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Insurance Coverage for Contraceptives Act of 2000".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Contraceptive" means a birth control drug or device approved by the United States Food and Drug Administration and prescribed by a patient's health care provider.

(2) "Health benefit plan" means an accident and health insurance policy or certificate, hospital and medical services corporation contract, health maintenance organization subscriber contract, plan provided by a multiple employer welfare arrangement, or plan provided by another benefit arrangement. The term "health benefit plan" shall not mean accident only, credit, or disability insurance; coverage of medicare services or federal employee health plans, under contracts with the United States Government; medicare supplement or long-term care

ENGROSSED ORIGINAL

insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical payment insurance; medical expense and loss of income benefits; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(3) "Health insurer" means a person that provides one or more health benefit plans or insurance in the District of Columbia, including an insurer, a hospital and medical services corporation, a fraternal benefit society, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner of the Department of Insurance and Securities Regulation.

(4) "Insured" means a person covered by a health benefit plan.

Sec. 3. Payable benefits.

(a) A health benefit plan that provides coverage for prescription drugs shall provide benefits which cover:

(1) Any contraceptive prescribed by an insured's health care provider;

(2) The insertion or removal of, and any medically necessary examination associated with, any contraceptive drug or device.

(3) Any hormone replacement therapy that is prescribed or ordered for treating symptoms and conditions of menopause.

ENGROSSED ORIGINAL

(b) Coverage under this section shall be identical for an insured and an insured's covered spouse and covered nonspouse dependents.

(c) Nothing in this section shall be construed to exclude coverage for prescription contraceptives ordered by a health care provider for reasons other than contraceptive purpose, including decreasing the risk of ovarian cancer, eliminating the symptoms of menopause, or preserving the life or health or health of an insured.

Sec. 4. Nondiscrimination.

No health insurer shall:

(1) Require an insured to pay a higher deductible, copayment, or coinsurance, require a longer waiting period, or impose any other condition for coverage of a prescription for a contraceptive or hormone replacement therapy other than is required for other prescription drugs covered by the insured's health benefit plan;

(2) Refuse to issue a health benefit plan solely because an applicant may use any of the benefits covered by this act;

(3) Cancel a health benefit plan solely because an insured has used any of the benefits covered by this act;

(4) Offer to pay any type of material inducement or financial incentive to an insured to discourage the insured from using any of the benefits covered by this act; or

(5) Offer to pay any type of financial or other material incentive to a health care provider to deny, reduce, withhold, limit, or delay to an insured any of the benefits covered by

ENGROSSED ORIGINAL

this act.

Sec. 5. Applicability.

(a) The requirements of this act shall apply to all health benefit plans issued, delivered, renewed, or reissued on the 91st day after the effective date of this act.

(b) All health benefit plans other than the health benefit plans specified in subsection (a) of this section shall comply with the requirements of this act within 180 days after the ~~effective date of this act~~ date specified in subsection (a) of this section.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-3392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Councilmember Charlene Drew Jarvis

AN AMENDMENT

\# 1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2000

Amendment offered by Councilmember Jarvis to Bill No. 13-399, Health Insurance Coverage for Contraceptives Act of 2000

Version:	Introduced	___
	Committee Print	___
	First Reading	X
	Amended First Reading	___
	Engrossed	___
	Enrolled	___
	Unidentified	___

Section ________________ Page ________________ Line(s) ________________

RATIONALE: This amendment reinstates the provision, contained in the introduced version of this bill, which exempts religious employers from the requirements of the Health Insurance Coverage for Contraceptives Act of 2000. (The act requires an employer's insurance policy to include coverage for contraceptives and certain contraceptive-related services.) For the purposes of the exemption, the amendment defines religious employer as an entity for which the inculcation of religious values is one of the primary purposes. The exemption will thus be limited to a defined set of institutions. In addition, religious employers who decide not to provide contraceptive coverage in their insurance policies are required to provide notice to their employees that the coverage is not provided. Furthermore, the coverage exemption does not apply where contraceptives are prescribed for non-contraceptive purposes. Moreover, this amendment allows an employee in a plan exempted under the religious institution provision to purchase contraceptive coverage, with her own funds, at a cost not to exceed the employee's pro rata share of the price the religious institution would have paid for such coverage had the institution not invoked the religious exemption.

page 4 line 8

Insert a new Section 5A to read as follows:

"Sec. 5A. Exemption.

