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Folder Title:
Abortion/Fetal Tissue Research (1989) [1]

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Suite 402, 419 7th Street, N.W.
Washington, D.C. 20004 (202) 626-8600

Nov 21, 1989

Dear Governor Sununu,
Thank you!!!

Darla

P.S.
If possible could you convey
my thank you note to President
Bush. It may not reach him
through regular mail. He was
wonderful!

Also, note the clipping.
Isn't it interesting that the reason
the pro-abortionists folded
on the HHS bill was that what
they really feared was our very
tight rape and incest language
which defused the abortion issue
and funded only genuine rape
and incest cases.



Suite 402, 419 7th Street, N.W.
Washington, D.C. 20004--(202) 626-8800

Nov. 21, 1989

Dear President Bush,

On behalf of millions of pro-lifers all across America, we sincerely thank you for your personal strength in defending the pro-life position during these past weeks.

We here at National Right to Life are especially proud to have led the pro-life effort for your election. You are a great defender of human life and rights, and a truly great man!

Yours in life,

Darla St. Martin

APPROPRIATIONS

Anxious to Adjourn, Congress Gives Up on Abortion Funds

Pro-choice members lambast Bush's veto of Labor-HHS bill as lawmakers bar money for rape and incest victims

In a year likely to be remembered for the resurgence of abortion-rights forces in Congress, the government's second-largest spending bill will nonetheless carry the same abortion-funding restrictions it has had since 1981.

The official collapse of efforts to permit the use of federal funds to pay for abortions for victims of rape and incest came Nov. 16 during Senate consideration of HR 3566, the \$156.7 billion fiscal 1990 spending bill for the Departments of Labor, Health and Human Services (HHS), and Education. (*Weekly Report* p. 3062)

The Senate, like the House a day earlier, passed the bill by voice vote without attempting to restore language included in an earlier version of the funding measure (HR 2990) to permit the use of federal funds to pay for abortions for victims of rape or incest. President Bush had vetoed that measure over the abortion language.

Thus, the measure, like the last nine spending bills for the departments, will include the so-called Hyde amendment, named for Rep. Henry J. Hyde, R-Ill. It bars federal funding for abortions "except where the life of the mother would be endangered if the fetus were carried to term." (*Amendment history, Weekly Report* p. 3063)

But the abortion issue continued to provoke controversy late in the week of Nov. 13 on funding measures for foreign aid (HR 2939) and for the District of Columbia (HR 3610). (*Foreign aid, p. 3175; D.C., p. 3151*)

And the issue was certain to remain at the forefront of political debate for months to come, as the Supreme Court prepared to hear arguments Nov. 29 in two of the three abortion cases before it this term.

By Julie Roemer



Reps. Les AuCoin, D-Ore., left, and Henry J. Hyde, R-Ill., clashed bitterly over the abortion issue.

(*Cases, p. 3159*)

Giving In — for Now

Parliamentary maneuvering prevented House abortion-rights supporters from appending to the new Labor-HHS measure language restoring the funding exceptions for rape and incest victims.

But pro-choice lawmakers had assumed all along that abortion-rights supporter Sen. Tom Harkin, D-Iowa, chairman of the Labor-HHS Appropriations Subcommittee, would add the language back when the measure reached that chamber.

In the end, however, pro-choice lawmakers in both chambers agreed on a strategy that meant giving in to Bush on the fiscal 1990 measure, while turning up the political heat for a new onslaught next year.

"My preference ... would have been to pursue an amendment," Harkin told the Senate. Instead, he said, "I leave it on the conscience of the president that poor women will continue to be denied their right of choice when they become pregnant by an act of extreme sexual brutality."

The accord between the House and Senate over abortion did not immediately clear the measure for the president. During the brief Senate debate Nov. 16, members added a half dozen

amendments — including one to bar so-called dial-a-porn telephone services — necessitating a return trip to the House.

Keeping the Heat On

Pro-choice lawmakers argued that their backing down on the abortion language abortion did not mean they had lost the battle. Said Rep. Les AuCoin, D-Ore., the unofficial leader of the House abortion-rights forces, "We don't feel it's a defeat at all to send life-of-the-mother only to the White House, having established our majority. Now we let these people [who opposed the rape and incest exceptions] sizzle on the political skillet for the next five months."

Harkin agreed. "The momentum's there. It's not going to go away."

To some extent, abortion-rights members were unwilling to test the patience of their colleagues with another round of votes and vetoes at a time when Congress was rushing to adjourn.

But what pro-choice lawmakers feared most was that they might win a Pyrrhic victory permitting abortion funding only for rapes reported to police within 72 hours.

"Seventy-two hours is worse than nothing," said AuCoin. "The only thing that [provision] protects are anti-abortion members who want political cover."

AuCoin said that members and abortion-rights groups decided after long debate that it was better to accept current-law language "to make sure at all costs that anti-choice members are denied the chance to vote for a bogus amendment."

Harkin said, "I think the president wants off the hook on this one ... but I want to make sure that when it does pass, it is in a reasonable and workable way."

How the drama would play out, however, was not clear until nearly the end.

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9 NOV 20 12:55

PMS THE HONORABLE JOHN SUNUNU, DLR

CHIEF OF STAFF RPT DLY MGM, DLR

WHITE HOUSE

WASHINGTON DC 20500

DEAR GOVERNOR SUNUNU:

I STRONGLY URGE THE VETO OF THE DISTRICT OF COLUMBIA APPROPRIATIONS BILL AND THE FOREIGN OPERATIONS APPROPRIATION BILL BY PRESIDENT BUSH. THE VETO OF BOTH BILLS WILL BE A CLEAR MESSAGE TO THE AMERICAN PEOPLE THAT ALL LIFE IS SACRED AND MUST BE PROTECTED. I AM MOST APPRECIATIVE OF YOUR CONSIDERATION IN THIS GRAVE MATTER. FAITHFULLY IN CHRIST

JOHN CARDINAL O'CONNOR



ARCHBISHOP OF NEW YORK

1011 FIRST AVE

NEW YORK NY 10022

1252 EST

|||

To: Governor Sununu
 From: Douglas Johnson, 626-8820 (301-439-9087)
 Date: Tuesday, November 21, 1989

(1) Please call at your earliest convenience to briefly discuss a sensitive political question. This is the same matter Darla called about last night. It is important but not urgent.

(2) The President's veto statement on the foreign aid appropriations bill was superb. Today's Washington Post editorial continues to ignore the massive evidence of the systematic imposition of compulsory abortion in China, including detailed reports by the Post's own PRC correspondents. Note the article on page 1 of today's New York Times which reports that China appears to be moving towards nationwide imposition of compulsory sterilization and abortion on the mentally retarded. Says the deputy head of the Gansu Province Family Planning Commission, "We want to solve the poverty problem in part by raising the quality of the population."

(3) A surprising (because of where it appeared) article in the Sunday Nov. 19 New York Times examines some of the many wigglers in the fetal-tissue worm can (attached).

(4) On the House floor last night, D.C. Delegate Fauntroy accused the president of abuse of "raw power" for dictating abortion policy to D.C., a federal jurisdiction. Rep. Les AuCoin in said on TV that the veto was outrageous because "the federal government has no business sticking its nose into the business of D.C." Fauntroy and AuCoin are original co-sponsors of the "Freedom of Choice Act," introduced Friday, which would prohibit the states or D.C. from placing restrictions on abortion (presumably including restrictions on funding of abortion). Apparently their unspoken operating principle is that it is only OK to impose pro-abortion policies.

More U.S. Curbs Urged in the Use Of Fetal Tissue

By GINA KOLATA

The clamor over the recent extension of a ban on Federal financing for one type of fetal tissue research has obscured an emerging battle over the longstanding use of the tissue in other types of medical research.

Encouraged by the continued financing ban, which covers only transplants of fetal tissue from elective abortions into patients, abortion opponents say they will push to bar all federally financed research using such tissue. Although researchers have not publicized the fact, they have for decades used fetal tissue for a wide variety of medical research, from birth defects to Parkinson's disease. But during that time, there has been no Federal regulation.

Questions on Obtaining Tissue

Abortion foes, and even some ethicists, doctors and medical researchers who favor the use of fetal tissue in research, say they are uneasy over the way some groups obtain and distribute the tissue.

These critics say many abortion clinics do not tell women that their fetal tissue will be used in research. Ordinarily, fetal tissue is discarded after an abortion.

The critics fear that some doctors, eager to get good fetal tissue samples, have put women at additional risk of complications by altering abortion methods and extending the time it takes to perform an abortion. But practitioners say deny this. And since no statistics are kept on the abortions from which fetal tissue is obtained, it is impossible to determine who is right.

The critics also say some clinics have a financial incentive to be sure they get plentiful supplies of fetal tissue because they are paid by fetal tissue procurers. It is illegal to buy or sell

Continued on Page 38, Column 3

THE NEW YORK TIMES NATIONAL SUNDAY, NOVEMBER 19, 1989

More U.S. Curbs Urged for Fetal Tissue Research

Continued From Page 1

fetal tissue, but those who obtain the tissue are permitted to compensate clinics indirectly and to charge researchers processing fees.

U.S. Regulation Urged

"This sleazy, scummy world of fetal tissue procurement cries out for Federal regulation," said Dr. Arthur Caplan, director of the Center for Bioethics at the University of Minnesota, who recently headed a committee that studied fetal tissue procurement, distribution and use in research. His committee has not yet released its report.

There are no good figures on the number of fetuses used in research, but there are indications that it is substantial. Fetal tissue is widely used because it grows quickly and easily in the laboratory and because fetal cells in some ways resemble cancer cells, enabling scientists to look into what controls cell growth. Fetal tissue can also be used in direct experiments on the causes of birth defects.

The National Institutes of Health is financing more than 100 research projects that involve the use of fetal tissue; it spent \$8.3 million on this research in the last fiscal year. In addition, privately financed research, often involving transplants of fetal tissue into animals and people, is carried out at places like the University of Colorado Medical Center in Denver and Hana Biologics, a company in Alameda, Calif.

While this research has gone on for some time, recent public attention has focused on the Bush Administration's announcement Nov. 1 that it would extend a 20-month-old ban on Federal financing of fetal tissue transplants. The ban was meant to head off what abortion opponents feared might be an enormous market for fetal tissue.

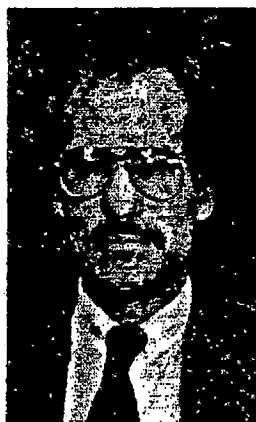
Although fetal tissue transplants have not yet cured patients, research-

Critics say many clinics don't tell how the tissue will be used.

ers are optimistic that the transplants might soon cure diabetes and Parkinson's disease and that they might eventually cure other diseases, like Alzheimer's disease. If the transplant work succeeded, millions of Americans could be candidates for fetal tissue transplants.

3 States Consider Restrictions

In addition to the Federal prohibition, at least three states, Illinois, Pennsylvania and South Dakota, have introduced legislation to restrict or prohibit all fetal tissue research, Dr. Caplan said. And Senator Gordon J. Humphrey, a New Hampshire Republican,



The New York Times/Don Owens

James W. Bardsley, president of the Institute for the Advancement of Medicine, the largest supplier of fetal tissue, now insists hospitals obtain a woman's consent before donating her fetal tissue.

dent of the institute, said he provides scientists with 300 to 600 specimens a month from 150 to 300 fetuses.

Another leading supplier is Dr. Thomas Shepard, a professor of pediatrics, obstetrics and environmental health at the University of Washington in Seattle, who is supported with Federal money to collect about 600 fetuses a year and distribute fetal tissue to researchers. He does not pay the clinics or charge the researchers. Dr. Shepard estimated that he has obtained about 10,000 fetuses in the past 28 years.

But Dr. Caplan said, about 80 percent of researchers get fetal tissue through private arrangements with abortion clinics or gynecologists. He added that it is not known how much fetal tissue these researchers use.

One indication that women do not always give informed consent before their fetuses are used in research is Mr. Bardsley's experience. About a year ago, he said, he began insisting that clinics and hospitals that supplied him with fetal tissue ask the women first if they wanted to donate the fetal tissue. About half of Mr. Bardsley's suppliers refused and no longer provide him with tissue, he said.

