

Pro-Life Legislation in Congress 1999

Final Report—December 2, 1999

The First Session of the 106th Congress adjourned late November. Bills can be carried over into the 2nd Session, scheduled to begin on Jan. 24, 2000. Additional information on federal legislation can be found on the internet at <http://thomas.loc.gov>.

On Nov. 29, the President signed the Consolidated Appropriations Bill (H.R. 3194) into law (PL 106-113). This bill contains the Conference Report on the FY 2000 D.C. Appropriations Bill and by reference several additional measures, including four other appropriations bills.

A. Authorization Bills

1. Partial-Birth Abortion Ban Act

Background: Since 1995, Congress twice passed the Partial-Birth Abortion Ban Act, and President Clinton twice vetoed it. The House successfully overrode both vetoes. The Senate fell short of the needed two-thirds but by margins that narrowed dramatically from 10 in 1996 to just three in 1998. The 1999 vote—described below—indicates the margin may now be narrowed to two.

This bill would ban a particularly brutal and inhumane abortion method, except when the mother's life is endangered. In this procedure, the child is removed from the womb feet-first and delivered except for the head. The abortionist thrusts scissors into the base of the child's skull, inserts a catheter through the opening, and suctions out the child's brain. With the child dead, the delivery is then completed. This procedure is performed primarily in the fifth and sixth months of pregnancy. It is never medically necessary. Many recognize partial-birth abortion as a form of infanticide.

Senate: On April 29, Sen. Rick Santorum (R-PA) introduced for the first time in this Congress the Partial-Birth Abortion Ban Act (S. 928; on Oct. 5 reintroduced with the new number S. 1692). He has been joined by 43 cosponsors.

On Oct. 20, during Senate floor debate, an amendment by Sen. Santorum that clarifies the

meaning of the term "partial-birth abortion" was incorporated into the bill without objection.

An amendment by Sen. Richard Durbin (D-IL) would have struck the entire text of S. 1692 and replaced it with the Late Term Abortion Limitation Act that purports to prohibit post-viability abortions with an exception for the mother's physical health. *On Oct. 20, in a decisive vote, the motion to table the Durbin Amendment was approved, 61-yes, 38-no, 1-not voting. (Roll Call 335)*

An amendment by Sen. Tom Harkin (D-IA) expresses the sense of Congress that *Roe v. Wade* secures an important constitutional right and should not be overturned. An amendment by Sen. Barbara Boxer (D-CA) expresses the sense of Congress that, consistent with rulings of the Supreme Court, a woman's life and health must always be protected in reproductive health legislation. The Harkin Amendment was attached as an amendment to the Boxer Amendment. *On Oct. 21, a motion to table the Harkin Amendment failed, 48-yes, 51-no, 1-not voting. (Roll Call 336) Then the Harkin Amendment was narrowly agreed to, 51-yes, 47-no, 2-not voting. (Roll Call 337)* The Senate agreed to the underlying Boxer Amendment by voice vote.

Sense of Congress resolutions are not binding. Some expect the reaffirmation of *Roe* to be dropped in negotiations with the House.

An amendment by Sen. Robert Smith (R-NH) would have required reporting and disclosure by those who transfer fetal tissue to organizations and entities that conduct research on aborted fetal tissue. *On Oct. 21, the Smith Amendment was not agreed to, 46-yes, 51-no, 3-not voting. (Roll Call 338)*

The disclosures by Sen. Smith stirred calls for hearings into whether abortion clinics are committing infanticide and performing abortions in ways to produce fresh body parts for sale. On Nov. 9, the House of Representatives by voice vote adopted H. Res. 350, a resolution expressing the sense of the House that Congress should conduct hearings and, if necessary, take action in regard to companies involved in "the trafficking of baby

parts for profit.”

On Oct. 21, the Senate again approved the Partial-Birth Abortion Ban Act (S. 1692), 63-yes, 34-no, 3-not voting. (Roll Call 340) Taking account of two pro-life Senators who were absent, support for the ban increased by one to 65, now only two votes short of the number needed for a veto override.

House: The House is expected to take up partial-birth abortion ban legislation in 2000, though a House bill has not yet been introduced.

