

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	Handwritten note (1 page)	n.d.	P6/b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Ruby Shamir (Subject Files)
OA/Box Number: 20366

FOLDER TITLE:

Women/Unborn Victims of Violence Act

2012-0565-S

ry1269

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]

Withdrawal/Redaction Marker

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Nicole R. Rabner

09/08/99 06:12:30 PM

Record Type: Record

To: Ruby Shamir/OPD/EOP@EOP

cc:

Subject: meeting tomorrow

----- Forwarded by Nicole R. Rabner/WHO/EOP on 09/08/99 06:12 PM -----

Nicole R. Rabner

09/08/99 06:06:07 PM

Record Type: Record

To: Cathy R. Mays/OPD/EOP@EOP

cc:

Subject: meeting tomorrow

Also pls add the following DOJ folks to invitation list for the meeting. And, DOJ advises that because of mark-up tomorrow the meeting should be after 2:30pm.

Lisa Graves, 616-2004

Eleanor Acheson, 514-4601

----- Forwarded by Nicole R. Rabner/WHO/EOP on 09/08/99 06:03 PM -----

Nicole R. Rabner

09/08/99 06:01:41 PM

Record Type: Record

To: Cathy R. Mays/OPD/EOP@EOP

cc: Bruce N. Reed/OPD/EOP@EOP

Subject: meeting tomorrow

Cathy, Bruce would like to convene a meeting tomorrow (Thursday) to discuss Administration strategy on the Unborn Victims of Violence Act of 1999, which will be marked up in the Judiciary Committee tomorrow. Will you pls set this up for sometime tomorrow that fits BR's schedule. The invited staff should be:

Maria E.

Eric Liu

Sylvia Mathews

Ann Lewis

Broderick Johnson

Caroline Fredrickson

Beth Nolan and Michelle Peterson, Counsel's Office

Marybeth Cahill

Patty Furse, Justice 514-4810

9/22
Unknown Victims

Tuesday

T
2, 3, W

~~Don~~ 4pm

12-3

Bonderich
Nicole
Sudli Peterson
Ehrlich
Torney
Ann Lewis
MBC 2nd

Rt. Frst - 514-4810 4m

Lisa Graves - Lisa.graves@usdoj.gov
Eleanor
Acheson

Preparation for resurg

Nina Wolf

- now:
- ① Think the main goal is to get G+ away, want to bring this up G+ away, until act
 - ② Continuing negotiation in democratic support to sustain veto

no been any
workup scheduled
in Senate -

Unborn victims
passed 20 to 8

Loftman owned it got some support
3 CAC voted against bill + alt

Not from
underlying will be
new federalism goes
to injury to mother, &
newly created legal status. alt.
if unborn 20 y/3
if dead will get life

embouch

Robson was going to
MBC will go by GRS, 20 y/3
thank @ alt.

Letter was sent up last wk
in an attempt to
criticized bill's quick liability
approach + that it could be
extended to substitute

Justice department
Mtg w/
some Supreme Justice ppl
would want policy ppl
at Justice turn
traveling - CK M on what they
were will Justice be interested
to have Court about
it



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

September 29, 1999
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

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

H.R. 2436 - Unborn Victims of Violence Act of 1999

(Rep. Graham (R) SC and 66 cosponsors)

The Administration strongly opposes enactment of H.R. 2436, which would make it a separate Federal offense to cause "death or bodily injury" to a "child in utero" in the course of committing certain specified Federal crimes. If H.R. 2436 were presented to the President, his senior advisers would recommend that he veto the bill.

The Administration has made the fight against domestic violence and other violence against women a top priority. The Violence Against Women Act (VAWA), which passed with the bipartisan support of Congress in 1994, marked a critical turning point in our national effort to address domestic violence and sexual assault. VAWA, for the first time, created Federal domestic violence offenses with strong penalties to hold violent offenders accountable. To date, the Department of Justice has brought 179 VAWA and VAWA-related Federal indictments and awarded over \$700 million in VAWA grants to communities to assist in combating violence against women.

Unfortunately, H.R. 2436 is not designed to respond to violence against women. The Administration has significant public policy concerns with the legislation, as described in the Department of Justice letter to the House Committee on the Judiciary on September 9, 1999. For example, H.R. 2436 would: (1) trigger an excessive increase in the length of the sentence as compared with the sentence that could otherwise be imposed for injury to a woman who is not pregnant; (2) depart from the traditional rule that criminal punishment should correspond to the knowledge and intent of the defendant; and (3) identify a fetus as a separate and distinct victim of a crime, which is unprecedented as a matter of Federal statute, and unnecessary to achieve the goal of increasing the punishment for violence against pregnant women.

H.R. 2436 is careful to recognize that abortion-related conduct is constitutionally protected; however, this does not remove all doubt about the bill's constitutionality, as explained in the Department of Justice letter to the House Committee on the Judiciary on September 9th.

The Administration strongly opposes H.R. 2436. We understand, however, that Representative Lofgren will offer an alternative that appropriately focuses on increasing the punishment for violence against pregnant women without identifying a fetus as a separate and distinct victim of a crime.