"Some of the clinics were just too busy," Mr. Bardsley said. "They did not want to initiate a change like that. They thought it would be too much of a burden." Many hospitals, he said, "did not want to have anything to do with changing their consent policies," adding, "They felt that would bring it to the attention of the patients and that would be bad public relations."

But a private doctor, Dr. James J. Parks of Denver, who supplies fetal tissue free to researchers at the University of Colorado, said that women are

stead of the usual 5 to 7 minutes, the doctor said.

He added that he always obtains the woman's consent before the abortion to use the fetal tissue for research. The doctor said the women were not placed at additional risk because much of the extra time is in preparation for the abortion. "I've been doing it for nine months with hundreds of patients and I've not seen any increase in complications," he said.

For second-trimester abortions, Mr. Bardsley said, he looks for abortion clinics or doctors who use particular abortion methods. They cannot inject the fetus with saline, urea or other substances to kill it before the abortion because then the fetal tissue would not be usable. Instead, the abortion must be done by dilation and evacuation, in which the doctor essentially pulls the fetus out of the anesthetized woman.

Dr. Warren Hern of Boulder, Colo., an expert on the dilation and evacuation technique, said that it is safer than other methods when used by experienced doctors but that doctors who rarely do second-trimester abortions are probably better off using saline infusions. He also said that for abortions after 20 weeks of pregnancy it is best to give the woman an infusion of urea before doing the dilation and evacuation.

Some Ethical Questions

Dr. Hern said that although he favors the use of fetal tissue in research, he has lingering ethical questions about the way it is procured. And he fears retaliation from anti-abortion groups if he supplied the tissue.

He said that a couple of years ago he was repeatedly asked to supply the tissue by a group that has since stopped procuring fetal tissue. "I finally started throwing their letters away; unanswered," Dr. Hern said.

He said the group suggested that he vary the amount of suction he used in abortions, which bothered him. "I probably makes no difference to the woman, but I'm reluctant to do anything that would add length or discomfort to the abortion process," he said.



The New York Times/Thomas Mann

"This sleazy, scummy world of fetal tissue procurement cries out for Federal regulation," said Dr. Arthur Caplan, director of the Center for Bioethics at the University of Minnesota.

Dr. Hern added that an overriding reason why he does not want to procure fetal tissue is the "unbelievable harassment" he gets from anti-abortion groups.

"Right now, we work behind four layers of bulletproof glass," he said. "We work in a war zone. It is not uncommon for me to hire armed guards when we do abortions. Our patients have to walk through these picketers and they are already distressed by the decisions they have to make. In those circumstances, I don't feel comfortable approaching patients and asking them how they feel about donating their fetuses for research. It's off the wall. It's inappropriate."

Pennsylvania Abortion Limits Become Law

HARRISBURG, Pa., Nov. 18 (AP) — As he promised he would, Gov. Robert P. Casey has signed into law the most restrictive state abortion provisions in the nation.

The measure, signed by the Governor on Friday, was passed by the Legislature this fall and makes Pennsylvania the first state to enter a gateway opened by the United States Supreme Court in July when it upheld abortion restrictions in Missouri.

The Pennsylvania law goes further, and could itself become the subject of court battles.

It requires a woman to wait 24 hours and to notify her husband before obtaining an abortion, bans abortions

based on a fetus's sex and bans abortions after the 24th week of pregnancy except to save the life of the woman or prevent "substantial and irreversible" harm.

The law also carries stiff penalties for doctors who violate its provisions. A conviction under the sex-selection ban or the 24-week provision could result in up to seven years in prison and \$15,000 in fines.

The State Health Department said there were about 50,000 abortions in Pennsylvania last year. One abortion was performed after 27 weeks, and 127 were performed between 23 and 27 weeks, the department said.

Caplan said. And Senator Gordon J. Humphrey, a New Hampshire Republican who describes himself as a strong opponent of abortion, said he was working to end all federally financed fetal tissue research. He has not introduced any legislation.

Mr. Humphrey said it is "monstrous" to "take tissue from these prenatal infants and then to monkey around with it in the laboratory. It lends respectability to this grisly practice of abortions."

James Bopp Jr., general counsel for the National Right to Life Committee, and others, including Dr. Caplan, also say the only ethically acceptable way to get informed consent from women is one that is virtually unheard of in the fetal tissue business. They say women should be asked after, not before, they have their abortions.

"The basic premise is that you should keep out of it until the abortion is over," Dr. Caplan said. "You want to be sure there is no cutting of corners, no risk to the mother, no encouragement to have an abortion."

Arrangements With Clinics

The largest supplier of fetal tissue is a nonprofit company, the Institute for the Advancement of Medicine in Effington, Pa. James W. Sardsley, presi-

sity of Colorado, said that women are glad to donate and that more than 80 percent of his patients give informed consent. "They say, 'Thank God, some good is going to come out of this,'" Dr. Parks said.

Mr. Sardsley said he sends employees to abortion clinics three to five days a week to process fetal tissue as it is received. He pays rental fees of \$500 to \$600 a month when his employees are at clinics for several days a week and \$1,200 a month when they are there every day.

Special Abortion Techniques

To get usable tissue during the first trimester of pregnancy, Mr. Sardsley encourages doctors to use ultrasound to find the fetus in the woman's uterus and then to use special suction abortion techniques, varying the amount of suction "to try to trap the embryo in the catheter," he said.

A Florida doctor, who asked not to be named for fear of reprisals from groups that oppose abortions, said he has procured fetuses for Mr. Sardsley by using a suction abortion technique.

that he developed that allows him to extract intact first-trimester fetuses 90 percent of the time. Abortions using this method take 15 to 25 minutes in-

Abortion Rights Bill Introduced in the House:

Withdrawal/Redaction Sheet

(George Bush Library)

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By JP (NLGB) on 12/12/07

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THE WHITE HOUSE
WASHINGTON

November 20, 1989

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: BRENT SCOWCROFT *BS for*
SUBJECT: Application of the Kemp-Kasten Amendment to the
United Nations Fund for Population Activities

The following is provided in response to your request for more information about the Kemp-Kasten Amendment and its application to the United Nations Fund for Population Activities (UNFPA). This request arose in connection with the letter you recently received from Congressman Green and 54 other Members of Congress concerning UNFPA (Tab A).

The Kemp-Kasten Amendment prohibits U.S. funding of any international population control organization that, as determined by the President, supports, or participates in the management of, a program of coercive abortion or involuntary sterilization. First adopted in 1985 and reenacted annually ever since as part of the Foreign Operations Appropriations bill, this prohibition has only been applied to only one organization, UNFPA, in consequence of its involvement with China's population control program.

Reliable reports indicate that China's program employs coercive abortion, and UNFPA assists China's State Family Planning Commission in managing the program. Among other things, UNFPA has been actively involved in training the program's field workers. An estimated 70,000 workers have been trained at an institute supported by UNFPA. In addition, UNFPA has provided technical assistance to China in census taking, which is integral to planning and implementation of China's program. A 1986 court decision upheld the Reagan Administration's determination that these activities warranted a cut-off of U.S. funding of UNFPA pursuant to Kemp-Kasten. China and UNFPA recently reaffirmed their relationship by means of a new five-year, \$57 million aid agreement. Following signature of this new agreement, AID concluded that the information then available was insufficient to restore UNFPA's eligibility for U.S. funding under Kemp-Kasten.

Kemp-Kasten has often been justified on the ground that it prevents indirect U.S. funding of coercive birth control

cc: Vice President
Chief of Staff

practices; without the prohibition, a group like UNFPA could accept U.S. funds for non-coercive programs and shift its own funds from such programs to China. Recent assurances made by UNFPA in connection with the Mikulski Amendment appear to minimize this concern. Specifically, Ambassador Pickering reports that UNFPA Executive Director Nasif Sadik has agreed that if the U.S. contributed to UNFPA she would ensure that:

-- The money does not go to the China program. She noted that the China program is fully funded at \$57 million over the next five years in the regular budget, so our money is not needed for the China program.

-- Our funds would be kept in a separate account and would be assigned as add-ons to other programs already budgeted so that they would be additional monies, not part of the regular budget and therefore would not free up regular budget funds to support the China program.

-- The U.S. funds would be tracked to ensure that they do not go to or free up other funds for the China program.

-- UNFPA would continue to review the China program.

These safeguards are inadequate in the view of critics of UNFPA's involvement in China. They point out that UNFPA has always been enthusiastic about the China program. UNFPA has frequently cited China's program as a model, and in 1983 gave China its highest award, making China one of only two countries to be so honored. China has used UNFPA's involvement and praise to defuse criticism of its coercive practices.

The policy underlying the Kemp-Kasten Amendment is that the United States should provide no funds to any organization that supports morally indefensible population control practices such as those employed in China. This policy encourages international population control groups to distance themselves from such practices, and ensures that U.S. funds are reserved for the large number of deserving groups not involved with such practices. Consistent with this policy, you yesterday vetoed the Foreign Operations Appropriations bill because of the Mikulski Amendment. Your position with respect to that Amendment is set forth more fully in your veto message (Tab B) and your October 6 letter on this subject (Tab C).

Attachments

Tab A	Letter from Congressmen
Tab B	Veto Message on H.R. 2939
Tab C	October 6 Letter on Mikulski Amendment

McClure

Congress of the United States
House of Representatives
Washington, DC 20515

November 2, 1989

President George Bush
The White House
Washington, D.C. 20500

Dear Mr. President:

We are writing to strongly encourage you to support the provision in the FY 1990 foreign operations appropriations bill which seeks to provide \$15 million to the United Nations Fund for Population Activities (UNFPA). We are seriously concerned about recent reports stating your intention to veto that bill should the final version retain the Senate language refunding UNFPA.

Mr. President, in the past you have been a strong supporter of voluntary international family planning. In 1970, as a member of the House, you chose to lead a special Republican Task Force on Population and Earth Resources. At that time you said, "By the end of this decade, family planning and birth control should be as important to every parent as the family budget."

In 1973, when serving as the U.S. Representative to the United Nations, you aptly noted that "economic development overseas would be a miserable failure unless the developing countries had the knowledge and supplies their families needed to control fertility."

As President, you have continually affirmed your strong support for family planning programs which do not condone or encourage abortion or coercive measures. The UNFPA provides abortionless family planning services to over 140 developing nations. 90 of those countries have populations expected to double within the next thirty years.

Last month the Senate wisely voted to restore a U.S. contribution to the United Nations Fund for Population Activities, the largest internationally funded source of aid to population and family planning programs worldwide.

The Senate plan calls for an earmark of \$15 million to UNFPA and absolutely prohibits the use of any of that \$15 million in China. The authors of the provision were careful to ensure that the U.S. contribution would not even result in indirect aid to China's family planning program. In June, UNFPA's governing council voted a new 5-year, \$57 million agreement with China. This commitment will not increase if the U.S. renews its support for UNFPA. A U.S. contribution would not "free up" other UNFPA resources for China's family planning program. The US contribution will be placed in a U.S. monitored, segregated account to avoid co-mingling with other funds. Further, the Senate provision leaves intact the Kemp-Kasten prohibition against the use of U.S. population aid for abortion, coercive abortion or involuntary sterilization.

President Bush
page two

The fact is that UNFPA does not, and never has, paid for abortions in any of the programs it funds anywhere, even in countries where abortion is legal. Even in 1985, when then-US AID Administrator M. Peter McPherson announced the decision to begin withholding part of the U.S. contribution to UNFPA, he made it clear that AID's own internal review of the UNFPA program had "demonstrated satisfactorily that UNFPA neither funds abortions nor supports coercive family planning practices through its programs."

UNFPA population programs have resulted in fewer, not more, abortions in China and elsewhere. By discouraging abortions through providing high quality education in the areas of birth control methods, child spacing, and maternal and child health care, UNFPA is part of the solution, not the problem.

The global overpopulation problem has not gone away. During the Industrial Revolution, the world had approximately 500 million people. Today there are over 5 billion people, with 93 million more added every year. Without strong leadership supporting voluntary international family planning programs, experts predict that in just 35 years the world's population is likely to double in size to 10 billion.

We applaud your commitment to become known as the "environmental President." To achieve that, many of us believe that overpopulation is one of the most important long term international environmental issues you face. You know better than most that many environmental, economic, and health problems facing our world can be directly related to rapid population growth. Global warming, stagnating economies in developing countries, teen pregnancy, and high maternal death rates all relate to overpopulation.