2. Child Custody Protection Act

Background: The Child Custody Protection Act (CCPA) makes it a federal offense to transport a minor girl across state lines to obtain an abortion if this action circumvents the parental involvement law of the girl’s home state. The prohibition does not apply when the abortion is necessary to save the minor’s life. More than 20 states have parental involvement laws in effect. The CCPA simply prevents undermining these laws. A June 1998 Baseline poll showed that 85% of Americans agree that a minor should not be taken across state lines for an abortion without her parents’ knowledge.

House: On March 23, Rep. Ileana Ros-Lehtinen (R-FL) introduced the Child Custody Protection Act (H.R. 1218) in the House. That bill has 131 cosponsors.

On June 23, the Judiciary Committee rejected all hostile amendments and approved the measure.

On June 30, during floor consideration, the House rejected a motion to recommit H.R. 1218 to committee, 164-yes, 268-no, 3-not voting. (Roll Call 260) The House then approved the measure, 270-yes, 159-no, 6-not voting. (Roll Call 261) While bipartisan support for the bill was strong, the vote fell short of the two-thirds needed to override a threatened presidential veto.

Senate: On March 18, Sen. Spencer Abraham (R-MI) reintroduced a companion bill (S. 661) in the Senate. The measure has 25 cosponsors.

ACTION: Urge your two Senators to support H.R. 1218 and to oppose all weakening amendments.

3. Federal Ban on Funding Embryo Research

Background: Current law--first enacted in 1996--prohibits the use of federal funds for research in which human embryos are harmed or destroyed.

Clinton Administration

Department of Health and Human Services (HHS) and National Institutes of Health (NIH). In a Jan. 15, 1999 memo, the General Counsel for HHS claimed that current law does not apply to research using cells *derived* from human embryos, even though harvesting these cells directly kills the embryos. These derived cells “are not a human embryo within the statutory definition” and thus the funding ban does not apply to their use in research. This opinion assumes the derivation of the embryonic cells--and thus the killing of the embryos--is carried out with private funds.

The HHS memo distorts the plain meaning of the law. The memo also brushes over the fact that laws regulating fetal tissue transplant research only allow the use of cells if they are taken from an embryo or fetus *already dead from other causes*.

On Jan. 19, 1999, Dr. Harold Varmus, Director of NIH, announced NIH’s intention, after the development of guidelines, to fund research using these pluripotent embryonic stem cells. It was precisely proposals of this kind in 1994 that prompted Congress to pass the current funding ban.

National Bioethics Advisory Commission (NBAC). The NBAC, established by President Clinton in 1995, released a report in November favoring federal funding for embryo research. The report recognizes that HHS’s interpretation of current law is incorrect; it urges Congress to change the law and in that way allow federal funding of the research.

For more information on the issue of embryo research, including testimony and policy statements by the bishops, please log onto the Web site for the Bishops’ Secretariat for Pro-Life Activities at <http://www.nccbuscc.org/prolife/issues/bioethic>.

Congress: On Dec. 2, 1998, and on Jan. 12 and 26, and Nov. 4, 1999, the Labor, Health, and Human Services and Education Subcommittee of the

Senate Appropriations Committee held hearings on embryonic stem cell research.

The FY 2000 Labor/Health and Human Services Appropriations Bill (H.R. 3424, incorporated by reference in the Consolidated Appropriations Bill, H.R. 3194) renews the law banning funding of harmful embryo research, neither rejecting nor accepting the HHS legal interpretation. It is expected that Congress will debate this issue early in 2000.

CONGRESSIONAL ACTION: Urge your Representative and two Senators to do what they can to stop the Administration from funding unethical embryo research.

SPECIAL ALERT: On Dec. 1, NIH released its Draft Guidelines for Research Involving Human Pluripotent Stem Cells (*Federal Register*, Vol. 64, No. 231, 67576-9). The guidelines are available online at <http://www.nih.gov/news/stemcell/draftguidelines.htm>. The public can send in written comments; these must be received at NIH by Jan. 31, 2000. Comments should be mailed to: Stem Cell Guidelines, NIH Office of Science Policy, 1 Center Drive, Building 1, Room 218, Bethesda, MD 20892. The comments also can be sent by FAX to Stem Cell Guidelines at 301-402-0280 or by e-mail to stemcell@mail.nih.gov.