The Administration is willing to work with Congress to develop legislation that would strengthen the punishment for intentional violence against women whom the perpetrator knows or should know is pregnant, strengthen the criminal provisions of VAWA, and reauthorize the grant programs established by VAWA.



U.S. Department of Justice
Office of Legislative Affairs

Washington, D.C. 20530

FAX COVER SHEET

TO: Ruby Shamir
FAX NO. 456-2878
FROM: R. Roben
PHONE NO. _____
FAX NO. _____
DATE: 9/29/99
NO. OF PAGES 2 (EXCLUDING COVER)

COMMENTS

Evidently this did
not wire to you
this morning
Trying again

H.R. 2436 – the “Unborn Victims of Violence Protection Act”

Background: H.R. 2436 creates a new federal offense for causing “death or bodily injury” to a “child in utero” in the course of committing certain specified federal crimes. The bill contains exceptions for legal abortions, and acts by the woman or persons providing medical treatment. The bill has passed subcommittee and committee on party-line votes, and is scheduled for consideration by the full House on Thursday, September 30, 1999. DoJ sent a letter to Chairman Hyde on September 9, 1999 strongly opposing the bill, and the White House has issued a Statement of Administration Position with a veto threat by the President’s senior advisors.

Q & A:

Q: Why do you oppose this bill?

A: This bill creates a new federal offense for injuring or killing a fetus during the commission of certain federal crimes that are enumerated in the bill. H.R. 2436 identifies the fetus as a separate and distinct victim of crime. While additional punishment for harm to a pregnant woman is an appropriate goal, we believe this bill is an unwise means to that goal. Fetal protection is unprecedented as a matter of federal statute, and we believe it is unwise policy that comes dangerously close to defining when life begins. For our additional specific concerns, I would refer you to the views letter we sent to Chairman Hyde on September 9th.

Q: Don’t you care about babies being killed?

A: Many of the underlying crimes in Mr. Graham’s bill are horrible, and no one should have to experience any of these crimes. For women who have chosen to have a child, any crime which causes harm or death to the fetus they are carrying is made all the more painful. We should help these women by doing more to address the violence that continues to haunt our society. Congress can help us do this by passing a reauthorization of the Violence Against Women Act. The answer to the problem of violence against women, pregnant or not, is not to give fetus’ rights in our federal criminal laws.

Q: Will this bill be vetoed?

A: Should this bill reach the President’s desk, his senior advisors have stated that they will recommend a veto.

Q: What would you support?

A: We would support a bill that would strengthen punishment for intentional violence against a woman whom the perpetrator knows or should know is pregnant.

Q: Do you support the Democratic/Congresswoman Lofgren’s alternative to this bill?

A: Congresswomen Lofgren and Lowey have worked very hard on this issue, and we believe

September 24, 1999
(House)

H.R. 2436 - Unborn Victims of Violence Act of 1999
(Rep. Graham (R) SC and 26 cosponsors)

The Administration strongly opposes enactment of H.R. 2436, which would make it a separate Federal offense to cause "death or bodily injury" to a "child in utero" in the course of committing certain specified Federal crimes.

The Administration has made the fight against domestic violence and other violence against women a top priority. The Violence Against Women Act (VAWA), which passed with the bipartisan support of Congress in 1994, has been a critical turning point in our national effort to address domestic violence and sexual assault. VAWA, for the first time, created Federal domestic violence offenses with strong penalties to hold violent offenders accountable. To date, the Department of Justice has brought 179 VAWA and VAWA-related Federal indictments and awarded over \$700 million in VAWA grants to communities to assist in combating violence against women.

Unfortunately, H.R. 2436 is not an adequate response to violence against women, because of public policy and constitutional concerns. For example, H.R. 2436 would: (1) trigger an excessive increase in the length of the sentence as compared with the sentence that could otherwise be imposed for injury to a woman who is not pregnant; (2) depart from the ordinary rule that punishment should correspond to culpability; as evinced by the defendant's mental state; and (3) identify a fetus as a separate and distinct victim of a crime, which is unprecedented as a matter of Federal statute, and unnecessary to achieve the goal of increasing the punishment for violence against pregnant women.

H.R. 2436 is careful to recognize that abortion-related conduct is constitutionally protected; however, it does not remove all doubt about the bill's constitutionality. The bill's exception for abortion-related conduct does not, on its face, encompass situations in which consent to an abortion may be implied by law (if, for example, the pregnant woman is incapacitated) even though there is no medical emergency. In this situation, the bill may unduly infringe on constitutionally protected conduct.

Although the Administration strongly opposes H.R. 2436, it is willing to work with Congress to develop legislation that would strengthen the punishment for intentional violence against women whom the perpetrator knows or should know is pregnant, strengthen the criminal provisions of VAWA, and reauthorize the grant programs established by VAWA.

NR: NIA Submittal
entire
BH: NIA Submittal
w/ logjam

2-11-99
11/11/99

9.29.

cont call

Patti + Brian

Don Altman: In our opinion there will be minor compensation on progressive side on terms of substitute.