"(a) Notwithstanding any other provision of this act, a religious employer may request a health benefit plan without coverage for contraceptives and related services required by this act where such contraceptives and related services are contrary to the organization's religious tenets. If so requested, a health insurer may provide a health benefit plan to the religious employer without such coverage.

"(b) Every religious employer that invokes the exemption provided under this section shall provide its employees with reasonable and timely written notice listing the contraceptives and related services the employer refuses to cover for religious reasons before issuing or renewing any health benefit plan.

"(c) For the purposes of this section, a religious employer is an entity for which the inculcation of religious values is one of the primary purposes of the entity.

"(d) Nothing in this section shall be construed to allow a religious employer or health insurer to exclude coverage for prescription contraceptives ordered by a health care provider with prescriptive authority for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause, or for prescription contraception that is necessary to preserve the life or health of an insured.

"(e) Health insurers shall allow employees in a plan exempted under this section to directly purchase coverage of the contraceptives and related services not included in the policy. The employee's cost of purchasing such coverage shall not exceed the employee's pro rata share of the price the group purchaser would have paid for such coverage had the group plan not invoked the religious exemption."

Councilmember Charlene Drew Jarvis

AN AMENDMENT

1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2000

Amendment offered by Councilmember Jarvis to Bill No. 13-399, Health Insurance Coverage for Contraceptives Act of 2000

Version:		
	Introduced	___
	Committee Print	___
	First Reading	X
	Amended First Reading	___
	Engrossed	___
	Enrolled	___
	Unidentified	___

Section ________________ Page ________________ Line(s) ________________

RATIONALE: This amendment reinstates the provision, contained in the introduced version of this bill, which exempts religious employers from the requirements of the Health Insurance Coverage for Contraceptives Act of 2000 where the contraceptive methods are contrary to the organization's religious beliefs. A religious employer invoking the exemption is required to provide notice to employees of the insurance policy's lack of contraceptive coverage.

page 4 line 8

Insert a new Section 5A to read as follows:

"Sec. 5A. Exemption.

"(a) Notwithstanding any other provision of this section, a religious organization may request, and an entity subject to this section shall grant, an insurance policy without coverage for contraceptive methods that are contrary to the organization's religious beliefs. If so requested, an insurance policy shall be provided without coverage for contraceptive methods. This exemption does not apply to coverage of hormone replacement therapy.

"(b) Every religious employer that invokes the exemption provided under this section shall provide its employees with reasonable and timely written notice listing the contraceptive health care services the employer refuses to cover for religious reasons before issuing or renewing any policy."

Heather

Brooke B. Livingston

07/19/2000 03:23:25 PM

Record Type: Record

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

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

Subject: FOR FINAL CLEARANCE: LETTER TO THE HOUSE APPROPS COMMITTEE ON THE DC BILL -- COMMENTS DUE BY 6PM TODAY

Attached for your final clearance is a letter to the House Appropriations Committee on the DC Appropriations bill. **Please provide your clearance/comments on this letter to me by 6PM tonight.** The bill will be marked-up in Full Committee tomorrow at 10AM. Thank you, Brooke 5-4790

DCHCL.wpd

Message Sent To:

John Podesta/WHO/EOP@EOP
Steve Ricchetti/WHO/EOP@EOP
Maria Echaveste/WHO/EOP@EOP
Karen Tramontano/WHO/EOP@EOP
Martha Foley/WHO/EOP@EOP
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Broderick Johnson/WHO/EOP@EOP
Barbara Chow/OMB/EOP@EOP
Debra Reed/CEQ/EOP@EOP
Monica M. Dixon/OVP/EOP@EOP

Message Copied To:

The Honorable C.W. Bill Young
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The purpose of this letter is to provide the Administration's views on the District of Columbia Appropriations Bill, FY 2001, as reported by the Subcommittee. As the Committee develops its version of the bill, your consideration of the Administration's views would be appreciated.