4. Pain Relief Promotion Act

Background: On June 5, 1998, overturning an earlier determination by her own Drug Enforcement Administration, U.S. attorney general Janet Reno announced that the federal Controlled Substances Act establishes no uniform national policy against the use of federally regulated drugs for assisted suicide.

As a result, these drugs may be used to assist patients' suicides in any state that, like Oregon, allows the practice under state law. This ruling disregards current federal law that uniformly prohibits the use of these drugs to endanger "public health and safety" (21 USC 823) or for anything other than a "legitimate medical purpose" (21 CFR 1306.04).

In 1998, legislation to reverse this ruling was criticized by some medical and hospice groups for establishing new and unnecessary federal authority

against assisted suicide in states where it is already contrary to state law. These groups feared that such new authority may frighten medical professionals into being less aggressive in using drugs for legitimate pain control.

The Pain Relief Promotion Act addresses these concerns by affirming the use of federally controlled drugs for legitimate pain control, even in cases where such use may unintentionally hasten death as a side-effect ("principle of double effect"). It also reaffirms that the federal drug laws do not authorize the use of regulated drugs for intentional assistance in suicide or euthanasia. A state law allowing these acts does not change the federal government's responsibility to prevent misuse of potentially dangerous drugs. The bill also establishes important new programs to promote palliative care through research, education, and training.

House: On June 17, Rep. Henry Hyde (R-IL) introduced the Pain Relief Promotion Act (H.R. 2260). The bill has 165 cosponsors.

On Sept. 14, H.R. 2260 was approved by the Judiciary Committee, and on Oct. 13 by the Commerce Committee.

During House debate, two hostile amendments were offered. Rep. Robert Scott (D-VA) proposed striking the first section of H.R. 2260 that reverses the Administration policy of allowing use of federally controlled drugs for assisted suicide in states where the practice has been legalized. *On Oct. 27, the Scott Amendment was rejected, 160-yes, 268-no, 6-not voting. (Roll Call 542)* Then Rep. Nancy Johnson (R-CT) offered an amendment to strike the entire text of H.R. 2260 and replace it with a measure that supports pain control but does not clarify the distinction between pain control and assisted suicide. *The Johnson Amendment also was rejected, 188-yes, 239-no, 7-not voting. (Roll Call 543)* *The House then approved H.R. 2260, 271-yes, 156-no, 7-not voting. (Roll Call 544)*

Senate: On June 23, Sen. Don Nickles (R-OK) introduced the measure in the Senate (S. 1272). The Senate bill has 34 cosponsors. On Oct. 13, the Health, Education, Labor and Pensions Committee, chaired by Sen. James Jeffords (R-VT), held a hearing on pain management and end of life care. Further action is expected in 2000.

More information on the issue of euthanasia can be found at the Bishops' Secretariat for Pro-Life Activities' web site at <http://www.nccbuscc.org/prolife/issues/euthanas/index.htm>.

ACTION: All Senators should be encouraged to cosponsor S. 1272.

5. FY 2000 Foreign Relations Authorization: UNFPA

Background: Since its inception in 1979, China's one-child-per-couple population control policy has included coercive abortion and compulsive sterilization. The United Nations Population Fund (UNFPA) has been strongly supportive of the program. As a result, from 1985 through 1992, U.S. funding for the UNFPA was cut off. In 1993 President Clinton redefined the law and resumed UNFPA funding. Since then, efforts to block the flow of federal tax dollars to the UNFPA were not successful until a prohibition was included in the FY 1999 Omnibus Appropriations Bill.

House: A subcommittee chaired by Rep. Chris Smith (R-NJ) voted out the FY 2000 Foreign Relations Authorization Act (H.R. 1211) with the provision that no U.S. funds can be made available to the UNFPA unless the President certifies for each fiscal year that the UN agency has terminated all activities in China or that no coerced abortions are performed.

However, on April 14, the full House International Relations Committee voted to gut this provision and substitute an amendment offered by Rep. Tom Campbell (R-CA) that would release \$25 million for the UNFPA. The amounts the UNFPA spends in China would be deducted from the total U.S. contribution unless it is certified that the UNFPA monies are used in ways that are voluntary and only in parts of China where coercion is no longer practiced. Considering the track record, these conditions ring hollow. Even the UNFPA admits that in the places where its monies will be spent, couples who choose to have more children than allowed will be required to pay a "social compensation fee," that is, a fine. In one county, this fine is as high as 50% of a couple's income for the year. The ploys in the Campbell Amendment downplay the reality of the coercive population

control program in China and collude in the claims that the program is voluntary.