Coffman will likely be in identical form

Also is clear that 150-155 caucus will rally around Coffman sub.

Coffman runs tough the 7. If the harm to the 7 results in termination of prog you get life. If it is interrupt of prog you get 20 yrs.

Pro-choice community on the hill → Coffman is the winner. even nadler was behind the substitute

Re the Coven's ~~very~~ (don't know if they will vote for it).
There is a ^{small} group that will vote against the substitute.
small of pro-choice

The pro-choice covert is whipping up opposition to underlying 2.11.

It's hard for Coven to make argument if Nadler has decided otherwise.

Nadler + Planned Parenthood

have decided to score substitute as an independent vote
(N going to cost you to vote on the substitute)

their alternative is a critical step in the right direction, although we cannot offer our full support. We would offer to work with them on legislation which protects pregnant women from violence.

Our big prob w/ sub+bill is lack of intent.
Aren't we to the left of Nadler
Our SAP doesn't address the market but ~~but~~
SAP doesn't support it bec. we want intent
~~the past should not be a matter~~

BH: we don't need to take out 'intentional' part, but
maybe the "know or should know"

Vote: R

Against bill: 155

no ramblings on Sen side.

will we need a veto message

BT: No veto threat, less likely to get veto
asking #1

US: NWCC Susan Liss, Lichtman

US: NARAC Alison

• Planned P.

• Now LDF

Brook: Gierhardt

• Kate Augustine ACLU
• Cohen



9.27

Unburn Victims call

Re: substance is likely to change

our prob w/ it - is going to be. Likelihood of intent to
 Wofynon will go on wed.

Confer VAWA II

Veto Issue

NR: spoke w/ ^{Marcus Greenberger} + got ^{support for} veto message. Alison at n

Wofynon, Conyers + Golphardt said it would be

the warring dems want the clock of the veto in
 Bill are in considerable bet. if we do veto -
 support the set (we're to the left)

happy to the ^{officer} left is good for the liberals, + the rest
 the warring, the Q is: do we have the votes

maybe we can add in the top that we support
 of the substance

St. Advisors Veto threat + report in primary

Unborn Victims of Violence Act

Q&A

September 15, 1999

Q. The House Judiciary Committee passed H.R. 2436, the "Unborn Victims of Violence Act of 1999," which would make it a separate federal offense to cause "death or bodily injury" to "a child in utero" in the course of committing any one of 68 listed federal crimes. What is the Administration's position on this bill?

A. The Administration has made the fight against domestic violence and other violence against women a top priority. If the Congress were serious about taking steps to protect all women -- including pregnant women -- from violence, it would reauthorize the historic Violence Against Women Act (VAWA), which passed with bipartisan support of the Congress in 1994. VAWA, for the first time, created federal domestic violence offenses with strong penalties to hold violent offenders accountable. The Department of Justice (DOJ) has brought 179 VAWA and VAWA-related federal indictments to date, and this number continues to grow. In addition, the DOJ alone has awarded well over \$700 million through VAWA grants to communities' efforts to respond to domestic violence and sexual assault. These funds have helped save the lives of many victims of domestic violence.

But it is clear that, as currently drafted, this bill is not about providing additional protections to women against violence. The DOJ has sent a letter to the Judiciary Committee outlining the Administration's reasons for opposing the bill strongly. The Administration would, however, work with Congress to develop alternative legislation that would strengthen punishment for intentional violence against women whom the perpetrator knows or should know is pregnant, strengthen the criminal provisions of the VAWA, and reauthorize the grant program established by this historic legislation.

9.99 weekly

Children and Families: House Republican Fetal Protection Legislation. This week, the House Judiciary Committee passed H.R. 2436, the "Unborn Victims of Violence Act of 1999," which would make it a separate federal offense to cause "death or bodily injury" to "a child in utero" in the course of committing any one of 68 listed federal crimes. This bill, sponsored by Representatives Charles Canady, Lindsey Graham, and Christopher Smith, is a clever and not so thinly veiled attempt to bestow upon a fetus the status of life under federal law. During mark-up, Representative Zoe Lofgren offered an alternative which would create a new federal crime for injury to the mother, without establishing a new legal status for the fetus. Unfortunately, this substitute failed to rally all of the Democrats, some of whom felt that its provisions were too similar to the underlying bill.

The Department of Justice advises that this bill is not objectionable on constitutional grounds, but sent a letter stating the Administration's strong opposition to it on various policy grounds. It is unclear whether, or how quickly, the bill will reach the floor of the House. We are working with House Democrats to devise a strong substitute that will garner full Democratic support. There is no similar bill pending in the Senate.

9

**Amendment in the Nature of a Substitute
to H.R. 2436,
as to Sections 1 and 2 alone,
Offered by Ms. Lofgren and Mr. Conyers**

Substitute the following for Sections 1 and 2:

Section 1. Short title.

This Act may be cited as the "Motherhood Protection Act of 1999."

Section 2. Crimes against the Mother - Terminating the Pregnancy.