The Administration appreciates the Subcommittee's approval of some of the requested funding for the Administration's priorities. Nonetheless, the bill underfunds programs vital to the District. We urge that these programs be funded at the full, requested levels. In addition, there are a number of provisions of the Subcommittee bill that continue a pattern of undermining local control. The Administration views these objectionable provisions as unwarranted intrusions into the affairs of the District, and we urge the Committee to remove them. **[Therefore, we strongly oppose this bill and urge the Congress to improve the bill consistent with the concerns discussed below so that it can be signed.]**

FUNDING ISSUES

Economic Growth

The Subcommittee mark misses an opportunity to fund critical investments in economic growth in the District of Columbia. These investments would help to revitalize our Nation's Capital and continue Federal efforts to help the District build the sound economic base that is essential to generate tax revenue for the city and ensure its fiscal health. Failing to fund these investments will undermine the Subcommittee's own efforts to put the District on a path to economic growth and fiscal strength.

- New York Avenue Metro Station. The Administration is concerned that the Subcommittee mark provides only $3 million of the Federal request of $25 million for the proposed New York Avenue Metro Station project from Federal funds. The development of this new station is critical to the economic development of an important section of the Capital City. When finished, the station will provide a vital link to the Metro system for the entire region. Although this project has the potential to benefit the Federal

Government, the Federal share of this project is only one-third, far less than what is normally provided on these types of transportation infrastructure projects. The construction financing of the new station has an innovative mix of funding sources, with a third pledged from the private sector, a third from the District Government, and a third from the Federal Government. We urge the Committee not to jeopardize this project and to fund the full $25 million from Federal funds as proposed in the President's budget. Under the bill, the remaining $22 million would come from the Washington, D.C. Control Board's account. These funds have been designated by the Control Board for other purposes. According to the Financial Authority, there does not appear to be $22 million available and not otherwise allocated in interest funds to pay for the Metro station. We urge the Committee to fully fund the request at $25 million in FY 2001 appropriated funds.

- Brownfields Remediation at Poplar Point. The Subcommittee bill fails to fund the Administration's request for $10 million for brownfields remediation and site preparation at Poplar Point. Failure to fund this initiative would undermine a central element of Mayor Williams' plan to rejuvenate historic Anacostia and to bring new life to the river's shores. The city's brownfields remediation and site preparation strategy for Poplar Point is a critical component of a three-phase effort to clean up and revitalize the city and Federal-owned parcels at Poplar Point. The history of Federal ownership of and involvement with various parcels of land at Poplar Point makes participation in the cleanup and the use of Poplar Point a Federal responsibility. Adequate funding of the remediation and preparation plan is crucial to completion of the Poplar Point initiative, which will help to link Poplar Point and historic Anacostia with development across the river at the Southeast Federal Center, and will galvanize rejuvenation of the entire waterfront.

- National Museum of American Music. We appreciate the $250,000 in start-up funding provided for the National Museum of American Music but believe that the museum should be funded at the full request of $3 million. Failure to fully fund the request could delay the project another year. The museum will significantly contribute to the revitalization of the Nation's Capital and to the preservation and celebration of the rich heritage of American music. Launching a National Museum of American Music at this time will bring critical momentum to the District's efforts to bring renewed vitality and growth to downtown Washington. The Subcommittee missed an historic opportunity to take advantage of a critical time in the economic growth of the City by funding the museum.