H.R. 1211 was renumbered H.R. 2415 and renamed the American Embassy Security Act. During House consideration of H.R. 2415, Reps. Chris Smith (R-NJ) and James Barcia (D-MI) offered an amendment restoring the pro-life language that bans U.S. funding of the UNFPA. Reps. Benjamin Gilman (R-NY) and Tom Campbell (R-CA) offered a version of the Campbell Amendment as a second degree amendment gutting the Smith/Barcia Amendment. Their amendment authorizes \$25 million for the UNFPA, with the proviso the U.S. contribution to the UNFPA is reduced by the amount the UNFPA spends in China. The level of authorized money is reduced to some extent, but U.S. funds go to the UNFPA while that organization continues to support China's coercive population control program. *On July 20, the House approved the Gilman/Campbell second degree amendment, 221-yes, 198-no, 15-not voting. (Roll Call 312)*

Senate: On June 22, the Senate passed its version of the Foreign Relations Authorization Act (S. 886). S. 886 does not authorize U.S. funds for the UNFPA, but, unlike the House bill, it authorizes U.S. arrears payments to the United Nations. However, House leadership has pledged that UN arrears payments are conditioned on passage of the Mexico City Policy. See discussion below on the FY 2000 Foreign Operations Appropriations Bill.

Law: These bills stalled in conference committee. On Nov. 17, they were reintroduced as the State Department Authorization Bill for FY 2000 and 2001 (H.R. 3427), with the House-approved Gilman/Campbell Amendment included. H.R. 3427 was incorporated by reference in the Consolidated Appropriations Bill (H.R. 3194), which was signed into law. The Gilman/Campbell Amendment also was part of the FY 2000 Foreign Operations Appropriations Bill (H.R. 3422), another bill included by reference in H.R. 3194.

More general information can be found in NCHLA's Fact Sheet, "Funding UNFPA; China's Coercive Population Control Program."

6. FY 2000 Defense Authorization: Abortions at Military Facilities

Background: Current law governing abortion in the military has two restrictions: one on use of *funds*, the other on use of *facilities* (10 USC 1093). *Funds* may not be used to pay for abortions except to save the life of the mother. *Facilities* may not be used to perform abortions except to save the life of the mother and in cases of rape or incest. The first law has been on the books since 1984, with antecedents going back to 1981. The second was passed in 1996 when Congress reversed President Clinton's 1993 memorandum that allowed abortions for any reason at military facilities if paid for with private funds.

Senate: During Senate consideration of the FY 2000 Defense Authorization Act (S. 1059; this number replaces the earlier designation, S. 974), Sen. Patty Murray (D-WA) offered an amendment that would strike a provision from current law (10 USC 1093(b)) and allow abortion-on-demand at military *facilities* if paid for with private funds. Sen. Robert Smith (R-NH) offered a motion to table. *On May 26, the Senate approved the Smith Amendment, 51-yes, 49-no. (Roll Call 148)*

House: As reported from subcommittee, the House version of FY 2000 Defense Authorization Act (H.R. 1401) expanded the conditions under which *funds* may be used for abortion to include forcible rape or incest. Efforts at the committee level to strike the prohibition on the use of Department of Defense *facilities* for abortion were not successful.

During House consideration of H.R. 1401, Rep. Carrie Meek (D-FL) offered for Rep. Loretta Sanchez (D-CA) an amendment that would repeal existing law and allow abortion-on-demand at military *facilities* if paid for with private funds. *On June 9, the Sanchez Amendment was rejected 203-yes, 225-no, 7-not voting. (Roll Call 184)*

Conference: The House provision that expands *funding* to include forcible rape or incest was not part of the Senate bill and was dropped in conference.

Law: With pro-life policies intact, the FY 2000 Defense Authorization Bill was signed into law on Oct. 5, 1999 (PL 106-65).