(a) Whoever engages in any violent or assaultive conduct against a pregnant woman resulting in the conviction for any of the provisions of law as enumerated in subsection (b), and causing the interruption of the normal course of the pregnancy or its termination, shall be fined under Title 18, United States Code, or imprisoned up to a maximum term of twenty (20) years, or both, but if the pregnancy is terminated, the defendant shall be fined under this title or imprisoned up to a maximum term of life, or both.

(b) The provisions referred to in Title 18, United States Code, in subsection (a) are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229A(a)(2) [changed to 229], 242, 245, 247, 248, 351, 831, 844(d), (f), and (i) [added (h)(1)], 924(j), 930, 1111, 1112, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, [added 1951,] 1952(a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

Defeated by Roll Call Vote: Ayes = 8 Nays = 20

Panel: Security check lag worsens at DOD

Pentagon ill-equipped to quickly catch up with clearance application backlog, commission says

By Edward T. Pound
USA TODAY

WASHINGTON — A panel of security and intelligence experts, painting a bleak picture, says the Department of Defense (DOD) cannot "quickly dig its way out" of a deep hole — a backlog of security background investigations that now may total 700,000 people.

The Joint Security Commission, a 17-member panel headed by retired Air Force chief of staff Larry Welch, says in a report that the backlog of cases involving applicants for security clearances is growing daily and that the Pentagon is ill equipped to handle the job.

"Even if funding were no issue," the report says, "it would take several years to provide the needed added investigators and to work through the backlog." It says the Pentagon must focus on its most important cases and allocate more resources to the background program.

The Pentagon's Defense Security Service, which manages the background program, recently has undertaken a series of reforms in an effort to cut the backlog. When the backlog was disclosed by USA TODAY this summer, top Pentagon officials said they hoped to solve the problem within 18 months — a schedule many security officials thought was too optimistic.

Senior government security officials say the 700,000-case backlog estimate is based on a review of Defense Department records. The Pentagon earlier had placed the number at 600,000.

The backlog consists of so-called "periodic reinvestigations," or updates, of the backgrounds of Pentagon and military contractor employees. Those with top secret clearances are to be reviewed every five years, and those with secret clearances every 10 years.

The commission says it is critical to complete updates because spies traditionally have been cleared government employees. Such reviews, it says, "help uncover changes in behavior that have occurred after the initial clearance."

The report, just issued, is the latest study to sharply criticize the background program. In a confidential draft report, the General Accounting Office earlier said incomplete inquiries pose "a risk to national security and make DOD vulnerable to espionage." The GAO, the investigative arm of Congress, said 92%

of the cases it reviewed did not fully meet federal investigative standards.

Apart from the backlog problem, the new report addresses several other national security issues, among them the need to prevent outsiders from penetrating sensitive electronic information systems and the necessity for agencies to closely monitor the use of sensitive information by government employees.

The report says: "Hence, there is a need to engineer into the (information) system the means of monitoring what is going on within the network — who is in the system, where is information flowing, what is happening to the data."

The report says that in order to protect sensitive information, the government must better coordinate policies governing its information systems. Now, it says, too many agencies, some three dozen, have policy authority.

"This 'everyone is in charge' arrangement," the report says, "means that no one has responsibility for meeting the vital needs" of protecting sensitive technology. It adds: "The current structure of authorities for protecting this technology is incoherent and self-defeating."

The commission, established in 1993 to review security requirements for government and industry, was reconvened by CIA Director George Tenet and John Hamre, the deputy secretary of Defense. Its members include Thomas Brooks, former director of naval intelligence; Ann Caracristi, former deputy director of the National Security Agency; and Anthony Lapham, former CIA general counsel.

The commission says that as a result of budget cuts and downsized workforces, it found several major problems:

► The Pentagon, with its clearance processing far behind schedule, is granting large numbers of interim clearances without complete investigations.

► The Defense Security Service has not reviewed the security programs of many defense contractors, failing to visit their plants. Industry also "continues to suffer from excessive backlogs in the clearance process that delays putting people to work" and increases defense spending, the report says.

► Some agencies have canceled security-training programs. The Defense Security Service closed its security institute, but reopened it this summer under its reform program.

Crime bill would treat fetus as an individual

By Wendy Koch
USA TODAY

WASHINGTON — Opening a new front in the abortion wars, the House Judiciary Committee passed a controversial bill Tuesday that would set strict penalties for harming a fetus during a crime against a pregnant woman.

The Republican-sponsored bill, approved 14-11 on a party-line vote, would allow federal prosecutors to consider the fetus as a separate person. If a fetus were to die as a result of a crime against the mother, for example, the accused could be charged with murder.

The bill could reach the House floor as early as next month, but there might not be enough time left this year for the Senate to complete action on it. Opponents see the bill as a back-door attempt to gut the landmark 1973 *Roe vs. Wade* Supreme Court decision allowing abortions. Though the bill would not apply to women undergoing abortions or medical procedures, critics say it would give a fetus independent legal rights in a way that could later undercut a woman's abortion rights.

"This bill is a wolf in sheep's clothing," said Kathryn Engustian, a legislative counsel for the American Civil Liberties Union, which opposes the bill.

