

PRO-LIFE FEDERAL LEGISLATION COMPOSITE REPORT 1997

During 1997, legislative reports were issued on August 1, September 12, and December 19. These reports are brief and are designed to provide a general narrative of action that occurred.

Congressional Update: August 1, 1997

Congress adjourned August 1 for its summer recess. By recess, action on some measures was completed, on others it was still underway.

A. Action Completed

1. Assisted Suicide Funding Ban

The Assisted Suicide Funding Restriction Act (HR 1003) was signed into law April 30 (Public Law 105-12). This law ensures that federal tax dollars are not used to pay for and promote assisted suicide or euthanasia and clarifies the application of the Patient Self-Determination Act to this area of law.

2. Budget Reconciliation

The budget reconciliation bills have passed the House and the Senate; the President is expected to sign these bills into law August 5.

(a) Conscience Protection. The Medicare part of the House-passed spending bill (HR 2015) contains a Patient Right to Know section with a conscience amendment that protects the right of Catholic hospitals to provide health care services in accord with their religious and moral beliefs. The Senate spending bill (S 947) did not contain a Patient Right to Know section and thus no conscience amendment. In conference, the House conscience amendment was incorporated into the final bill.

(b) Hyde Amendment. The Medicaid part of the spending bills passed by both the House and the Senate included the Hyde Amendment adapted to the purchase of health care coverage for children. This amendment is part of the final bill.

3. Mexico City Policy: Population Resolution

A Clinton Administration-backed Population Control Resolution (H.J. Res 36) was signed into law Feb. 28 (Public Law 105-3). Attempts to attach the pro-life Mexico City Policy to this resolution were rebuffed.

For Fiscal Year 1997, Congress appropriated \$385 million for international family planning. However, no more than 8% of the total amount, or \$30.8 million, could be released each month

starting July 1, 1997. The monies not released in FY 97 would be released on the monthly schedule in Fiscal Year 98. H.J. Res 36 provides that the release date for the Fiscal Year 97 monies can be advanced from July 1 to March 1, making an additional \$123 million of the monies available during FY 97. The total amount of federal tax dollars available for international family planning in Fiscal Year 97 is actually \$534.6 million. In addition to the \$215.6 million to be released from the Fiscal Year 1997 funds, \$303 million is carried over from Fiscal Year 1996 and an additional separate \$25 million is available in Fiscal Year 97 for the United Nations Population Fund (UNFPA). Lacking needed pro-life safeguards, these U.S. tax dollars – more than a half-billion dollars – can support efforts to export a policy of abortion-on-demand to developing countries.

B. Action Underway

1. Partial-Birth Abortion Ban

This year both the House and the Senate have passed the Partial-Birth Abortion Ban Act (HR 1122), though in slightly different forms. The House approved the ban with a “veto-proof” margin, but the Senate is still three votes short of that mark.

Support in the Senate for the Partial-Birth Abortion Ban Act has grown gradually but surely: from 54 in 1995, to an effective 59 in 1996, to 64 this year. The increased support has come from Senators with solid pro-abortion voting records. American Medical Association support for HR 1122 only underlines the fact that the pro-abortion lobby is asking politicians to defend the indefensible. Sen. Tom Daschle (D-SD), the Senate Minority Leader, switched this year to support the Partial-Birth Abortion Ban Act and even felt the need to introduce legislation ostensibly directed at all third trimester abortions. Even more Senators were considering switching and supporting the bill. When asked why they had not switched, the most telling comment: They did not want to be “in play” on future abortion votes. They want to be left alone.

The House is expected to pass the Senate measure after the August recess and send the final bill to the President shortly thereafter. The White House continues to say the President will veto this legislation.

2. Hyde Amendment: Updated

In response to the increased use of managed care in Medicaid, Rep. Henry Hyde (R-IL) is proposing an updated Hyde Amendment that explicitly prohibits the use of federal Medicaid funds to pay for health benefits coverage that includes abortion. This amendment would be attached to the Fiscal Year 98 Labor/Health and Human Services Appropriations Bill (HR 2264, S 1061). The rule governing House floor debate for this bill was approved July 31. The rule allows the language of the proposed updated Hyde Amendment to be considered on the floor. It appears that abortion advocates in Congress have now agreed to accept this new language. The Labor/HHS Bill is expected to be one of the first to come up after the August recess.

3. Mexico City Policy/Funding UNFPA: Smith Amendment

The Smith Amendment includes the Mexico City Policy and the UNFPA anti-coercion funding prohibition. The Mexico City Policy, in effect from 1984 until overturned by President Clinton on January 22, 1993, stipulates that U.S. international family planning funds will not be available to private organizations that perform and promote abortion-on-demand in other countries. Pro-abortion advocates strongly oppose the Smith Amendment.

Authorization. The Smith Amendment was included in a House-passed foreign aid authorization bill (HR 1757) but was not part of the Senate companion measure (S 903); these bills are now in conference and the two chambers continue in disagreement over the Smith Amendment.

Appropriations. The House is preparing to vote on whether to include the Smith Amendment in the bill for next year's foreign aid appropriations (HR 2159). An opposition amendment that guts the Smith Amendment will be offered by Reps. Benjamin Gilman (R-NY), Nancy Pelosi (D-CA), and others. Consideration of HR 2159 was put off until after the August recess. On the Senate side, the Smith Amendment was included in the introduced bill (S 955) but stripped in committee. The President has threatened to veto any bill that contains the Smith Amendment.