7. Unborn Victims of Violence Act

Background: Under current federal law, an individual who commits a federal crime of violence against a pregnant woman receives no additional punishment for also killing or injuring the woman's unborn child. H.R. 2436 narrows this gap in the law by providing that an individual who injures or kills an unborn child during the commission of certain federal crimes of violence will be guilty of a separate offense. The punishment for that separate offense is the same as the punishment for that conduct if the mother had suffered injury or death (the death penalty is excluded). H.R. 2436 amends both the U.S. Code and the Uniform Code of Military Justice. The bill does not apply to performing an abortion to which the woman consents, medical treatment of the pregnant woman or her unborn child, or to a woman for any action in relation to her unborn child.

House: On July 1, Rep. Lindsey Graham (R-SC) introduced the Unborn Victims of Violence Act (H.R. 2436). The bill was referred to the Judiciary Committee and to the Armed Services Committee. The measure has 94 cosponsors.

On Sept. 14, the House Judiciary Committee approved the bill, with all weakening amendments being rejected.

On Sept. 30, during debate on H.R. 2436, the House rejected the Lofgren Substitute Amendment that would address penalties in terms of harm to the mother, 201-yes, 224-no, 9 not voting. (Roll Call 464) The House then approved the bill, 254-yes, 172-no, 8 not voting. (Roll Call 465)

Senate: On Sept. 30, Sen. Michael DeWine (R-OH) introduced a companion bill in the Senate (S. 1673). That bill was referred to the Committee on the Judiciary. The measure has 10 cosponsors. Senate action is expected in 2000.

ACTION: Urge your Senators to cosponsor S. 1673.

8. Health Care Reform

Congress has been debating health care reform in regard to managed care. On July 16, the Senate passed the Patients' Bill of Rights Act (S. 1344). On Oct. 7, the House passed the Bipartisan

Consensus Managed Care Improvement Act (H.R. 2723). These two bills next go to conference committee, which promises to be a lengthy process. This legislation will continue to be monitored for pro-life concerns.

9. Women and Children's Resources Act

On Sept. 21, Rep. Joseph Pitts (R-PA) introduced the Women and Children's Resources Act (H.R. 2901), a measure that would authorize grants to States for programs that provide pregnant women with alternatives to abortion. The bill has 21 cosponsors. It has been referred to the Committee on Commerce. Also on Sept. 21, Sen. Rick Santorum (R-PA) introduced a companion bill in the Senate (S. 1605), referred to the Committee on Health, Education, Labor and Pensions.

Background: In the Women and Children's Resources Act, "core services" are defined as the provision of information and counseling that promotes childbirth instead of abortion and assists pregnant women in making an informed decision regarding the alternatives of adoption or parenting with respect to their child. Grant funds may not be used to perform abortion, counsel for or refer for abortion, or advocate abortion; nor may funds be used to provide, refer for, or advocate the use of contraceptive services, drugs, or devices. Federal funds would be directed to states through a formula based on the number of out-of-wedlock births and abortions in a state compared to this sum for the nation. States would privately contract out the distribution of funds directly to crisis pregnancy centers, maternity homes, and adoption services on a fee-for-service basis. For each of the fiscal years 2000 through 2004, the Act authorizes \$85 million.

ACTION: Urge your Representative to cosponsor H.R. 2901 and your Senators to cosponsor S. 1605.

B. Appropriations Bills

1. FY 2000 Treasury/Postal Appropriations: Federal Employees Health Benefits (FEHB)

Background: With respect to the FEHB program, current law for FY 1999 (1) prohibits the use of federal funds to pay for abortions, except to save the life of the mother and in cases of rape or incest,

and (2) *mandates* coverage for contraceptives/abortifacients, but with conscience protection for both plans and individuals that falls short of long-standing law. (PL 105-277)

Senate: As reported from committee, the FY 2000 Treasury/Postal Appropriations Bill (S. 1282) included the mandated coverage for contraceptives/abortifacients but not the ban on funding abortions. On July 1, Sen. Mike DeWine (R-OH) offered an amendment to restore the funding ban. *A motion to table the DeWine Amendment failed, 47-yes, 51-no, 2-not voting. (Roll Call 197)* The amendment was then agreed to by voice vote.

House: The FY 2000 Treasury/Postal Appropriations Bill (H.R. 2490) was reported from committee with current law included.