Rep. Zoe Lofgren, D-Calif., urged the panel to oppose violence against women without using that violence as "an excuse" to limit a woman's reproductive rights.

The committee rejected a substitute measure she offered that would have set similarly sharp penalties for crimes against pregnant women without creating a separate set of rights for fetuses.

The bill's author, Rep. Lindsay Graham, R-S.C., said fetal rights are necessary for more vigorous prosecution of crimes against pregnant women. "You can't convict someone of murder if no one died," Graham said. "This is not about abortion, but about putting people in jail who belong there."

Panel chairman Rep. Henry Hyde, R-Ill., acknowledged that the bill's intent is to protect a fetus as a person. "An unborn child is not a nothing," he said. "What this bill says is a pregnant woman is two special persons."

About half the states have laws that give a fetus some rights in the prosecution of crimes against women, although several apply only to a fetus that is at least 12 weeks old. The House bill would apply to any fetus.

Alaskans rejecting cut in their cash dividends

The dividend is Alaska's biggest source of income. Any man, woman or child who's been a resident at least a year gets a check each October. The money comes out of earnings from a permanent fund set up years ago to invest billions of dollars in oil royalties paid to the state. This year's dividend will be about \$1,740 per person, so that the total state-wide payout will top \$1 billion.

Despite the riches from North Slope oil fields, earnings from the permanent fund have never been allocated to pay

ANCHORAGE — A ballot measure asking Alaska voters to approve a cut in their annual cash dividend from state government appeared headed for defeat Tuesday.

The measure had faced fierce bipartisan opposition; polls showed less than a third of the electorate willing to sacrifice \$500 of their annual dividend checks to help balance the state budget.

The vote was not binding but was an attempt by the Legislature to avoid a politically risky decision by asking for the advice of the people.

Now the issue goes back to the Legislature, but with most of its members up for re-election next year, the chances of a resolution in the session opening in January are slim.

Since oil began flowing from Prudhoe Bay in the 1970s, most of the state's revenue has come from taxes on production. But as production declined — from more than 2 million barrels a day to about 1 million barrels today — the state has been running annual budget deficits. The ballot measure was a plan to make up budget shortfalls with a portion of the fund's earnings.

Foes attacked it as a hastily drawn gambit to soak the little guy so that big business — oil companies, tourism and fishing — could avoid higher taxes.

The measure's supporters warned that to delay restructuring the fund's earnings would risk losing the dividend altogether once oil ran out. But polls showed most voters didn't buy that, nor were they convinced that the budget situation had reached a crisis.

Last spring, when oil prices were \$9 a barrel, this year's deficit was projected to be \$1.2 billion. But oil prices have risen to nearly \$23, increasing state revenue and lowering the deficit estimate to \$500,000.

For the past eight years, the state has made up the deficit with funds from an emergency account, which is down to \$3 billion and expected to be exhausted within two or three years.

FCC may deal regional Bells a victory today

Regulators to vote on high-speed Net access plan

By Paul Davidson
USA TODAY

Federal regulators are expected to pass rules today that could make it tougher for long-distance companies to compete with the regional Bell phone monopolies in the emerging market for high-speed Internet services.

That could mean higher prices for consumers, competitors say.

The Federal Communications Commission is slated to vote on a staff proposal that would not force the Bells to offer firms like AT&T and MCI

WorldCom deep discounts on equipment that supplies speedy Net access, say people familiar with the matter.

The proposal is part of a broader FCC ruling today that could shape local phone competition by specifying which parts of its network a Bell must offer cheaply to rivals.

The Bells have argued they would not spend large sums to develop the nascent high-speed Web market — known as DSL service — if they must surrender their edge to rivals.

"Why risk a large investment in facilities when you will have to share the fruits" with rivals, according to the United States Telephone Association.

But AT&T argues it would be costly and inefficient to buy the equipment itself and hook up customers. Often, the company

says, such disruptions cause customers to lose service for several hours or days. It "would inhibit competitors from providing broadband service to mass-market residents," AT&T said in a statement.

But smaller rivals that have their own equipment support the FCC proposal.

AT&T and MCI are expected to soon present the first real challenge to the Bells in the consumer market. But they say they need to be able to offer a package of services featuring Net access that gives customers TV-like video and fast connections on their PCs.

The FCC, however, is reluctant to regulate the fledgling broadband market before it takes shape and has adopted a wait-and-see approach. For example, the agency so far has

not required AT&T to open up its cable network — its alternative to the Bells' DSL service — to rivals like America Online.

Today's decision stems from a Supreme Court ruling early this year that required the FCC to clarify which "network elements" a Bell must "unbundle," or offer separately at a sharp discount to a competitor. The proposal is expected to reaffirm that the line to a customer's house is such an unbundled element. So is the switch that routes calls, in most cases.

But when new entrants can recover their costs by serving large business customers in dense areas, the proposal says they must supply their own switch.

They also are expected to be required to offer their own operator services.

Mercury taints Great Lakes, groups say

Environmentalists: Polluted rain is poisoning water

By Debbie Howlett
USA TODAY

CHICAGO — Rain contaminated by emissions from coal-fired power plants carries alarming amounts of mercury and is almost certainly poisoning the Great Lakes, environmentalists charged Tuesday.