Resident Tuition Assistance

The Subcommittee mark provides only $13 million for the Resident Tuition Support program, $4 million (24 percent) below both the request and the FY 2000 enacted level of $17 million. This program, which equalizes educational opportunities for young people in the District of Columbia, is a priority of both the Mayor and the Administration and has strong bipartisan support in Congress. The current law restricts eligibility to students who graduated on or after January 1, 1998, which excludes students who will be entering their fourth and fifth years of college this fall. The Administration supports expanding the program to include students who graduated from high school on or after January 1, 1997. Expanding the program to include these students may not be possible if funding is reduced to $13 million. The Administration would support an amendment to fully fund the Resident Tuition Support program to ensure that all students in their first four years of college would be included.

Defender Services

The Administration objects to the Subcommittee's $4 million (10 percent) cut to the request for Defender Services. This action would eliminate funding for some 4,000 attorney claims for reimbursement of legal services for the District's indigent population through the Criminal Justice Act program. Current funding problems with this program have increased the difficulty for attorneys to receive just compensation for performing their vital role in the criminal justice system. The Administration's proposal would provide a one-time infusion of funds to this program to allow counsel and the Court to move beyond the difficulties caused by prior funding difficulties. We urge the Committee to restore funding to the President's requested level for Defender Services.

District of Columbia Courts

The Subcommittee bill fails to provide adequate funding to permit the District of Columbia Courts to administer basic justice in a fair, accessible, and cost-efficient manner. The Administration strongly opposes the Subcommittee decision to cut the request for the Federal Payment to the District of Columbia Courts by $3.5 million (3.4 percent). The Subcommittee's $3.5 million cut is from an operating budget level that is the bare minimum needed in FY 2001. By failing to provide funding for the built-in cost increases typical of any court, the Subcommittee bill would further exacerbate the District of Columbia Courts' growing difficulties in retaining skilled staff and jeopardize the quality of services provided to the community. In contrast, the House-passed version of the FY 2001 Commerce/Justice/State appropriations bill provides a seven-percent increase for Federal Court judicial personnel. We urge the Committee to fully fund the President's request for the Federal Payment to the District of Columbia Courts.

LANGUAGE PROVISIONS

The Subcommittee's decision to include 67 general provisions is unfortunate. The Administration believes that Congress need not re-enact any of the general provisions included last year, since all the legitimate policy purposes addressed by the general provisions are now addressed elsewhere in existing or proposed local or Federal law. The general provisions proposed by the Subcommittee are unnecessary or inappropriately interfere with local matters. Provisions such as section 114, which would require Council approval of capital project borrowing, and section 118, which would require automobiles to be fuel efficient, duplicate existing Federal and DC law. Section 113, which would require the Mayor to develop a plan by quarter and project for capital outlay borrowing, inappropriately interfering with local matters.

The following other highly objectionable provisions of the Subcommittee bill are particularly unwarranted intrusions into the affairs of the District.

- Needle Exchange Programs. The Administration strongly opposes section 150, which would prohibit the use of Federal and local funds for needle exchange programs. A ban on the use of local funds is an encroachment on the District's prerogatives and could seriously disrupt current HIV prevention efforts. However, the Administration appreciates that the Subcommittee has not included language preventing entities that receive Federal funding from using their own separate funds for the purpose of needle exchange and would strongly oppose an amendment that may be offered that would prohibit such funding.

- [Health Insurance Coverage of Contraceptives. The Administration objects to section 168 of the Subcommittee bill, which would prohibit the Health Insurance Coverage for Contraceptives Act of 2000 from taking effect. While increased access to contraceptives is a priority for the Administration, the Subcommittee has raised an important issue with respect to religious organizations that may find it objectionable to provide such coverage. The Mayor and the City Council should be given an opportunity to address this issue. NOTE: PENDING FOLEY /TRAMONTANO DISCUSSION]

- Controlled Substances. The Administration opposes section 158, which would prohibit the District from legislating with respect to controlled substances and from crafting effective diversion programs for nonviolent drug-dependent offenders, in a manner that all States are now free to do, and would remain free to do, under this provision.

- Abortion. The Administration strongly opposes the Subcommittee bill language that would prohibit the use of both Federal and District funds to pay for abortions except in those cases where the life of the mother is endangered or in situations involving rape or incest.