Despite the urgency of those problems, in recent years the U.S. has weakened its commitment to voluntary family planning programs. In fiscal 1985, population assistance represented 14 3% of our nation's development assistance. By FY 1989, that amount had fallen to 11%.

Voluntary family planning services help to reduce abortion worldwide and save lives. Experts estimates that the lives of 5.6 million children and 200,000 women could be saved each year if all the women who wanted to limit their families had access to family planning. Give those women access, Mr. President.

President Bush
page three

We respectfully urge you to reconsider seriously the issue, Mr. President and support Congressional efforts to restore funding for UNFPA. We await your prompt response.

Sincerely,

155
~~Bill Green~~
Bill Green, M.C.

312
~~John Porter~~
John Porter, M.C.

138
~~Sam Gejdenson~~
Sam Gejdenson, M.C.

260
~~Jan Meyers~~
Jan Meyers, M.C.

222
~~Sander Levin~~
Sander Levin, M.C.

213
~~Jim Leach~~
Jim Leach, M.C.

379
~~Olympia Snowe~~
Olympia Snowe, M.C.

352
~~Patricia Schroeder~~
Patricia Schroeder, M.C.

126
~~Thomas Foglietta~~
Thomas Foglietta, M.C.

220
~~Bill Lehman~~
Bill Lehman, M.C.

273
~~Connie Morella~~
Connie Morella, M.C.

271
~~Jim Moody~~
Jim Moody, M.C.

21
~~Anthony Beilenson~~
Anthony Beilenson, M.C.

351
~~Claudine Schneider~~
Claudine Schneider, M.C.

256
~~Matt McHugh~~
Matt McHugh, M.C.

210
~~Peter Kostmayer~~
Peter Kostmayer, M.C.

1
~~Gary Ackerman~~
Gary Ackerman, M.C.

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TO THE HOUSE OF REPRESENTATIVES:

I am returning herewith without my approval H.R. 2939, the appropriations bill for foreign operations, export financing, and related programs for the fiscal year 1990.

I do not take this action lightly. In a good faith effort to resolve the constitutional and other problems contained in the bill, the Administration has engaged in extensive negotiations with the Congress. Those negotiations have not succeeded, and serious problems remain. Consequently, I must veto this bill.

Several sections of the bill, and in particular Section 582, interfere with my constitutional authority to conduct the foreign relations of the United States. The bill would also require the expenditure of millions of dollars to support a United Nations fund that, in turn, strongly defends and supports a foreign nation's policy of coercive abortion. United States assistance to the fund reverses existing United States policy and is unacceptable.

Section 582(a) would prohibit the obligation or expenditure of funds appropriated by the Act "for the purpose of furthering any military or foreign policy activity which is contrary to United States law." Section 582(b) would prohibit the use of funds appropriated by the Act "to solicit the provision of funds by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person, for the purpose of furthering any military or foreign policy objective which is contrary to United States law." Subsequent provisions include a set of limiting definitions as well as a general limiting construction for the entire section.

Although I believe that the limiting provision may allow for a constitutional construction of Section 582, the section as a whole remains sufficiently ambiguous to present an unacceptable risk that it will chill the conduct of our Nation's foreign affairs.

Section 582 appears designed to prohibit, among other things, consultation between the United States and another sovereign nation regarding actions that nation may wish to undertake. It has, however, long been recognized -- by the Framers, by the Supreme Court, and by past Congresses -- that the President, both personally and through his subordinates in the executive branch, possesses the constitutional authority to communicate freely with representatives of foreign governments, and to encourage foreign nations to take such actions as the President believes are in our Nation's interest. Although Section 582(e) states that the section is not intended to limit the ability of the President or his subordinates to express their views, I am not convinced that this provision is sufficient to remove all constitutional doubt concerning Section 582. There would remain an unacceptable degree of uncertainty concerning what the section is intended to cover, and this uncertainty would inevitably restrict our contacts with foreign governments. I believe that this section impermissibly circumscribes a fundamental responsibility that the Constitution had entrusted to the President -- the protection of our Nation's security through a vigorous representation of our interests abroad. I believe it is neither fair nor wise to make those who formulate and execute foreign policy serve the public under a vague and sweeping prohibition.

I am sensitive to the concerns that have prompted the adoption of Section 582. I have repeatedly emphasized in my meetings with the congressional leadership that through close

consultation with the Congress I intend to build a new spirit of cooperation and trust between the legislative and executive branches. Section 582, however, is inimical to that spirit of trust and would cast a shadow over the executive branch in the conduct of our foreign policy at a time when the course of world events necessitates great flexibility.

The bill would also require the use of appropriated funds to support the United Nations Fund for Population Activities, which supports and participates in the management of a program in a foreign nation that involves coercive abortion.

On October 6, 1989, I informed the Congress of my continued strong support of the Kemp-Kasten Amendment, also known as the Kemp-Inouye-Helms Amendment, which has applied to foreign operations appropriations since 1985. The Kemp-Kasten Amendment denies United States population assistance funds to any organization that, as determined by the President, supports, or participates in the management of, a program of coercive abortion or involuntary sterilization. I stated that if this bill as ultimately presented to me by the Congress contained any language which would weaken the current Kemp-Kasten provision, or exempt the United Nations Fund or any other organization from its full application, I would veto the bill.

Let me restate my strong support for international family planning programs, and my view that the United States should support such efforts so long as they do not violate Kemp-Kasten or other established policies of the U.S. Government.

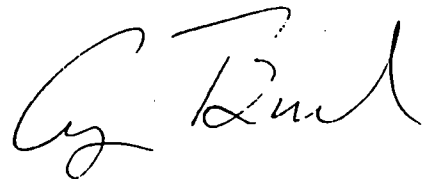
Unfortunately, the Congress has inserted in the bill the so-called Mikulski Amendment, which would fatally weaken the integrity of the Kemp-Kasten anti-coercion provision by earmarking funds for the United Nations Fund, the only organization that has ever been determined to violate that provision. The Fund participates in and strongly defends the program of a particular foreign government which relies heavily upon compulsory abortion. This fund has received no United States assistance since 1985, precisely because of its

involvement in this coercive abortion policy. The current bill thus represents a radical and unwarranted change in policy.

The Mikulski Amendment is rendered no more acceptable by a clause which requires the Fund to keep its books in a manner so as to prevent the direct flow of United States assistance to the particular foreign government. The current Kemp-Kasten law tells all family planning organizations that they must refrain from supporting coercive programs, or the United States will direct its resources to alternative organizations which respect the fundamental principle of voluntariness. The bill would negate this essential human rights principle through substitution of a simple accounting requirement, and I find this unacceptable. The bookkeeping provision would clearly place the United States in the position of supporting a program that in turn supports coercive abortions, a program that is inconsistent with American values. Such support would undermine our position that family planning must be voluntary and would contradict the human rights character of our foreign policy around the world.

Although these provisions, standing alone, would lead me to veto this bill, many other provisions of the bill also pose constitutional problems. The Administration has discussed those provisions in detail in letters to both houses of Congress.

I look forward to working with the Congress to craft a bill that I can enthusiastically support and to passage of an appropriations bill that will facilitate our many foreign policy initiatives.



THE WHITE HOUSE,

November 19, 1989.

THE WHITE HOUSE

WASHINGTON

October 6, 1989

Dear Dave:

I have previously expressed my strong support for the Kemp-Kasten Amendment, also known as the Kemp-Inouye-Helms Amendment, which has been part of the foreign operations appropriations bill since 1985. This provision denies U.S. population assistance funds to any organization which, as determined by the President of the United States, supports, or participates in the management of, a program of coercive abortion or involuntary sterilization.

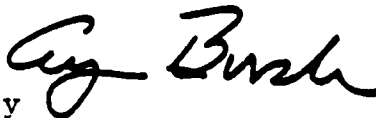
In June, the Agency for International Development, acting on my delegated authority under the Kemp-Kasten Amendment, determined that the United Nations' Fund for Population Activities' continuing support for the coercive population control program of a specified nation makes U.S. support for the UNFPA impermissible under the Kemp-Kasten Amendment.

As you know, on September 20th the Senate narrowly adopted the Mikulski Amendment to the Foreign Operations Appropriations bill for Fiscal Year 1990. The Mikulski Amendment would in effect exempt the UNFPA from the requirements of the Kemp-Kasten Amendment, and mandate a resumption of U.S. funding to the UNFPA, so long as U.S. funds are maintained in a segregated account.

I strongly support family planning programs which do not condone or encourage abortion or coercive measures. I believe that the current Kemp-Kasten law, along with the Mexico City Policy, must be maintained without dilution, in order to preserve both the pro-life and pro-human rights character of the population assistance program.

Therefore, if the FY 1990 foreign operations bill as presented to me contains the Mikulski Amendment or any other language which would weaken the current Kemp-Kasten provision, or place the UNFPA or any other organization outside the full application of Kemp-Kasten, I will veto it.

Sincerely,

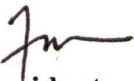


The Honorable David R. Obey
Chairman
Subcommittee on Foreign Operations
Committee on Appropriations
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE
WASHINGTON

11/19

TO: JOHN H. SUNUNU

FROM: FRED McCLURE 
Assistant to the President
for Legislative Affairs

- ☒ FYI
- ☐ Comment
- ☐ Action

Attached is a copy of the letter that Nancy Johnson prepared following her visit with the President on the abortion issue.

The President's copy is being sent through the system for the President to view.

PRO-CHOICE WOMEN FOR MARSHALL COLEMAN

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Kent Gladstone
Tava Tate
Elizabeth Hansen
Olivia Jenney
Ellen Field
Suzanne Ortner Farr
Mary Ann Iannis
S. Juanita Ellison
Edie Stratton

On November 7, we will elect a new governor who will lead Virginia into the final decade of this century. As Virginia faces its future, we must decide who will best lead our Commonwealth...and help to shape the future of Virginia.

The abortion issue is highly emotional, and Marshall Coleman's opponent has presented it as the singular issue that differentiates the candidates. This is simply not true. *We support the woman's right to choose and know that Virginia's abortion-rights law will not change.*

Many issues distinguish Marshall Coleman from his opponent, and these will dramatically affect Virginia's economic and social future. Our next governor must be able to address these issues and provide the judgment, character, and leadership necessary to guide our Commonwealth in achieving prosperity.

As mothers, professional women, politicians, and community volunteers, we are very concerned that the real issues in this year's Virginia gubernatorial race are not being adequately discussed, in spite of the million of dollars that are being spent.

Marshall Coleman has formulated a strong program that will improve the overall quality of life in Virginia. He is the only gubernatorial candidate who recognizes northern Virginia's critical transportation problems. His proposals would alleviate gridlock not only on our roads, but in the State's Department of Transportation. He understands that intolerable traffic threatens the economic vitality of this region and the quality of life of its citizens.

Marshall Coleman would ease our tax burden by capping our skyrocketing real estate assessments and seeking pension tax relief and other tax cuts.

Marshall Coleman has outlined a tough yet compassionate plan to fight the drug crisis growing at our doorsteps. Finally, he has articulated his plans in the areas of child care, education and family-oriented alternatives for the care of our elderly citizens and those with special needs.

We believe that Virginia voters must focus on overall leadership and on the long-term vision of the State's next Chief Executive. We strongly believe that Marshall Coleman can best lead us into the next decade. We have known Marshall for many years, and we know him to be a man of integrity and compassion. We urge you to look at *all* the issues and join us in voting for Marshall Coleman on November 7.

NANCY L. JOHNSON
6TH DISTRICT, CONNECTICUT

COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEES:

HEALTH

HUMAN RESOURCES

HOUSE EXPORT TASK FORCE
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November 17, 1989

The President
The White House
Washington, DC 20500

Dear Mr. President:

I want to thank you for meeting with my colleagues and me Tuesday. As we were only able to touch on what I see as a very palpable and significant change that is occurring and because I think it has the potential to alienate the baby boomers and young voters on whom our party's future depends, I want to summarize my thoughts for you as to both the problem and how it can be addressed.

You asked what has changed and what can we do. Both are legitimate questions and deserve more specific answers.