"We used to think rain naturally cleaned the air," said Andrew Buchsbaum of the National Wildlife Federation. "But

the rain itself is so polluted, it's adding contaminants to our lakes and streams."

A compilation of measurements of "mercury rain" showed trace amounts in Detroit rain that were as high as 65 times the safe levels established by the Environmental Protection Agency. In Chicago, mercury was as high as 42 times the safe level.

High levels of mercury can cause birth defects and brain damage in infants. Measurements were made during the past six years by area colleges and universities and were paid for by the EPA, which last year stopped funding the measure-

ments because of budget cuts.

A group of 20 environmental groups is hoping to drum up support to keep the measurements going and force utilities to close plants that burn coal to produce electricity. Many of those older plants are not subject to EPA restrictions on mercury emissions.

Alice Mayer of the Edison Electric Institute, an advocacy group for the power industry, disputed the idea that rain is collecting airborne mercury and depositing the toxin into scattered bodies of water at unsafe levels.

"It's impossible to make that leap scientifically," Mayer said.

"No study has shown a direct contribution of mercury from source to lake."

Environmentalists argue that mercury in the water had to come from somewhere.

They contend that raindrops and snowflakes collect microscopic bits of mercury and deposit the toxic residue from the smokestacks of power plants and garbage incinerators into lakes and rivers. Although the rain itself is not unsafe, the mercury then settles into silt at the lake bottom where it is ingested by plankton and begins ascending up the food chain to game and commercial fish consumed by humans.

As little as 1/70th of a teaspoon of mercury can contaminate a 25-acre lake, environmentalists say.

Mercury advisories have been issued for all lakes in Ohio, Michigan and Indiana, as well as 700 lakes in Minnesota and hundreds in Wisconsin.

In the United States, power plants that burn coal (where mercury is a naturally occurring element) emit 50 tons of mercury a year, Mayer said. That's nearly half of the total mercury emissions nationwide. Most of the other half occurs naturally or is produced by medical waste and garbage incineration.

Crime Bill Raising Status Of Fetus Moves Forward

By WILL WOODWARD
Washington Post Staff Writer

A bill that would recognize a fetus as a separate entity under federal law is moving swiftly through the House, opening a new front in the battle between those in favor of abortion rights and those against them.

The Unborn Victims of Violence Act, sponsored by Rep. Lindsey Graham (R-S.C.), would for the first time establish penalties for those who harm a fetus, either knowingly or unknowingly, while committing a federal crime—such as bank robbery, kidnapping or terrorism. The bill defines the unborn child as a fetus in utero.

Graham said his bill, approved by the House Judiciary Committee yesterday on a 14 to 11 vote, is not an attack on abortion rights. He said it is an effort to recognize the additional harm and pain involved when a fetus is injured during the commission of a crime, citing the three pregnant women who were killed in the bombing of the federal building in Oklahoma City.

"There is going to be a lot of all-party support for holding criminals liable for destroying unborn children, regardless of how you feel about abortion," he said in a recent interview.

But several House Democrats and abortion rights advocates contend that Graham's measure is aimed at raising the status of a fetus to that of the mother and would help undermine abortion rights. Rep. Zoe Lofgren (D-Calif.) said the Graham bill was "another attempt to cut away at the rights of women to determine their own reproductive choices."

Lofgren yesterday proposed a substitute bill, the Motherhood Protection Act, which would introduce an extra penalty for assaulting a pregnant woman while committing a federal crime, but would not recognize the fetus as separate from the mother. It failed in the Judiciary Committee, 20 to 8.

The Graham bill, unveiled on July 1, is expected to be debated on the floor of the House before it recesses at the end of October. It covers harm to the fetus caused while committing a federal crime—a crime on federal property, against federal employees or covered by federal law. Exempted under the bill are medical treatment of the mother, an abortion agreed to by a woman or an act by the mother herself that affects her fetus.

Graham is backed by prominent antiabortion GOP lawmakers, Reps.

Charles T. Canady (Fla.) and Christopher H. Smith (N.J.), and by the National Right to Life Committee (NRLC), which hailed the measure as a "major new right-to-life bill."

Similar measures have been passed in 11 states and, according to the NRLC, have not been successfully challenged in the courts. Graham's supporters believe their argument has been helped by the decision by Arkansas prosecutors earlier this month to charge four men with capital murder under the state's new Fetal Protection Law. Police allege Eric Bullock, 29, hired three accomplices to assault his pregnant former girlfriend and kill their baby, which was due imminently.

Supporters of the Graham bill include Michael Lenz, whose wife, Carrie, was pregnant with their first child when she was killed in the 1995 Oklahoma City bombing. He argued that the real death toll was not 168 but 171, including his child and two other fetuses whose mothers died in the blast.

"Most Americans would want somebody who attacked a federal building and destroyed a child to suffer and get an additional punishment under the law," said Graham. "I think most Americans would agree with that concept."

But Kate Michelman, president of the National Abortion and Reproduction Rights Action League, said the Graham bill was "designed to elevate all stages of prenatal development to the status of a person."