4. Human Cloning Ban

Authorization. Legislation prohibiting the cloning of humans has been introduced (HR 923, S 368) as has legislation placing a permanent ban on the expenditure of federal funds for human cloning research (HR 922). The legislation banning funding was approved by the House Science Committee and is pending consideration in the House Commerce Committee.

Appropriations. A temporary ban on funding for cloning research was contained in the Fiscal Year 97 Labor/HHS Appropriations Bill; the ban expires September 30, 1997. A new temporary funding ban has been included in the draft Fiscal Year 98 Labor/HHS Appropriations Bill (HR 2264). This funding bill is scheduled for House floor debate in early September.

5. Military Hospitals

Current law prohibits performing privately funded elective abortions in military health facilities. Attempts in the House and Senate to strike this provision from companion defense authorization bills (HR 1119, S 936) failed. These bills are currently in conference committee but this pro-life policy is secure. The House bill, but not the Senate, also included a medical personnel conscience clause for abortion and family planning; this matter needs to be resolved in conference. Final conference action is expected in September.

6. Federal Employees' Health Benefits

Current funding law bars the use of federal tax dollars to pay for elective abortions for federal

employees or to pay for health plans that cover elective abortions. The Senate has included this policy in the Fiscal Year 98 Treasury/Postal Appropriations Bill (S 1023). An effort to strike this policy from the companion House bill (not yet numbered) failed in committee; this legislation will be considered on the House floor in September.

7. District of Columbia: Funding Abortions

Current funding law prohibits the use of either federal funds or local tax dollars to pay for elective abortions in the District of Columbia. Committee consideration of the Fiscal Year 98 D.C. Appropriations Bill (not yet numbered) has just begun.

Congressional Update: September 12, 1997

The Senate returned from the August recess September 2, the House September 3. Since returning, Congress has taken the following important actions:

1. Hyde Amendment: Updated

Both House and Senate have adopted the updated Hyde Amendment as part of the Fiscal Year 98 Labor/HHS Appropriations Bill (S 1061, HR 2264).

2. Mexico City Policy/Funding UNFPA: Smith Amendment

This amendment restores the Mexico City Policy and upholds the UNFPA funding ban. Abortion advocates sought to gut the Mexico City Policy but failed. After narrowly rejecting the Gilman second degree amendment, the House then adopted the Smith Amendment as an amendment to the Fiscal Year 98 Foreign Operations Appropriations Bill (HR 2159).

The Foreign Operations Bill has passed both House and Senate. The Senate bill does not contain the language of the Smith Amendment. This difference must be resolved in conference committee. The President has threatened to veto bills that contain the Mexico City Policy.

3. Fetal Tissue Research Funding Ban

As an amendment to the Fiscal Year 98 Labor/HHS Appropriations Bill (S 1061), Senators Dan Coats (R-IN) and Don Nickles (R-OK) proposed to ban funding for Parkinson's research that uses human fetal tissue, cells or organs obtained from induced abortion. This amendment failed.

4. Partial-Birth Abortion Ban

It is still anticipated that this fall the U.S. House of Representatives will repass the Partial-Birth Abortion Ban Act and then send the measure to the President.

Congressional Update: December 19, 1997

The First Session of the 105th Congress adjourned November 13, 1997; the Second Session convenes January 27, 1998.

Mexico City Policy/Funding UNFPA: Smith Amendment

Pro-life foreign aid policies were contested right up to the end of the First Session. In the final hours, the Fiscal Year 98 Foreign Operations Appropriations Bill, HR 2159, was passed by Congress and subsequently signed into law--but without the pro-life Mexico City Policy or the pro-life conditions for funding the UNFPA. Restoration of the Mexico City Policy was the focus of debate. The Clinton Administration was asked to accept a modified version of the Mexico City Policy in exchange for three items that the President wanted: up to \$926 million for U.S. back payments to the United Nations, about 3.5 billion dollars for the International Monetary Fund, and a State Department reorganization plan. The President continued to threaten to veto any legislation that restored the Mexico City Policy. As a result, the final foreign aid bill contained neither the Mexico City Policy nor the three items desired by the President. The White House and Senate Democratic leaders also opposed passage of the Mexico City Policy and the three foreign aid items in a proposed omnibus appropriations bill.

The Republican leadership has stated that passage of the three foreign aid items is tied to restoration of the Mexico City Policy. It is anticipated that Congress will resume consideration of these issues early in the next session.

The Fiscal Year 98 appropriations measure provides \$385 million for population assistance, available for immediate release at the rate of 1/12 of the total each month. (Other federal monies will also be available for international fertility control efforts.)

SUMMARIES BY ISSUE

Legislative Summary 1997

For 1997, reports on pro-life related federal legislation were issued at three times throughout the year: August 1, September 12, and December 19. With some editing, these reports are reproduced with their original basic content and format.

Appropriations

1. District of Columbia: Funding Abortions
2. Federal Employees' Health Benefits
3. Fetal Tissue Research Funding Ban
4. Hyde Amendment: Budget Reconciliation
5. Hyde Amendment: Updated
6. Human Cloning Funding Ban
7. Mexico City Policy: Population Resolution
8. Mexico City Policy/Funding UNFPA: Smith Amendment

Authorization Bills

1. Assisted Suicide Funding Ban
2. Conscience Protection: Budget Reconciliation
3. Human Cloning Ban
4. Mexico City Policy/Funding UNFPA: Smith Amendment
5. Military Hospitals
6. Partial-Birth Abortion Ban

APPROPRIATIONS

District of Columbia: Funding Abortion

Update: August 1, 1997

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Federal Employees' Health Benefits

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AUTHORIZATION BILLS

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Conscience Protection: Budget Reconciliation

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