Several things have happened that subtly and powerfully interrelate to pose a significant new challenge to our party. First, the Supreme Court decision removed the shield of judicial protection simultaneously placing assumed rights in jeopardy and plainly empowering each citizen to preserve or relinquish their rights through activism and the vote. Operation Rescue has brought home to many communities the stark reality that existing rights are being challenged by citizens who believe they can impose their personal beliefs on others. Young people, and others who rarely get involved in politics, suddenly see this issue of their freedom at risk and understand its implications for their lives. While pro-life people have been challenged to be involved for years, pro-choice people haven't believed they needed to act. Now they do.

While this is the greatest change, it is significant that it has occurred in an environment in which people are intensely aware of the symbol that America is to the world of the power and value of individual rights. The pace of change in the USSR and Eastern Europe is breathtaking, as individual freedom turns aspiration to action. With a parallel speed and power termination of pregnancy issues have been subsummed into the larger issues of the balance between government power and individual rights and the related issue of the rights and responsibilities of women in a free society, women who now see themselves as whole, mature, morally capable and equal human beings.

I appreciate that this may sound dramatic, but if you could see how energized young people are by this debate, or the strong messages I get from men and women of all faiths, ages and walks of life, you would see the sea-change that is occurring. There is developing a dramatic rejection of government intervention in this arena by pro-choice and many pro-life

11/17/89

individuals. Women in particular are seeing this as a challenge to the trust society places in them as equal, responsible citizens.

Another factor specifically effecting our party is the increasing activism of pro-choice Republicans, at least as sizable a group as the pro-life Republicans. They see you, Mr. President, as a great and inclusive leader, one who holds your beliefs on abortion firmly, respects their beliefs, and is not committed to the pursuit of a pro-life agenda to the exclusion of their concerns. They share with you your commitment to choice in education, choice in day care, individual initiative as the foundation of our economy, the fostering of freedom as the primary goal of our foreign policy, and the many other Republican positions that all evidence a trust in responsible, individual action. While they do not share your belief in regard to abortion, they had no reason to fear it endangered their beliefs. Now, without the shield of judicial protection, pro-choice Republicans recognize the need to become activists in defense of their rights and, as a result, their relationship with you and the national party is strained with tensions exacerbated by recent executive branch actions.

In sum, what has changed is that the shield of judicial protection is gone, the flame of freedom is burning with rare intensity throughout the world, pro-choice citizens for the first time are becoming broadly activist (with special implications for our party), women in today's world are ready to demand recognition as the moral equivalent of men, and the narrow termination-of-pregnancy issue has been dangerously broadened into the more fundamental and deeply concerning issue of government intervention in personal matters of conscience.

However, one of the strengths of your remarkable Presidency has been your adherence to a promise you made repeatedly during your campaign and eloquently in your inaugural speech: to reach out your hand. You have shown tremendous leadership in reconciling opposing views on tough issue after tough issue about Savings and Loan institutions, taxes, budget and many other matters. A more methodical application of this approach to issues of concern to pro-life and pro-choice groups will address the legitimate concerns of each in a non-alienating manner and limit the direct confrontation to the legitimate and fundamental differences. Such an approach would affirm respect and enable our party to retain diversity and prevent this issue from alienating pro-choice citizens whose support is essential to building a majority party.

Three things could be done in the near term:

First, yesterday we reinstated the ban on public funding for abortions that result from rape or incest in the D.C. bill, but we untied local funds. As the former reflects your position and the latter reflects the Supreme Court's decision in regard to local power and is an issue on which you took no position in your campaign, signing this bill would be consistent with your statements while at the same time allow you to recognize the rights of those who differ.

11/17/89

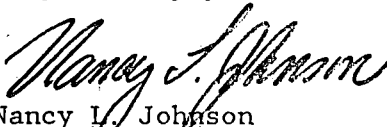
Second, knowing none of us support China's family planning policy, your administration should be able to work with Congress on the issue of walling off U.S. funds. It's not an uncommon legislative challenge and one Republicans have said was possible when we fought for providing humanitarian and light military aid to the Contras. Resolution of this walling off issue could prevent another "abortion" veto while addressing the legitimate concerns raised by pro-life groups.

Third, I would strongly recommend your attention to reviewing sensitive policies to assure they address the legitimate concerns raised by both sides. For example, our Republican Party, founded and led by some of America's greatest thinkers and now committed to strategic defense and space research, is surely capable of governing fetal tissue research responsibly. We have never been the party of ideological censorship of the frontiers of knowledge. A thoughtful report from a distinguished commission provided sensible suggestions for governance of this area of research, and its rejection -- without comment from the Secretary of Health and Human Services -- was demeaning of our party and the excellence you have brought to government. The issue of contraceptive research also needs review, for the message given by a public policy that opposes such research and abortion is very different than the message conveyed by opposing abortion.

Mr. President, you are providing outstanding leadership to our nation. I am proud of your work for our party. I believe you will be one of the greatest presidents of our history. If I didn't feel this issue of abortion was having a systemic affect on our society unrelated to the specific issue of pregnancy termination, and if I did not see it posing a possibly great danger to our party, I would not have written you at such length. With great respect and deep concern, I pledge my best efforts to work with you for a majority party.

My thanks for your attention.

Respectfully yours,



Nancy L. Johnson
Member of Congress

cc: John Sununu
Lee Atwater
Olympia Snowe
Claudine Schneider
Lynn Martin

To: Governor John Sununu

From: Darla St. Martin, 626-8826
Douglas Johnson, 626-8820, 439-9087

Date: Tuesday, November 28, 1989, 3 p.m.

You are no doubt preoccupied with the forthcoming summit. However, there are three important matters which we must briefly bring to your attention.

(1) ARMSTRONG AMENDMENT

NRLC strongly supports the Armstrong Amendment, which was incorporated into the "Emergency Chinese Immigration Relief Act of 1989" (the "Pelosi bill," HR 2712). As you know, this amendment would require asylum and refugee adjudicators to give the same consideration to Chinese fleeing China's population-control measures (e.g., compulsory abortion and sterilization) as is currently given to those fleeing religious or political persecution. We understand that over 50 such applications have been made over the last couple of years. Despite efforts by Attorneys General Meese and Thornburgh, and despite the heart-rending plight of the men and women making these applications, the INS bureaucracy in general, and the Board of Immigration Appeals in particular, have demonstrated unrelenting hostility to these claims.

We understand that the State Department is recommending a veto of the bill for reasons relating to bilateral relations with China. While the general thrust of the bill, pertaining to Chinese students, is outside of NRLC's purview, because of inclusion of the Armstrong Amendment we would like to encourage the President to sign the measure. If the bill is vetoed, there will undoubtedly be a barrage of editorial criticism, both from those organs of the press which applauded the President's veto on the U.N. Population Fund issue, and from those who criticized it. Both sides will say, "He objected so strongly to China's forced-abortion practices that he vetoed the whole foreign aid bill over the issue-- but then he turned around and vetoed the bill which would have created a safe harbor for those few women and men who are in the U.S. and who seek to avoid the clutches of the forced-abortion squads!"

(2) LEGAL SERVICES CORPORATION

Next week the Supreme Court will hear oral arguments in the landmark "right to live" case Cruzan v. Director Missouri Dept. of Health. The National Legal Center for the Medically Dependent and Disabled in Indianapolis-- funded largely by the Legal Services Corporation-- has done invaluable work on the pro-life, pro-disability (anti-euthanasia) side of this case. Indeed, the Center is the single most effective force resisting the nationwide pro-euthanasia litigation strategy led by the ACLU and the "Society for the Right to Die." Yet we fear that this Center will be in dire jeopardy unless pro-life stalwart Basile J. Uddo is reappointed to the LSC Board. We have discussed this before, but wished to remind you of it on the chance that the new LSC Board might be appointed soon.

(3) Finally: as we mentioned in our most recent note to you (dated Nov. 21), we would appreciate the opportunity to briefly (a few minutes) discuss with you a sensitive political situation, involving you personally, which concerns us. Our concerns were heightened by Richard Lacayo's article in this week's TIME magazine ("Pro-Choice? Get Lost," Dec. 4, pp. 43-44.)

Thank you for whatever consideration you can give to these matters amidst the summit preparations

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United States Senate

WASHINGTON, DC 20510

November 22, 1989

Meg Greenfield
Editorial Page Editor
The Washington Post
1150 15th Street, N.W.
Washington, D.C. 20071

Dear Ms. Greenfield:

Two days running, you unfairly criticized President Bush for vetoing bills containing abortion provisions unacceptable to him.

Your editorial of November 21 faulted the President for refusing to sign a bill earmarking \$15 million for the U. N. Fund for Population Activities. As Mr. Bush pointed out, UNFPA supports population policies in the Peoples' Republic of China that include forced abortion and forced sterilization.

It is true, the Senate language required UNFPA to keep U. S. funds in an account separate from those used to support the Chinese program. But, that is merely a bookkeeping distinction. The Post knows that money is fungible. Putting \$15 million in account X frees up \$15 million in account Y to be used to support the ghastly human rights violations in China's population control program. Instead of condemning the President, the Post, as a champion of human rights, should have praised him. The Post should have used the opportunity to blast the Beijing government for its barbaric practices, instead of unfairly criticizing the President. Or, does the Post take at face value the denials issued by those same folks who used the students in Tiananmen Square as carpets for their tanks?

Your editorial of November 22, criticized President Bush for his vetoes of the first two D. C. appropriations bills. You suggest he should have "allowed the city to spend its own locally raised taxes on abortions for poor women, "stating he violated the principles of federalism." The President is consistent, he opposes use of funds appropriated by Congress -- and every cent spent by the District must be appropriated

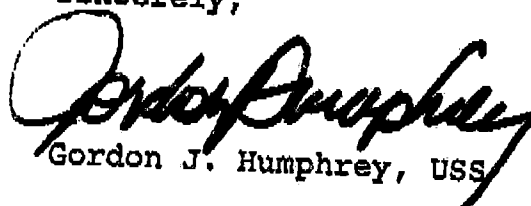
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by Congress -- to pay for abortion, except where the life of the mother is at risk. This is legally sound and has been upheld by the Courts. And it is sound ethically, since most Americans are personally opposed to abortion and object to their taxes being used to finance it.

I am glad, however, the Post seeks to preserve federalism. Now that you have criticized President Bush for what you regard as his undue interference in the affairs of the District, no doubt you will soon editorialize against S.1912, the bill introduced last week, specifically designed to strip from the states and the District the power just returned to them by the Supreme Court in its Webster decision, the power to restrict abortion. Now there's a bill that really attacks federalism! I look forward to working with the Post to defeat this dangerous and hypocritical bill.

Meanwhile, in this Thanksgiving season, I count among our nation's blessings the leadership of a principled and courageous President.

Sincerely,



Gordon J. Humphrey, USS

GJH:lh



November 8, 1989

The Honorable John H. Sununu
Chief of Staff
The White House
Washington, D.C. 20500

Dear Mr. Sununu:

In the belief that you may find it highly useful, I am enclosing a recent statement by Archbishop Mahoney of Los Angeles which suggests a powerful new way of discussing the abortion question in public.

You might even wish to send a note to Archbishop Mahoney commending him for this piece.

Meanwhile, I am deeply grateful to you for your help on the Reinhold Niebuhr stamp for 1992.

With much affection and warmest wishes,

A handwritten signature in dark ink, appearing to read 'M. Novak', is positioned above the printed name.

Michael Novak

MN:gy

CRISIS

VOLUME 7, NO. 8

September 1989

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Must Catholic Legislators Oppose Abortion?

The Truth That Makes Us All Free:
Catholic Public Officials and the New Abortion Debate

Archbishop Roger Mahony
Feast of the Sacred Heart, June 2, 1989

IN A FEW WEEKS, the Supreme Court of the United States will hand down its decision in the case of *Webster v. Reproductive Health Services*.

While it is impossible to predict how the *Webster* decision will affect the abortion liberty as defined by the Court's 1973 decision in *Roe v. Wade*, the very fact of the Court's accepting responsibility in the *Webster* case means that the public policy debate over abortion is not settled. Indeed, it will intensify.

Even if the Court should drastically limit the abortion liberty as defined by *Roe*, the problem of securing the right to life of the unborn will not be solved, nor will the argument over abortion cease. In fact, it will multiply, since the various state legislatures may well be required after *Webster* to reconsider state abortion law. Instead of one great national abortion debate, there will likely be 50 such debates.

This new legal and political situation has reopened important questions about the role of Catholic public officials—both elected and appointed—in the matter of abortion. These questions are likely to be with us at least through the balance of this century. As the Archbishop of Los Angeles, I believe it is my responsibility to clarify the Church's teaching on the responsibilities of Catholics who serve as elected or appointed public officials. In doing so, I hope I can make a contribution to the larger public debate on this pre-eminent moral and civil rights issue of our generation.