Kathryn Engustian, legislative counsel for the American Civil Liberties Union, said: "If what the bill's sponsors truly planned to achieve was protecting a woman's right to continue her pregnancy uninterrupted by acts of violence, we would be working side-by-side to ensure the bill's passage. But that's not what this bill is about."

A news release on the NRLC's Web site last month said: "The bill was in drafting stage for months, but there was no public discussion, in order to avoid tipping off the pro-abortion lobby." The claim had been deleted on an otherwise unchanged news release on the same site this week. One pro-choice lobbyist admitted that the bill had "definitely caught us off-guard." Opponents of the Graham bill said they believe it is likely to pass in the House, but without a sufficient majority to overturn an expected presidential veto. The White House has not weighed in on the measure.

both sides a greater stake in stable relations when future problems arise, the official said. "We believe the North wants to survive and wants its regime to survive," the official said, "and we hope that they believe normalizing relations with us will be helpful."

Perry suggests keeping U.S. troops in South Korea as deterrence against a North Korean attack. While critics say Perry's plan would reward North Korea for its threatening actions, a Clinton administration official said it proposes a "step by step reciprocal process."

Compiled from reports by staff writer Steven Mufson, Reuters and the Associated Press

which is to recommend by April future tax policy on Internet business.

Easing of Sanctions Urged

The White House sent Congress an 18-page classified report by former defense secretary William J. Perry on relations with North Korea, which has pledged to refrain from testing a new long-range missile.

The report recommends that the United States ease economic sanctions and normalize relations with North Korea if it refrains from developing, testing, deploying and exporting long-range ballistic missiles and nuclear weapons, said a U.S. official. The idea is to give

Americans could face "potential difficulties" in obtaining medical services, clean water and other facilities as a result of malfunctioning computers.

GOP Cool to Internet Taxes

House Republican leaders warned an Internet tax commission that the GOP-led Congress is in no mood to expand taxes on electronic commerce, including sales taxes on purchases across state borders.

"This idea is not a popular one in Congress or among the American people," wrote three dozen GOP lawmakers in a letter to the Advisory Commission on Electronic Commerce,

Roley was reacting to a new U.S. intelligence report that states publicly for the first time that Pakistan received M-11 short-range ballistic missiles from China.

Global Y2K Warnings

In what may be the best road map yet for identifying global problems caused by the Year 2000 technology glitch, the State Department said it is preparing country-by-country warnings for Americans living or traveling in 194 nations.

There is no reason now to issue any specific warning, but Kevin Herbert, director of overseas citizens services at the department, said

U.S. Against China Sanctions

A U.S. intelligence finding that China provided Pakistan with complete M-11 short-range ballistic missiles is insufficient for Washington to conclude that new strict sanctions should be invoked, the State Department said yesterday.

While "such a judgment must be taken into account," it is not necessarily sufficient basis for imposing sanctions under U.S. law, deputy spokesman James Foley said.

"In the M-11 case, we have not reached a conclusion that the requirements for a category one finding of sanctionability have been met," he told a news briefing.

WASHINGTON IN BRIEF

GOP Leaders Have No Luck On a Budget Breakthrough

By ERIC PLANIN AND JULIET EILPERIN
Washington Post Staff Writers

Congressional Republican leaders searched yesterday for a way out of a monumental bind that threatens passage of large spending bills, but virtually every proposal that was floated ran into stiff resistance.

GOP leaders are struggling to keep spending within tight budget limits despite demands by the Clinton administration, lawmakers and special-interest groups for billions more. The leadership is studying dozens of options for saving money, but those floated at meetings throughout the day were immediately shot down or dismissed as budget gimmickry.

House Republican leaders gave a cold shoulder to a Senate GOP plan that would defer spending on some labor, health and education programs to get around budget rules that would otherwise limit funding in those areas. And some Senate leaders and the administration spurned a House proposal to delay the payment of several billion dollars in tax credits to poor families to help offset spending for other domestic programs.

"We have sort of bumped into a wall," conceded House Majority Leader Richard K. Armey (R-Tex.). "You get all these suggestions . . . and you test them out and see what has got legs."

House Budget Committee Chairman John R. Kasich (R-Ohio) said he sent House GOP leaders a lengthy list of proposals several weeks ago but that no final decisions have been made. Those proposals include holding the administrative costs of Medicare and welfare to the rate of inflation and speeding up scheduled reductions in block grants to states for social services. Another GOP lawmaker said the House could save billions of dollars more merely by delaying Medicaid payments by a

few days beyond the end of the coming fiscal year.

Republicans previously considered a plan to reduce welfare block grant payments to the states in light of fast-shrinking welfare rolls, but the idea was dropped in the face of strong resistance from GOP governors.

With less than three weeks until the new fiscal year begins Oct. 1, Congress has considerable work to do on the 13 annual spending bills for fiscal 2000. Although a considerable budget surplus is projected for next year, much of it will be generated by the Social Security program, and both parties have promised not to touch those funds.