On July 15, during House floor consideration of H.R. 2490, a motion by Rep. Rosa DeLauro (D-CT) to strike the abortion funding ban failed, 188-yes, 230-no, 17-not voting. (Roll Call 301)

Rep. Chris Smith (R-NJ) offered a motion to improve the conscience protection for plans and individuals who object to participation in the delivery of mandated contraceptive/abortifacient services. The first part of the Smith Amendment expanded the conscience grounds for plans to include not only religious beliefs but also moral convictions. The second part of the Smith Amendment expanded protection for individuals to include not only physicians who refuse to "prescribe" but also individuals (physicians and others, such as nurses and pharmacists) who "otherwise provide for" contraceptive/abortifacient services. Rep. Nita Lowey (D-NY) made a motion to strike the first part of the Smith Amendment. Her motion left standing the amendment's second part. *On July 15, the Lowey Amendment passed, 217-yes, 200-no, 18-not voting. (Roll Call 303)* The Smith Amendment, as modified, then passed by voice vote. The Smith Amendment significantly improves the conscience protection, but this law still needs correction to conform with the established legal standards.

Conference: In conference committee the modified Smith Conscience Clause was removed.

Law: On Sept. 29, the President signed the FY 2000 Treasury/Postal Appropriations Bill into law

(PL 106-58). However, the modified Smith Conscience Clause was incorporated into the FY 2000 Commerce/ Justice/State Appropriations Bill (H.R. 3421). This bill, included by reference in the Consolidated Appropriations Bill (H.R. 3194), became law.

2. FY 2000 Agriculture Appropriations: RU-486 Funding Ban

Background: In 1998 the House approved the Coburn Amendment to the Agriculture Appropriations bill: “None of the funds made available in this Act may be used by the Food and Drug Administration for the testing, development, or approval (including approval for production, manufacturing, or distribution) of any drug for chemical inducement of abortion.” This ban would include the abortifacient RU-486. In conference committee, Senate conferees voted to exclude the Coburn Amendment and it did not become law.

House: During House consideration of the FY 2000 Agriculture Appropriations Bill (H.R. 1906), Rep. Tom Coburn (R-OK) again offered his amendment that would prohibit the use of FDA funds to test, develop, or approve any drug for the chemical inducement of abortion. *On June 8, the House approved the Coburn Amendment 217-yes, 214-no, 4-not voting. (Roll Call 173)*

Senate: On Aug. 4, the Senate passed its version of the FY 2000 Agriculture Appropriations Bill (S. 1233), but without a ban on funding chemical abortifacients.

Conference: The Coburn Amendment was again dropped in conference committee. On Oct. 22, the President signed the agriculture bill into law (PL 106-78).

3. FY 2000 Foreign Operations Appropriations: Mexico City Policy

Background: The Mexico City Policy provides that U.S. funds can be given to foreign nongovernmental organizations only if they agree not to perform abortions as a method of family planning, not violate other countries’ abortion laws, or not lobby to change those laws. The Mexico City Policy is so named because it was first announced by the Reagan Administration at a population

conference in Mexico City in 1984. The policy was in effect until overturned by President Clinton on Jan. 22, 1993. Since then the U.S. government has provided more than \$3 billion, no strings attached, to international population control groups--among whom are the biggest abortion supporters in the world. Money is fungible. Every U.S. tax dollar that goes to these groups frees up money to provide and promote abortion. When the Mexico City Policy was in place, most groups agreed to it and received population funding. The policy was effective in preventing cultural imperialism by the international abortion lobby. In 1989, the *New York Times* reported that there was a “near halt to the liberalization of abortion laws in third world countries” as a direct result of the policy.

House: During consideration of the FY 2000 Foreign Operations Appropriations Bill (H.R. 2606), the House debated the Mexico City Policy. Two amendments were proposed, one in support, the other in opposition.

The Foreign Families Protection Amendment. Cosponsored by Reps. Chris Smith (R-NJ) and James Barcia (D-MI), this amendment includes that part of the Mexico City Policy that permits U.S. funding of a foreign nongovernmental organization only if that organization certifies that it will not violate the abortion laws of foreign countries and will not engage in any activity or effort to change those abortion laws. (As a compromise, the Smith/Barcia Amendment allows the President to waive that part of the Mexico City Policy that permits U.S. funding only if the organization certifies it will not perform abortions, except to save the life of the mother and in cases of rape or incest.) *On July 29, the Smith/Barcia Amendment was approved, 228-yes, 200-no, 6-not voting. (Roll Call 349)*

Greenwood Amendment. Sponsored by Rep. Jim Greenwood (R-PA), this amendment continues to allow funding of foreign organizations that lobby to change the abortion laws of foreign countries. The rule governing debate on H.R. 2606 did not allow this amendment to be offered as a second-degree amendment replacing Smith/Barcia. It was voted on as a freestanding amendment. *On July 29, the Greenwood Amendment also was approved, 221-yes, 208-no, 5-not voting. (Roll Call 350)*

Senate: The Senate bill (S. 1234) did not contain the Mexico City Policy.