Let me begin by challenging several misconceptions which have marred the abortion debate since 1973, as follows:

(1) It is often said that the right-to-life movement

seeks to impose "sectarian religious values" on the American public, and thus violates the Constitutionally-mandated separation of church and state.

The fact of the matter, though, is that *Roe v. Wade* abolished—not modified, but *abolished*—the abortion statutes of fifty states. It is historically inconceivable that those laws involved the "imposition" of "sectarian beliefs." Rather, they expressed the consensus of local communities on the right to life of the unborn. That consensus, in the main, remains clear: every available piece of reputable survey research indicates that the American people *reject* abortion as a means of contraception, *reject* abortion because an unplanned pregnancy would involve economic difficulties, and *reject* abortion when the procedure is undertaken to resolve problems of personal relationships between a man and a woman.

APPROXIMATELY 75 percent of the American people oppose abortion when the reasons given for terminating a pregnancy are those under which 99 percent of abortions today are obtained. Public officials who work to eliminate the abortion liberty as defined by *Roe v. Wade* are working *with*, rather than against, a demonstrable public consensus—a consensus that cannot be reasonably described as "sectarian," a consensus that has been written into Federal law for 13 years by the Hyde amendments.

(2) As for the alleged violation of the separation of

church and state, the Constitution did *not* rule religiously-based values out of the public debate over issues of public policy.

To claim that the First Amendment did this is to disenfranchise that overwhelming majority of the American people whose commitments to democracy, justice, and democratic civility rest on Biblical understandings. Resistance to the abortion liberty defined by *Roe v. Wade* is not simply a "Catholic issue," substantively or institutionally. There are Protestant and Jewish intellectuals, many religious leaders, and even avowed secularists, who have challenged the abortion liberty.

NOR SHOULD pro-abortion activists who welcome the support of the Catholic hierarchy on issues of nuclear weapons policy, Central American policy, or welfare reform policy deny that same hierarchy its legitimate and constitutionally protected voice on matters of abortion policy.

(3) In our democracy, religious people ought to make their arguments in ways that can be heard by fellow-citizens who do not share their religious convictions.

Thus, I would urge my fellow Californians to understand that the abortion liberty violates more than Catholic moral teaching: it violates the classic American tradition of hospitality to the stranger. *Roe v. Wade* was not a "liberal" decision. Rather, it broke a two-hundred-year-old pattern of *expanding* the community of those for whom we as a people assume a common responsibility of protection.

Americans fought a civil war, adopted a more inclusive right to vote, generously funded Social Security, and made our public buildings and streets accessible to the handicapped—all in the name of expanding the boundaries of the community of mutual responsibility. Then there was *Roe v. Wade*: the first decisive break with this pattern of enlarging the community of the commonly protected. Viewed through the lens of history, *Roe v. Wade* was not a "liberal" decision, but a profoundly reactionary one. The analogies to the U.S. Supreme Court *Dred Scott* case (which defined slaves of African descent not to be "persons" in the meaning of the Constitution) are not strained, and we would all do well to ponder what we have said about ourselves as a people when we radically constrain the protections we afford to the weakest in our midst.

ade vividly by Pope John Paul II Bush during his recent visit in test of her [America's] greatness

Roe v. Wade abolished—not modified but abolished—the abortion statutes of 50 states. It is historically inconceivable that those laws involved the "imposition" of "sectarian beliefs." Rather, they expressed the consensus of local communities on the right to life.

[is] to respect every human person, especially the weakest and most defenseless ones, those as yet unborn."

In light of these considerations, it seems clear to me that Catholic officeholders—Democrats and Republicans, liberals and conservatives—have a *positive moral obligation* to work for an America that is hospitable to the stranger, the alien, and the weak; to



Archbishop Roger Mahony

work for an America in which the abortion liberty has been repealed, in our culture and in our laws; to work for an America in which the community, with compassion and care, helps meet the needs of all those involved in an unplanned or unwanted pregnancy.

THE Archdiocese of Los Angeles stands ready to back its convictions on the matter of the right-to-life of the unborn with effective social and health services. This is a solemn commitment which I proclaimed on January 22, 1986—my first year as Archbishop in Los Angeles—and a commitment which continues.

All our Catholic people, and I, expect our Catholic public officials (for whom it is no more possible to divide their consciences on this matter than on any other matter where grave moral issues touch public policy) to back their convictions in the arena of the legislature—both state and national. We expect them to speak clearly about the moral imperative to protect

all human life from the moment of conception until natural death, and we expect them to support legislation which guarantees, supports, and safeguards that right to life.

The debate that is certain to ensue in the wake of the Supreme Court's decision in the *Webster* case is a fundamental and unavoidable test of our generation's adherence to the central proposition of the American experiment: that all people are created equal, and endowed with inalienable rights to life, liberty, and the pursuit of happiness.

It is one of the great graces of life in the United States that this proposition has been defended, in and out of season, by men and women of many religious faiths, or of no religious faith. I believe that the new abortion debate after *Roe v. Wade* can be the occasion for a new birth of freedom in these United States. And I pray that all Catholic public officials will be found in the forefront of the quest for a nation which promises, and delivers, liberty and justice for all, born and unborn.

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A Response to Mahony: Zeal and Politics

ARBISHOP Roger M. Mahony's recent policy statement on "Catholic public officials and the new abortion debate" is an unwise and unwelcome clerical intrusion into the political process.

The archbishop began his statement by noting that it was issued in anticipation of a Supreme Court ruling in *Webster v. Reproductive Health Services* that would "intensify" the debate over abortion and throw it back into the legislatures of the 50 states. In that debate, Mahony wrote, all Catholic officeholders have a "positive moral obligation" to seek the repeal of laws permitting abortion. "All our Catholic people, and I," he wrote, "expect our Catholic public officials (for whom it is no more possible to divide their consciences on this matter than on any other matter where grave moral issues touch public policy) to back their convictions in the arena of the legislature—both state and national. . . . We expect them to support legislation which guarantees . . . the right to life."

No one imagines that lawmakers can or should ignore the voice of their own convictions. But our non-sectarian democracy presumes that the voice will come from their own conscience and not from the pulpit. Are Catholic legislators similarly obliged to oppose capital

punishment as their bishops, including Mahony do? Must they oppose nuclear deterrence and military aid to Central America, as their bishops have? More to the point, are the church's solemn teachings on the indissolubility of marriage and the intrinsic immorality of all artificial contraception also binding on Catholic officeholders? If not, Mahony's statement looks less like moral instruction and more like a little political arm-twisting.

In a lecture on the church and censorship the great Jesuit theologian and exponent of religious liberty, John Courtney Murray, once argued that "The law, mindful of its nature, is required to be tolerant of many evils that morality condemns."

In our pluralistic society, as Father Murray's discerning remark suggests, the boundary between church and state is not always a clear line one can walk with sure-footed confidence. More often, it is a kind of social precipice approached across treacherous, shifting soil that may give way at any moment. Prudent people stay well back from such an edge.

Editorial
Los Angeles Times
June 6, 1989

A Response to the *Times*: The Real Issues in the New Abortion Debate

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RECENT EVENTS, including the U.S. Supreme Court's consideration of Missouri's Webster case and the nationwide attention raised by the Operation Rescue movement, have intensified the public debate over abortion liberty. Even if the Court should drastically limit abortion liberty as defined in *Roe v. Wade*—the problem of securing the right to life of the unborn will not be solved, nor will the argument cease over abortion. It has become the pre-eminent moral and civil rights issue of our time.

Rather the debate will be multiplied as state legislatures may be required to reconsider state abortion statutes abolished by *Roe*. These laws, in the main, represented local community consensus on the right to life of the unborn.

That consensus remains clear. Every available reputable piece of survey research—including a recent Los Angeles *Times* poll—tells us at least 75 percent of the American people reject abortion as a means of contraception, reject abortion because an unplanned pregnancy would involve economic difficulties, and reject abortion to resolve problems of personal relationships between a man and a woman. Since these “contraceptive abortions” account for approximately 99 percent of the abortions now performed, it seems apparent the American people have rejected the abortion liberty as defined by *Roe v. Wade*.

The abortion debate is not the only pressing “life issue” confronting us today. But the seriousness with which we conduct that argument will speak volumes about our ability, as a free society, to make morally-informed choices about such “hospitable society” issues as fetal tissue research, treatment of handicapped infants, genetic engineering, the severely retarded, the comatose, and care of the elderly.

We also need to reflect on the foundations of law in just society. Belief in democracy does not mean that the truth, the good, and the just are always what the majority says they are. To the contrary—our Bill of Rights means that some things in our democracy aren't up for a vote—like freedom of religion, freedom of the press, the right to peaceably assemble, the right to petition government for a redress of grievances.

Viewed from another angle, our democracy's laws are bounded by a higher law: all of us, as human beings and as citizens, are accountable not simply to civil law, but to concepts of truth and justice that stand in judg-

ment on our laws, and on us. Jim Crow laws may have been duly enacted by legally-elected legislatures, but they were morally hateful: they violated our common sense of justice, and were thus legally indefensible in the full meaning of “the law.”

The American Founders were referring to this higher law when they spoke of *inalienable* rights, and included among them the right to life. Living and legislating in what is often the tension between justice and legality is no easy business, to be sure. Catholic social thought has traditionally affirmed that prudence—the skill or habit by which we calculate how our moral norms should be embodied in practice—is the highest of political virtues. But we misunderstand the virtue of prudence if we reduce it, on the one hand, to legislating morality, or on the other, to splitting the difference between opposed positions. Prudence is a matter of calculus, not arithmetic.

Living the virtue of prudence has something to do with pluralism in these United States. Pluralism does not mean indifference to issues that divide us. Rather, pluralism means engaging our differences, forthrightly and frankly, within the bond of democratic civility. When we do that, we won't find easy answers to the dilemmas of public policy, domestic or foreign. But we may find a measure of political wisdom—something we surely *won't* find if we reduce our opponents' positions to caricatures.

I would urge all of us, as Americans of many faiths and political convictions, to reflect on this fact: the number of deaths caused by abortion every year in this country is the equivalent of losing a city the size of Detroit to a nuclear attack. What does this say about us as a people committed to building a hospitable society? What does this say about us as a people who have traditionally welcomed the gift of life, cherished it, and defended it against its enemies?

What has happened in America since *Roe v. Wade* was handed down in 1973 is not merely offensive to Catholic sensibilities. It is deeply unworthy of us as a people. We have to think that through, carefully, and with mutual candor and mutual charity, if the new abortion debate is to strengthen American democracy and help us continue the Founders' and Framers' task of building a community of character to which we can pledge our lives, our fortunes, and our sacred honor.

Archbishop Roger Mahony



RELATIVISM OR ABSOLUTES: WHICH IS THE AMERICAN WAY?

BY MICHAEL NOVAK

Pulitzer Prize-winning historian Arthur Schlesinger Jr. is a trendsetter for America's intellectual establishment. Currently a professor at City University of New York, he first achieved celebrity status while adviser to President John Kennedy. His pronouncements, if unchallenged, have a way of becoming the prevailing wisdom in our literary and political salons. This summer *The New York Times Book Review* published his essay "The Opening of the American Mind," which, among other things, called the "belief in absolutes

...the great enemy today of the life of the mind." Convinced that this widely read cultural manifesto must be rebutted, the *Register* asked Michael Novak to examine Schlesinger's arguments.

NATIONAL CATHOLIC REGISTER

In a lecture at Brown University, adapted for The New York Times Book Review (July 23), Arthur Schlesinger Jr. assaults belief in "absolutes" and claims that relativism — in religion, ethical life and politics — "is what America is all about." Of course, this is not a serious philosophical discussion; it takes the form of bashing some favorite partisan targets. Among his aims: to demean the Bush administration's defense of the American flag from "desecration" (which Schlesinger defines as making the flag "sanctified, an object of worship"); to attack Paul Johnson's book "The Intellectuals" and Allan Bloom's book, "The Closing of the American Mind"; and to denigrate the belief that the Jewish and Christian tradition is the source of the modern concern for human rights.

No one has ever denied that Schlesinger is clever; or that he always tries to keep his heroes (Kennedy Democrats) pure and his villains (conservatives) villainous. He sometimes affects theological depth, in those cases usually leaning upon the only theological works he knows (Reinhold Niebuhr's). And he always manages to cover by rhetorical flash the gaping holes in his comprehension of matters beyond a certain depth.