Democrats complained that the Republicans have little coherent strategy for funding the spending bills without dipping into Social Security. House Minority Leader Richard A. Gephardt (D-Mo.) compared the current congressional budget to a faulty blueprint for a house under construction.

"It's not a stable foundation," Gephardt said in an interview. "You've got to tear down the house, tear up the blueprint, come up with a new one and build a new foundation."

The Clinton administration, meanwhile, lashed out at the House GOP proposal to divert as much as \$7 billion to cash-strapped spending programs by delaying earned-income tax credit (EITC) payments to the working poor, insisting such plans were unfair and unworkable.

"Proposals to delay the EITC are tantamount to a tax increase on working families," said Treasury Secretary Lawrence H. Summers, adding that the GOP plan would transform an average lump-sum payment of \$1,890 for a family with children into a monthly payment of \$157.

That, Summers said, could force recipients to delay purchase of big-ticket items such as used cars and appliances or to borrow against those fu-

ture EITC payments at high interest rates.

Senate Republicans also were unhappy with the plan. "I don't think we should try to ration things like the earned-income tax credit," said Senate Appropriations Committee Chairman Ted Stevens (R-Alaska). "That to me would be a gimmick, and I don't think it is fair."

However, John Feehery, a spokesman for House Speaker J. Dennis Hastert (R-Ill.), insisted that the proposal "doesn't hurt anybody."

"It's just spreading out the payments," Feehery said.

Another proposal that came under sharp criticism from Republicans and Democrats alike was a Senate GOP plan to delay \$12 billion to \$16 billion in labor, health and education spending until the month after fiscal 2000 ends. The plan would allow Congress to circumvent budget caps that would otherwise prohibit such spending next fiscal year.

"Let me just say it is controversial within the leadership structure in the House," Armey said. House Appropriations Committee Chairman C.W. Bill Young (R-Fla.) described the plan, known as "advance funding," as an "accounting gimmick."

"If you know you have to spend the money, be up front, be honest," Young said.

But Senate Republicans, including Budget Chairman Pete V. Domenici (R-N.M.), replied that there was nothing new about advance funding. In fact, there was \$11.6 billion of such funds in this year's budget, and Clinton proposed \$19 billion of such expenditures in fiscal 2000. Some Republicans also took exception to a Washington Post article yesterday that characterized the plan as effectively creating a 13th month in the coming fiscal year by postponing a large chunk of the spending.

Democrats pounced on the story, with Rep. David R. Obey (D-Wis.) describing the plan for a 13th month as "Orwellian" and Sen. Kent Conrad (D-N.D.) charging that Republicans had "engaged in a fiction."

Staff writer George Hager contributed to this report.

Sales Report Dents Dow; Nasdaq Rises

Associated Press

NEW YORK, Sept. 14—Blue-chip stocks tumbled after reports of strong retail sales and a soaring trade deficit reignited fears that interest rates will rise. The dollar continued to slip, adding to the pressure on stocks.

The Dow Jones industrial average fell 120.00 points, or 1.1 percent, to close at 10,910.33.

Broader indicators were mixed. The Standard & Poor's 500-stock index fell 7.84, to 1336.29, and the Nasdaq composite index rose 23.52, to 2868.29, helped along by sharp gains in shares of semiconductor makers.

Most stocks were undercut today by a Commerce Department report that showed that retail sales surged 1.2 percent in August, the biggest increase in six months.

The increase was nearly twice what economists had anticipated, and it fed worries that the Federal Reserve will raise interest rates for the third time this year as it tries to prevent inflation from escalating.

Also today, the Commerce Department said the U.S. trade deficit soared to a record \$80.7 billion in the second quarter. That news prompted the dollar's latest slide against the Japanese yen, to as low as 105.25 yen. In late New York trading, a dollar bought 105.88 yen, down from 106.65 late Monday. As recently as May, the dollar bought more than 124 yen.

The dollar is now at its lowest

level against the yen since May 1996. A weaker dollar can hurt stocks by encouraging foreign investors to put their money in investments in their own countries. It also makes imported goods more expensive, adding to inflationary pressures.

The stream of bad economic news hit bonds hard, sending the yield on the 30-year Treasury bond climbing to 6.12 percent, from 6.05 percent late Monday, as the benchmark bond's price fell \$9.69 per \$1,000 in face value. Escalating bond yields can also hurt stocks by presenting a guaranteed, stable rate of return.

Bank and brokerage stocks were among the worst performers today, due largely to concern over interest rates. Dow component J.P. Morgan fell 2-13/16, to 122, and Merrill Lynch fell 2%, to 72-15/16. Insurance stocks faltered as Hurricane Floyd, with tremendous potential for property damage, roared toward the Florida coast. Allstate fell 1-7/16, to 32%, and Cigna fell 2-1/16, to 87%.

Qualcomm, up 17% at 170%, boosted the Nasdaq after officials of the wireless communications company said they expect to meet or exceed analysts' estimates of earnings of 87 cents a share in the fourth quarter.

Semiconductor companies also posted strong gains after a bullish forecast from an industry executive. Applied Materials rose 5-9/16, to 81-9/16, and Texas Instruments rose 2%, to 91%.