Conference: In conference committee, the Mexico City Policy was dropped. In addition, funding for the UNFPA was provided, with the same conditions found in the modified Campbell/Gilman Amendment in the FY 2000 American Embassy Security Act--\$25 million appropriated, with the figure reduced by whatever amount the UNFPA spends in China. On Oct. 5, the conference report was adopted by the House, and on Oct. 6 by the Senate.

Veto: On Oct. 18, the President vetoed the bill.

Law: On Nov. 5, a new bill passed the House (H.R. 3196), but without the Mexico City Policy.

In negotiations with the White House, Rep. Chris Smith, backed by House leadership, continued to insist that payment of UN arrears must be linked to passage of the Mexico City Policy. The White House relented and agreed to inclusion of the Mexico City Policy in the newly introduced FY 2000 Foreign Operations Appropriations Bill (H.R. 3422), included by reference in the Consolidated Appropriations Bill (H.R. 3194), that was signed into law. As in FY 1999, \$385 million is provided for population control programs. The Mexico City Policy in its entirety will cover at least 96% of these funds. The President has the right to waive the policy's application to the other 4 percent, but if he does so, \$12.5 million of the population control monies will be transferred to the Child Survival and Disease Program Funds. On Nov. 30, the President exercised the waiver.

For general background information, see NCHLA's Fact Sheet, "The Mexico City Policy."

4. FY 2000 Commerce/Justice/State Appropriations: Prison Abortion Funding Ban; Mexico City Policy; Conscience Clause

Prison Abortion Funding Ban: The House version of the FY 2000 Commerce/Justice/State Appropriations Bill (H.R. 2670) contains current law that prohibits paying for prison abortions, except to save the mother's life or in cases of rape. (Section 103) The bill also contains current law that prohibits requiring any prison employee to perform or facilitate performing any abortion. (Section 104)

During House consideration of H.R. 2670, Rep. Diana DeGette (D-CO) offered an amendment to strike Section 103. *On Aug. 4, the House rejected the DeGette Amendment, 160-yes, 268-no, 6-not voting. (Roll Call 373)*

Mexico City Policy: *On Aug. 5, the House voted 206-yes, 221-no, 7-not voting, to reject an amendment that would release \$244 million in U.N. back dues without linkage to the Mexico City Policy. (Roll Call 380)* The conference report appropriates money for the UN arrears but makes this appropriation contingent on passage of authorizing legislation (such as the Foreign Relations Authorization Act, H.R. 2415). See discussion above for resolution of Mexico City Policy debate.

Smith Conscience Clause: The modified Smith Conscience Clause that was not included in the conference report on the FY 2000 Treasury/Postal Appropriations Bill was made a part of the conference report on H.R. 2670 (Section 625).

Veto: On Oct. 25, the President vetoed H.R. 2670.

Law: With the prison abortion funding ban and the modified Smith Conscience Clause intact, the FY 2000 Commerce/Justice/State Appropriations Bill was reintroduced as H.R. 3421, and included by reference in the Consolidated Appropriations Bill (H.R. 3194), which was signed into law.

5. FY 2000 Labor/Health and Human Services Appropriations

The FY 2000 Labor/HHS Appropriations Bill (S. 1650, H.R. 3037) as passed by Senate and House contained a number of pro-life provisions currently in law but no new pro-life policies. This measure was incorporated as part of the conference report on the FY 2000 D.C. Appropriations Bill (H.R. 3064).

Veto: On Nov. 3, the conference report with these two bills was vetoed by the President.

Law: The FY 2000 Labor/HHS Appropriations Bill was reintroduced as H.R. 3424, and included by reference in the Consolidated Appropriations Bill (H.R. 3194), which was signed into law.