Take, for example, his definitions of absolutism and relativism:

"Absolutism is abstract, monistic, deductive, ahistorical, solemn and it is intimately bound up with deference to authority. Relativism is concrete, pluralistic, inductive, historical, skeptical and intimately bound up with deference to experience."

On this primitive conception, which not even he can sustain, Schlesinger declares for relativism, and tries to make the holding of absolutes seem silly. Yet precisely because the matter is more complex than that, this is not where the classical argument ended, only where it began — and, first, by a better definition of terms.

Indeed, Schlesinger himself tries to back away from so primitive a way of defining moral issues by weak qualifications:

"Nor does relativism necessarily regard all claims to truth as equal or believe that judgment is no more than the expression of personal preference. For our relative values are not matters of whim and happenstance. History has given them to us."

History has given them to us? No more than that? That was exactly the shaky ground the Nazis stood upon — that German "national experience," German "national documents," German "national heroes" and "folkways," "traditions" and "standards" would give them high ground. A kommandant at Auschwitz argued explicitly that "German ideas" were stronger than others, and that that was their justification.

Schlesinger, of course, wants to find some ground larger than mere expressions of "personal preference." But "national preference" will not really serve him any better. The best he can offer, therefore, is this: "People with a different history will have different values. But we believe that our own are better

for us. They work for us and, for that reason, we live and die by them." Maybe this is the reasoning, and the only reasoning, to which Schlesinger actually clings. That is sad.

Further, Schlesinger doesn't distinguish among various kinds and types of opinion: those concerning epistemology, logic, moral principles, philosophical beliefs about God, religious convictions, political principles and practical affairs. Yet such distinctions are indispensable to clarity concerning what is permanent and what is relative, in each of intellect's proper spheres.

On some matters, America's founding fathers didn't hesitate to say: "We hold these truths to be self-evident." These truths are rooted (as Cicero and Sydney had taught them) "in nature and in nature's God."

Nonetheless, Schlesinger's way of talking about human rights is not Jefferson's way. "Human rights," Schlesinger says, "is not a religious idea. It is a secular idea." But Jefferson did not hesitate to write that one of the truths he and his fellows held to be self-evident is that all men are "endowed by their Creator with certain unalienable rights." Are those Americans, then and now, who hold such truths upon religious and/or philosophical grounds to be declared mistaken? Do such truths run contrary to Jewish or Christian faith?

And Alexander Hamilton in "Federalist No. 1" said the American experiment in building a republic was testing for all humankind whether government could at last be formed through "reflection" and "choice," or must continue forever to be formed by accident or force.

In these two words, "reflection" and "choice," Hamilton named exactly the two capacities of the human spirit that make humans capable of freedom and responsibility, and hence of inalienable rights. These capacities do not belong to Americans only, but to every member of the human race. On this ground, such phrases as "natural rights" and "nature's law" suggested to our founders the universal relevance of the "truths" Americans hold. In these "inalienable rights," they were not announcing merely American rights, but human rights — natural rights.

Schlesinger argues correctly that "the basic human rights documents [of the 18th century]... were written by political, not religious, leaders." But the rights written down in America (though not in France) were clearly held to be endowed in humans, not by political leaders, let alone by religious leaders, but by God.

Schlesinger is quite cute about God. "I hold religion in high regard," he claims. But the reason he gives is its "social function," and he claims also to "sympathize with Tocqueville who... went to his death an unbeliever." Does Schlesinger mean, here, to declare himself as an unbeliever? If so, it doesn't follow that he must disbelieve in absolute (empirical, but non-relative) truths about human nature. Many wise and humane philosophers have been agnostic regarding God, or even atheistic, while affirming certain em-

pirically derived constants — a capacity for reflection and choice, e.g. — in human beings. Allan Bloom does so, for example.

Yet what some persons mean when they speak of "absolute truths" are such truths as these:

that God exists,
that God is our
Origin and our
Judge, and that
God "wrote" a law.

And if Schlesinger truly means that he's an unbeliever, that may go a long way to explain how "absolutes" in this sense are unknown to him. He shouldn't, however, presume to speak for all Americans.

Nonetheless, Schlesinger claims to admire Lincoln's vision of "a God governing the world," the "Almighty [who] has His own purposes," above both the Union and the Confederacy, and unable to answer simultaneously the prayers of both warring armies.

Schlesinger misinterprets Lincoln in this way: "*The Almighty has His own purposes*. This is the reverberant answer to

those who say we must live by absolutes. Relativism is the American way."

Surely Lincoln did not believe this. He endured the immense carnage of the Civil War on grounds far stronger

than a relativism such as Schlesinger's. A more straightforward interpretation of Lincoln is: "*The Al-*

mighty has His own purposes: This is the reverberant answer to those who say we must live relativistically." Belief in absolute truths, which stand above our warring factions, is the American way.

For Schlesinger consistently confuses two things: the belief that there are absolute truths and moral arrogance. He's right to praise moral humility, but wrong in failing to see that authentic recognition of the absolute induces such humility and banishes arrogance. "For what we have learned from Augustine, from Calvin, from Jonathan Edwards," Schlesinger writes, "is not man's capacity to grasp the absolute but

CULTURE

On these two absolutes — the Creator and Giver of Life, and the Creator and Giver of Liberty — America was not only founded but lies now and forever under searing judgment.

quite the contrary: the frailty of man, the estrangement of man from God, the absolute distance between mortals and divinity."

On the contrary. It was precisely by grasping the absolute darkly either in reason or in faith (or in both, in different ways), that such great souls measured the depths of human weakness. The grasp of the absolute is a humbling grasp. One of the surest signs of its authenticity (as in Reinhold Niebuhr) is the humility of those grasped by it.

Often, then, Schlesinger seems to be attacking arrogance rather than an authentic grasp of absolutes, as when he contrasts the authenticity of Augustine, Calvin and Edwards with "the arrogance of those who suppose they are doing what the Lord would do if only He knew the facts of the case."

With Niebuhr, Schlesinger denounces the "fanaticism" that religious persons (of left and right and even center) "often bring into politics, introducing absolutes into the realm of relative values." From our own experience in the last two decades, we can certainly agree with Niebuhr on this point. And, as Niebuhr himself in later years acknowledged, the Aristotelian, Thomistic and Catholic teaching about the proper role of practical wisdom in ethics and in politics is one of the glories of Catholic social thought at its best. Niebuhr was also quite right, and quite traditional, when he warned against "the depth to which individuals and communities may sink . . . when they try to play the role of God in history."

But Schlesinger can by no means accuse Reinhold Niebuhr of being a relativist in matters of God; in matters of politics; ~~yes~~ Niebuhr believed, as did Aristotle before him, in a certain kind of relativism in the realms proper to prudence. But he didn't believe in the doctrinaire, amoral relativism of the Nazis, which he abhorred long before most others grasped its full measure of evil. In this limited sphere, moreover, Schlesinger is forced to note that, in the sense in which Niebuhr was a relativist, it was "not because he disbelieved in the absolute, but precisely because he believed in the absoluteness of the absolute." Niebuhr was, in the crucial sense, a believer in absolutes. Was he, then, un-American?

If Schlesinger were completely serious about this question, he would ponder more deeply why he himself does not share Niebuhr's belief in the absoluteness of the absolute and in the correlative weakness of human reason, combined with practical faith in the ability of reason (perhaps strengthened by faith) to discern its own false pretensions. Schlesinger, I think, believes in practice in the absolute more than he is willing to concede in rhetoric.

Rhetorically, Schlesinger wants it both ways. He does not want to be a vulgar relativist, who would "regard all claims to truth as equal or believe that judgment is no more than an expression of personal preference." Nor does

he wish to present himself as an anti-intellectual relativist like the Nazis; nor a relativist of naked will like Mussolini; nor a thoroughgoing moral relativist like Lenin. He wants to be a nice, bourgeois, decent relativist; an all-American relativist who, while holding no firm truths as absolute, can be counted on to do the decent thing, because that's the American way. (This is a form of weak dependency on the stronger faith of the past.)

At the same time, Schlesinger wants to claim that this warm, comfortable, unthinking "relativism" can be squared with the Declaration of Independence, and with Lincoln's assaults upon the natural immorality of slavery. Schlesinger writes of some of the truths the American founders held:

"Some of these values seem to us so self-evident that even relativists [including Schlesinger?] think they have, or ought to have, universal application: the right to life, liberty and the pursuit of happiness, for example; the duty to treat persons as ends in themselves; the prohibition of slavery, torture, genocide"

But when relativists do hold such things, what do they lack to distinguish themselves from being absolutists? "The atheists of our generation," Albert Camus once asked, "what do they lack but churches to distinguish themselves from being believers?"

Yet, as we have seen, Schlesinger is willing, as neither Lincoln nor Jefferson was, to throw away all these robust beliefs in the "universal application" of such "truths." (They are not merely "values.") He exchanges them, as we have seen, for weak pabulum such as this:

"People with a different history will have different values. But we believe that our own are better for us. They work for us; and, for that reason, we live and die by them. [*Italics added.*]"

But rights endowed by God are not so iffy. It's not merely that such rights "work for us." They work for all creatures of this earth who are capable of reflection and of choice. Such capacities for reflection and choice are the ground of human dignity, the ultimate appeal against every secular or religious "absolutism" that would oppress or abuse them, and the guarantee that, in these respects, all humans — not Americans solely — are created equal. "The God who gave us life," Jefferson expressed this, "gave us liberty."

On these two absolutes — the Creator and Giver of Life, and the Creator and Giver of Liberty — America was not only founded, but lies now and forever under searing judgment. Such absolutes, if Schlesinger had only said so, are "what America is all about." Even the students of Shanghai, whose symbol was the Statue of Liberty, grasped this better than the American professor.

Michael Novak is director of social and political studies at the American Enterprise Institute and publisher of *Crisis*, a lay Catholic journal.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 11/20/89ACTION/CONCURRENCE/COMMENT DUE BY: 4:00 PM TODAYSUBJECT: Enrolled Bill H.R. 3610 - District of Columbia Appropriations Act of 1990 and Veto Message

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☒	MCCLURE	☒	☐
SUNUNU	☐	☒	NEWMAN	☐	☐
SCOWCROFT	☐	☐	PORTER	☒	☐
DARMAN	☐	☒	ROGICH	☐	☐
BATES	☒	☐	UNTERMAYER	☐	☐
CARD	☐	☒	<u>CLERK</u>	☐	☒
CICCONI	☐	☒	_____	☐	☐
DEMAREST	☒	☐	_____	☐	☐
FITZWATER	☐	☒	_____	☐	☐
GRAY	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐

REMARKS:

Please provide your comments/recommendations directly to my office no later than 4:00 PM TODAY, NOVEMBER 20, 1989. Thank you.

RESPONSE:

James W. Cicconi
 Assistant to the President
 and Deputy to the Chief of Staff
 Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

THE DIRECTOR

November 20, 1989

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3610 -- District of Columbia
Appropriations Act of 1990

Sponsors: Representative Dixon (D), California
Senator Adams (D), Washington

Last Day for Action

November 30, 1989

However, signature is recommended as soon as possible because the continuing resolution expires on November 20, 1989.

Purpose

Provides appropriations for the Federal payment to the District of Columbia and provides for the appropriation of District of Columbia funds for fiscal year 1990.

Agency Recommendations

Office of Management and Budget

Defer to President

Health and Human Services

Defer to President

Discussion

The enrolled bill, which passed the House by a vote of 229-191 and the Senate by voice vote, provides \$538 million in Federal fund budget authority and \$554 million in outlays. The funding provisions in this bill are identical to those in H.R. 3026, the version of the bill that you vetoed on October 27th. The amounts in the bill are consistent with the Committee's 302(b) allocations.

H.R. 3026 would have prohibited the use of Federal funds to pay for abortions with a number of exceptions. These exceptions would have permitted funding: when the the life of the mother would be endangered if the fetus were carried to term; for the victims of rape or incest; for medical procedures necessary to terminate ectopic pregnancies; and for selected drugs, such as the "morning-after" pill, or devices used to prevent pregnancy. Additionally, H.R. 3026 contained no restriction on the use of the District's own funds for abortion which, under law, are appropriated by the Congress -- although they are raised by the District from its own tax base.