- Domestic Partners. The Administration objects to a provision (section 131) of the Subcommittee bill prohibiting the use of Federal and local funds to implement or enforce the Health Care Benefits Expansion Act of 1992 (the Domestic Partners Act).

- Voting Representation. The Administration opposes section 146 of the bill, which would prohibit the use of District funds to provide assistance for petition drives or civil actions that seek to require voting representation in Congress for the District of Columbia.

- Infringement on Contract Authority. The Administration objects to the House Subcommittee bill infringing on the District's decision-making authority with respect to local contracts. This infringement also has the potential to result in inappropriate Medicaid billing for special education services, an issue that Congress and the Federal Government are working to eliminate.

[DIRECTOR SHOULD DISCUSS WITH NORTON WHETHER TO INCLUDE THIS –BARR AND GOTBAUM ARE NOT INCLINEDTO INCLUDE -- Public Benefit Corporation. We object to inclusion of the provision prohibiting the District from providing funds to the Public Benefit Corporation (PBC). We share the Subcommittee's concern about the financial circumstances confronting the PBC but are concerned that the provision contained in the bill would further exacerbate the problems at PBC. We believe that the District Government and the Financial Authority should retain the flexibility to address the financial and management problems at the PBC. Both the District Government and the Financial Authority have begun to move aggressively to reform management practices and to put in place new leadership at PBC, and respect for home rule would advise against congressional action.]

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We look forward to working with the Committee to address our mutual concerns.

Sincerely,

Jacob J. Lew
Director

Identical Letter Sent to The Honorable C. W. Bill Young,
The Honorable David R. Obey, The Honorable Ernest J. Istook, Jr.,
and The Honorable James P. Moran

Withdrawal/Redaction Marker
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	re: phone number (partial) (1 page)	n.d.	P6/b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Heather Howard (Subject Files)
OA/Box Number: 21195

FOLDER TITLE:

D.C. Approps Contraceptive Coverage

2012-0254-S
rc662

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

J.K.

P6/(b)(6) P6/(b)(6)

[001]

D.C. approps

DeLauro didn't ~~strike~~ strike abortion
b/c anthrop would have offered to
strike contraceptive coverage
not making a big deal about otherwise
- it's done provide
OPM

We support the Moran amendment
~~Approach~~ respects the
addresses issue of religious exemptions

in interests of home rule urge you to send back to
Council for appropriate conscience clause

Moran - bill can't go forward
unless conscience clause is added
by Jan 1 →
[won't work]

rumors
Tiahrt will offer bad conscience clause
Obey will offer something
Istook will agree & Moran - trying to avoid controversial order
she doesn't buy it.

~~[illegible]~~

Tiahrt - any indiv, any plan, any employer religious or moral
clause → * Maybe 2nd degree - religious, not moral → T-P

how would do -

problem - Moran v. conscience clause

OMB no drafting

Title VII - contraceptive suit

7/19 file suit - W. Washington -

July * suing under Title VII

for contraceptive coverage

Planned Parenthood FA + PPW.W. - is suing.

NWLC - of counsel

- want good Federal court precedent

- post employee on notice

Drug store chain -- have gone to EEOC; waited 180 days received right to sue letter

still want policy guidance sex disc.

don't have a strategy on getting EEOC involved

still want policy guidance part of overall strategy

9/19 Shaw

Fed Emp. model based on premise of choice of 283 plans

ok to say then I don't have to

b/c you'd have a choice

but it doesn't work for private insurance

→ no conscience clause in EPIC -- figured they'd get one later

basic principles: insurers don't have religious consciences

black box option - so plan doesn't pay & gets another

Joanne Hustead has drafted lng.

ERISA has lng. defining religious ~~■~~ entity - tracks tax code

WH didn't endorse EPIC b/c no conscience clause

wanted to know what the conscience clause would be

D.C. - Istook - manager's amendment - can't go into effect - nothing moral or religious enacting intent

moral → what doesn't mean? (obey)

- was so bad

Istook - vote cast an unclear, moral for provider only

Moran - 2nd degree lost 19-24