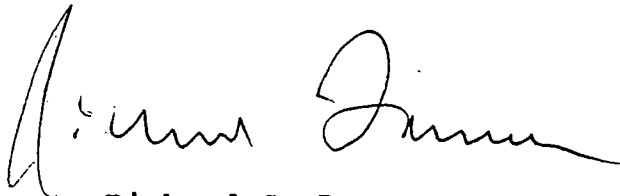
The enrolled bill, H.R. 3610, includes language that would restrict the use of "Federal funds" to pay for abortion to just those instances where the life of the mother would be endangered if the fetus were carried to term. This language is consistent with the Hyde language that the Administration supports, and is considered a compromise by the bill's supporters in the Congress. However, the bill continues to permit the use of Congressionally appropriated District funds for abortion on demand in the District of Columbia. ✓

The FY 1989 District bill signed by President Reagan contained the restrictions on the use of the District's local funds for abortion. However, this is the only District bill ever to have contained that restriction. President Reagan signed legislation without the restriction on District funds from 1981 to 1988. The Reagan Administration did not begin raising serious objections to the lack of a restriction on District funds until debate on the FY 1988 bill.

The funds at issue in this restriction are not "Federal funds," but rather, locally generated funds. The recent Supreme Court Webster decision has afforded the States greater latitude in the area of abortion law. Proponents of the bill argue that the latitude provided to the States should also be given to the District of Columbia.

You addressed the abortion issue in your letter of August 2, 1989, to Representative Dixon, Chairman of the House Appropriations Subcommittee on the District of Columbia, and in your veto message of October 27th. You stated your intention to veto the bill if it did not contain language that prohibited the use of "appropriated" funds (both Federal and District of Columbia funds) to pay for abortions other than in those instances in which the life of the mother would be endangered if the fetus were carried to term. The test used in your letter was met by the FY '89 Act, but is not met by the bill presented to you now.

Consistent with your letter of August 2, a draft veto message is attached for your consideration. It was prepared by OMB and the Department of Justice.



Richard G. Darman
Director

Attachment

TO THE HOUSE OF REPRESENTATIVES:

I am returning today, without my
"District of Columbia Appropriations

On October 27, 1989, I vetoed H.R. 3610
of this bill. In my veto message of
intention to veto any bill that does not contain language that
prohibits the use of all appropriated funds, Federal and local,
to pay for abortions other than those in which the life of the
mother would be endangered if the fetus were carried to term.
The limitation I propose is identical to the one included in the
District of Columbia Appropriations Act for 1989 (Public Law
100-462).

H.R. 3610 would place such a restriction on the use of
Federal funds to pay for abortion, but would permit local funds
to be used for abortions on demand with no restriction whatever.
As a matter of law, however, the use of local funds in the
District of Columbia must be approved by Congress and the
President; the Federal Government is thus responsible for
decisions as to the use of such local funds. Under these
circumstances, the failure of H.R. 3610 to prohibit the use of
all taxpayer funds appropriated by the bill to pay for abortion,
except in those limited circumstances, is unacceptable.

Local Funds
Appropriate as part of
D.C. Appropriation
Solely
Deemed to be appropriated
Not

From the outset of our Administration, I have repeatedly stated my deep personal concern about the tragedy in America of abortion on demand. As a nation, we must protect the unborn. H.R. 3610 does not provide such protection. I am, therefore, compelled to disapprove it.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02. Memo	From Douglas Johnson to John Sununu Re: Three Abortion-related Appropriations Issues (2 pp.)	11/15/89	P5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: Abortion/Fetal Tissue Research (1989) [1]

Open on Expiration of PRA
 (Document Follows)
 By JF (NLGB) on 5/12/05

Date Closed:	12/1/2004	OA/ID Number:	29135-001
FOIA/SYS Case #:	1998-0004-F[1]	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P-3 Release would violate a Federal statute [(a)(3) of the PRA]
 P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
 P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
 P-6 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. Removed as a personal record misfile.

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

PERSONAL AND CONFIDENTIAL

To: Governor Sununu (c/o Jacki Kennedy, fax 456-2397)
From: Douglas Johnson, NRLC, 626-8820
Re: The three abortion-related appropriations issues.
Date: Wednesday, Nov. 15, 1989, 8:30 a.m.

We are profoundly grateful for your role in resisting the current wave of legislative attacks on the most defenseless members of the human family. This memo outlines the current situation on the three abortion-related appropriations issues.

District of Columbia: The new D.C. appropriations bill (HR 3610), approved yesterday by the House Appropriations Committee, includes only a cosmetic change from the earlier bill. The change relates only to the "Federal funds" within the bill. The bill would allow D.C. to resume funding abortion on demand with the so-called "local" (but congressionally appropriated) funds in the bill. Despite the clarity of the President's Oct. 27 veto message on the original D.C. bill, Chairman Julian Dixon is telling the press that he is not sure that the President would veto the new bill over the "local" funds issue.

Mr. Dixon told the Washington Times, "Before we restrict the District's decision to promulgate its own rules on abortion, we have to have a veto on that issue. It has to be clear-- without equivocation-- that he [Mr. Bush] does not adhere to the Webster decision and will let the District makes its own decisions."

In reality, of course, the effect of the Webster decision was to weaken constitutional barriers to restrictions on abortion by either state legislatures or Congress. To whatever extent Webster enhanced the power of state legislatures to restrict abortion, it also enhanced the powers of Congress-- particularly with respect to "federal enclaves" such as D.C. Article I of the Constitution grants Congress "exclusive legislation [authority] in all cases whatsoever" over D.C. The Supreme Court has recognized the sweeping nature of this authority in many rulings, and there is absolutely nothing in Webster which points in the other direction.

The new D.C. bill will be on the House floor early this afternoon. We will attempt to amend the bill to prohibit the use of ALL appropriated funds, including "local" funds, for abortions, except to save the life of the mother. In order to counter Mr. Dixon's attempts to obscure the President's position, it would be helpful if the White House would send Mr. Dixon et al a new letter today, prior to floor action, reiterating that the bill will be vetoed unless it preserves the current law prohibiting abortion funding with the "local" appropriated funds.

Foreign Aid Appropriations: The Chris Smith amendment approved by the House yesterday was not a "compromise," but a victory for the President's

position. The Smith Amendment fully addresses pro-life objections to the Senate-passed bill. The Smith Amendment would reaffirm the thrust of the 1985 Kemp-Kasten prohibition and would effectively prohibit funding of the UNFPA, so long as the UNFPA supports China's coercive population program. Senator Kasten tried to get the conference report through the Senate yesterday evening, but Congressman Moody, a House pro-abortion leader, apparently persuaded the Senate leadership to delay until at least today, arguing that the House vote on the Smith Amendment was so close (219-203) that the Senate should refuse to accept the Smith Amendment and send it back to the House for another vote.

The Smith-Kasten language got 48 votes in the Senate on Sept. 20, so if the White House can bring over even three votes, we could avoid having the issue bounced back to the House. Prime targets would be Senators Rudman, Hatfield, Heinz, Specter, and Lieberman.

The text of the Smith-Kasten amendment is attached.

HHS Appropriations Bill: Speaker Foley yesterday told the AP that it was time for abortion advocates to "fact the fact" that the President will prevail on the HHS abortion language. "Without the votes to overturn that veto, we have to face the fact that there's going to be a denial of funds," Foley said. However, the story goes on to quote pro-abortion leader Rep. Les AuCoin as predicting that the Senate will restore the earlier rape/incest language, setting the stage for a confrontation in conference.

Such a conference would present the pro-life side with certain tactical opportunities which we would like to discuss with you at your earliest convenience.

Thank you for your consideration of these requests.

WASHINGTON POST 11/15/89 D2

U.S. Abortion Funds Excised From D.C. Budget Bill

By Michael Abramowitz
Washington Post Staff Writer

The House Appropriations Committee, seeking to reach an accommodation with President Bush, voted yesterday to modify the District's 1990 budget bill to forbid the city to spend federal funds for abortions, except to save the life of the mother.

The new language is a change from the previous version of the bill, vetoed by Bush two weeks ago, that would have permitted the use of federal funds to pay for abortions in cases of rape or incest.

However, the new bill would retain language allowing the city to spend local tax dollars on abortions for the poor, a provision that appears to keep the committee in conflict with the president.

The White House has said repeatedly that the president would

veto any measure that allows the use of "appropriated funds" for abortions, a term that ostensibly refers to both federal and local funds in the D.C. budget.

Yet Rep. Julian C. Dixon (D-Calif.), chairman of the D.C. Appropriations subcommittee, said, yesterday that it is not a certainty that Bush would veto a bill that contains language to his liking with respect to federal financing of abortions.

He said the committee tried to fashion a compromise, which adheres to the president's position on federal financing of abortions, but which gives the city leeway to use local funds for abortions for poor women. Dixon noted that "the climate is changing on the abortion issue."

Douglas Johnson, legislative director of the National Right to Life Committee, labeled the changes pushed by Dixon as "purely cosmetic"

and predicted the new measure would also be vetoed.

"If President Bush signed the new bill, he would be signing the warrant for the death of 4,000 unborn babies a year," Johnson said. "I don't think he's going to do that."

The new bill may be brought to the House floor as early as this week.

In a separate development, the House District of Columbia Committee postponed a hearing on a bill that would exempt House members' spouses from paying D.C. income taxes. A committee official said the hearing was postponed because of scheduling conflicts and has yet to be rescheduled.

The measure was introduced by Rep. Ron Dellums (D-Calif.), chairman of the District Committee.

Meanwhile, the D.C. Council approved legislation yesterday allow-

ing the District to borrow an additional \$100 million. Mayor Marion Barry had sought \$200 million in additional short-term borrowing authority to help keep the city government functioning until the budget dispute is resolved and the District receives its 1990 federal payment in lieu of taxes.

The mayor scaled back his borrowing request after concerns were raised by council member John A. Wilson (D-Ward 2), chairman of the Finance and Revenue Committee, about the extent of the borrowing. Betty Ann Kane (D-At Large) was the only council member to speak against the additional borrowing request. She said the District could obviate the need for borrowing by having better control over spending.

"I do not see this as keeping the city afloat," Kane said. "I see it as keeping the government afloat."

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 27, 1989

TO THE HOUSE OF REPRESENTATIVES:

I am returning herewith without my approval H.R. 3026, the "District of Columbia Appropriations Act, 1990."

I informed the Congress earlier that I would veto this bill if it permitted the use of appropriated funds to pay for abortions other than those in which the life of the mother would be endangered if the fetus were carried to term. The limitation I proposed is identical to the one included in the District of Columbia Appropriations Act for 1989 (Public Law 100-462).

This year, regrettably, the Congress has expanded the circumstances in which Federal funds could be used to pay for abortions. Moreover, unlike Public Law 100-462, H.R. 3026 would also permit payment for abortions with local funds, which under current law must be appropriated by the Congress. Thus, H.R. 3026 would not restrict the use of such funds for abortion in any way.

I am, therefore, compelled to disapprove H.R. 3026.

GEORGE BUSH

THE WHITE HOUSE,
October 27, 1989.

#

READ THE LANGUAGE

A MOTION BY MR. SMITH OF NEW JERSEY

Concur with the Senate amendment (no. 17, Mikulski amendment) with an amendment, as follows:

at the end of Senate amendment 17, insert:

Provided further, that notwithstanding the previous provisos, no funds under this heading shall be made available to the United Nations Population Fund unless the President of the United States certifies that the United Nations Population Fund does not provide support for, or participate in the management of, a program of coercive abortion or involuntary sterilization in the People's Republic of China.

Adopted 219-203

this, do you think? Is it arrogance or is it --

THE PRESIDENT: I can't figure it out. It's an offense to the President of Costa Rica. It is an offense to the democratically-elected leaders here. It is the most outrageous use of a meeting on democracy that I can think of. I've asked our own folks, what in heaven's name would make a person do something so counterproductive? Stick him out like a sore thumb amongst a bunch of democratically-elected leaders, offend a host. And I'm sure it has. You can ask Oscar Arias. But if I were him, I would have been deeply offended by such brutal disregard for the feelings of the sensitivities of this meeting. So I don't know what motivates this man.

I did see him there yesterday. I know you all wanted to see the photos and the confrontation. That's boy scout stuff. There's no -- he wants to talk to me? Talk to the resistance. That's what he agreed to do. That's who he ought to talk to. Don't go sliding around for some photo opportunity that means nothing.

Q I just wanted to get one domestic policy question in here.

THE PRESIDENT: Fire.

Q At a time when you're endorsing and you're celebrating self-determination abroad and you've endorsed state initiatives in so many areas like education at home, how do you justify refusing to allow District of Columbia residents to use their own local tax money to fund abortions for poor women?

THE PRESIDENT: I don't think public money ought to go for that, except in the life of the mother. My position is so well-known there. And they can push me for political advantage every time they want to, and they're going to be up against a brick wall. So let's forget it and get on with helping the people in the District of Columbia. And that's what they ought to do and not try to play games to think one's going one up or one down on this very personal, very difficult question of abortion. My position is spelled out, was defined, openly debated in the elections a year ago -- maybe to this very day. And I'm not changing my position. And they know that. And if they think there's political advantage in pushing me to the wall, fine. But the people that are being victimized by those kinds of political games are the people in the District of Columbia.

Q Mr. President, there seems to be a consensus that the government that should be in power in Panama at this moment is Mr. Endara, since he won a fair election. However, hemispheric presidents passed up the opportunity to recognize that government last September. Could you explain why this happened?

THE PRESIDENT: It happened because there was an action -- the presidents agreed to work with the OAS and to strongly back the OAS Mission. And in my view, the OAS Mission failed in its mission, and that was to get Noriega out of power and then go forward. Now you're having some constructive suggestions by Felipe Gonzalez, the Prime Minister of Spain, by others at the meeting here. And what will be the next step, I can't tell you. But I am not -- put it this way: I am not totally frustrated about the return of democracy to Panama. I think the thing I sense from these leaders is such solidarity with free and fair elections -- and that was what happened in Panama -- that the handwriting is on the wall for Mr. Noriega.

But whether at this juncture recognition of that

CHRISTOPHER E. SMITH

2440 RAYBURN BOB WASHINGTON, D.C. 20515

FAX TRANSMISSION COVER SHEET

FAX PHONE NUMBER: (202) 225-7768

DATE:

TO:

Gov Sununu

FROM:

Cong. Chris Smith

The Governor's IMMEDIATE
Attention.

THIS DOCUMENT CONSISTS OF ~~1~~ ⁴ PAGES, INCLUDING THIS COVER PAGE.

SHOULD YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL (202) 225-3765 AND ASK FOR _____

10/29/89 W. POST

THE WASHINGTON POST

President Defends His Veto of D.C. Funding Bill

Abortion-Rights Advocates Are Playing 'Political Games' With Residents, Bush Says

By Ann Devroy
Washington Post Staff Writer

SAN JOSE, Costa Rica, Oct. 28—President Bush today accused abortion-rights advocates of playing "political games" with the people of the District of Columbia by including language in the city's 1990 appropriations bill that would allow the city to use local tax dollars for abortions for the poor.

Bush vetoed the legislation on Friday, saying he opposed the use of public funds for abortion. The president repeated that opposition when asked about the issue today during a news conference. He is

here attending a summit of Southern Hemisphere leaders.

Asked how he could justify the veto when it was local, not federal, tax dollars being used, the president made no differentiation between the kinds of tax dollars at stake.

"My position is so well known," he said, "and they can push me for political advantage every time they want to and they're going to be up against a brick wall."

Bush said those who think they can change his mind on this should "forget it and get on with helping the people of the District of Columbia and that's what they ought to do and not try to play games"

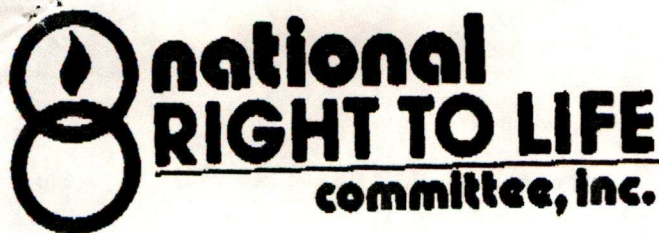
Even though Bush himself gave hope to abortion-rights advocates by indicating two weeks ago some flexibility in his position, the president today said his position had not changed, at least since a year ago when voters heard the issue debated in the campaign.

"My position is spelled out, it's defined, openly debated a year ago in the elections and I'm not changing my position and they know that," he said. Bush's position, in fact, has changed numerous times since he first began running for president in 1979.

Mayor Marion Barry and other District officials on Friday sharply

criticized the veto as an assault on home rule that will impede the city's effort to fight crime and drugs and hurt its financial position overall. Today, Jesse L. Jackson issued a statement on Bush's veto saying, "Nothing demonstrates more clearly the colonial status of the District of Columbia."

Bush's veto of the District's \$3.4 billion spending plan for the fiscal year that began Oct. 1 puts the legislation back in the hands of Congress, which can try to override the veto, remove the abortion language and send it back to the president for approval, or try to attach it to some other legislation.



Suite 500, 419 7th Street, N.W.
Washington, D.C. 20004-2293 — (202) 628-8800 (FAX) 737-9189 or 347-5907

PERSONAL, CONFIDENTIAL, AND URGENT

November 17, 1989

President George Bush
The White House
Washington, D.C. 20500

COPY

Dear Mr. President:

During recent weeks, millions of pro-life Americans have been inspired and energized by the way in which you have stood steadfast in defense of the most helpless members of the human family-- our pre-born children. The press coverage and editorial commentary was particularly harsh and unfair with respect to your veto of the Health and Human Services appropriations bill. I am enclosing a copy of a letter which was sent to the Washington Post rebutting that paper's distortions of the reasoning behind your veto, which unfortunately has not been published by the Post.

One of the most important actions you have taken in defense of innocent human beings was your veto of the original appropriations bill for the District of Columbia (HR 3026), explaining in your veto statement that you objected to the resumption of tax-funded abortion in D.C. with either Federal or so-called "local" funds. I say "so-called local funds," because in the constitutional sense, D.C. does not have "local funds" in the sense that, say, Dallas does. As Marlin Fitzwater well explained in his remarks on that occasion, all D.C. funds are "Federal" funds in the sense that they are under Federal control and are appropriated by Congress.

In response to questions from the press in Puerto Rico, regarding the "local funds" aspect, you responded forcefully that abortion proponents in Congress "can push me for political advantage every time they want to, and they're going to be up against a brick wall."

Mr. President, the pro-abortion congressional leaders have decided to test your resolve by sending you a second D.C. bill (HR 3610). Like the first, it would allow D.C. to resume funding of unrestricted abortion on demand, using the so-called local funds. We implore you to veto this bill, and to forcefully reiterate in your veto message that you will not be satisfied with legal fictions and bookkeeping tricks which are intended to permit government funding of abortion on demand.

The annual D.C. appropriations bill distinguishes between the Federal contribution and local revenues on the income side of the ledger, but generally no distinction is made with respect to expenditures. The unusual

distinction was employed with respect to abortion in annual D.C. funding bills from 1979-88, because pro-abortion leaders in Congress accurately calculated that it would provide the appearance of an abortion restriction, but the reality of tax-funded abortion on demand. This pro-abortion sham language did not save a single life. In fact, during this period women flocked to D.C. from Virginia and Maryland, which had much more restrictive policies on funding abortions.

Finally, in October 1988, pro-life forces in Congress, backed by veto threats from President Reagan, won enactment of the current law, which bars the use of any congressionally appropriated funds-- Federal or "local"-- for abortions, except to save the life of the mother.

It seems clear from the statements of Chairman Julian Dixon in the Nov. 15 Washington Times (attached) that if you "make it clear" that you mean what you said in your original veto message, you will quickly be sent a third D.C. bill which will preserve the current pro-life policy.

The pro-life law has not been in effect in D.C. long enough for us to obtain statistics on just how many lives it has saved. However, studies in other jurisdictions have found that when public funds are not available for Medicaid abortions, the percentage of pregnancies aborted among Medicaid-eligible women diminishes by between 30 and 40 percent.

The children whose lives are saved by your pro-life vetoes will probably not be seen in media treatments of the abortion issue. But each is a unique, unrepeatable child of God. When I visited with you in the Oval Office on June 23, you met NRLC's longtime Legislative Director, Douglas Johnson. Doug has three adopted children. The youngest of these, Miriam Dolores (photo attached), was born in the District of Columbia, to an unwed young woman whose circumstances did not permit her to keep the baby. Miriam is a very happy little girl with a terrific zest for life. Doug and his wife are eternally grateful to Miriam's birthmother for choosing life. Doug was thinking of Miriam when he expressed the fervent hope, quoted in the Nov. 15 Washington Post, that you would not sign the new D.C. bill, since it would be "signing the warrant for the death of 4,000 unborn babies a year."

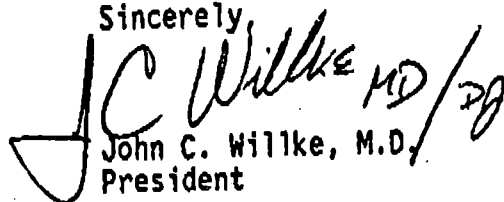
Finally, it has been suggested in recent commentary in The Washington Post and other D.C. media that the Supreme Court's July Webster decision somehow implied that decisions regarding abortion regulation must be made at the state or local level-- in this case, by the City Council. I am sure that your own capable White House Counsel's Office would confirm that the Webster decision had nothing whatever to do with the relative powers of Congress, state, or cities to restrict abortion. The Webster case happened to involve a state law, but the outcome would have been the same if a Federal law had been involved. The Webster ruling weakened the Constitutional barriers to restrictions on abortion by all levels of government.

In response to a recent request by a Member of Congress, Professor Robert A. Destro of the Catholic University of America Law School (a member of the U.S. Commission on Civil Rights) and Professor Basile J. Uddo of Loyola Law School (a member of the board of the Legal Services Corporation) prepared the enclosed memo, which explains the unique constitutional status of the District of Columbia, and rebuts claims that it is inappropriate for Congress to establish abortion policy for the District of Columbia.

The President, November 17, 1989, page 3

Again, pro-life Americans are profoundly grateful for the resolve which you have demonstrated in defense of innocent human life, and pray that you will receive the continued protection and guidance of God during the months and years ahead.

Sincerely,


John C. Willke, M.D.
President

enclosures

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 27, 1989

TO THE HOUSE OF REPRESENTATIVES:

I am returning herewith without my approval H.R. 3026, the "District of Columbia Appropriations Act, 1990."

I informed the Congress earlier that I would veto this bill if it permitted the use of appropriated funds to pay for abortions other than those in which the life of the mother would be endangered if the fetus were carried to term. The limitation I proposed is identical to the one included in the District of Columbia Appropriations Act for 1989 (Public Law 100-462).

This year, regrettably, the Congress has expanded the circumstances in which Federal funds could be used to pay for abortions. Moreover, unlike Public Law 100-462, H.R. 3026 would also permit payment for abortions with local funds, which under current law must be appropriated by the Congress. Thus, H.R. 3026 would not restrict the use of such funds for abortion in any way.

I am, therefore, compelled to disapprove H.R. 3026.

GEORGE BUSH

THE WHITE HOUSE,
October 27, 1989.

#

CHRISTOPHER E. SMITH

2440 RAYBURN MOB

WASHINGTON, D.C. 20515

FAX TRANSMISSION COVER SHEET

Rec'd after
JHS left Fri. 11/17

FAX PHONE NUMBER: (202) 225-7768

DATE:

TO:

Gov Sununu

FROM:

Rep. Chris Smith

IMMEDIATE Attention
GOVERNOR Sununu

THIS DOCUMENT CONSISTS OF 3 PAGES, INCLUDING THIS COVER PAGE.

SHOULD YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL (202) 225-3765 AND ASK FOR _____.

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78 LINES

AM-Abortion,640

Effort Announced to Put Roe v. Wade Decision in Statute

By WILLIAM M. WELCH=

Associated Press Writer=

WASHINGTON (AP) Abortion-rights supporters in Congress, setting the stage for a political battle next year, announced their intention Friday to push a bill that would write into law the 1973 Supreme Court ruling that legalized abortion.

The bill they introduced would, in effect, overcome the Supreme Court's decision last summer in the so-called Webster case that gave states greater authority to impose restrictions on abortions, supporters said.

Just a few lines long, the bill would forbid states from restricting a woman's right to have an abortion before the time her fetus becomes viable for life outside the womb, or at any time when necessary to protect the life of the mother.

Sponsors said their aim was to take the fight over rights to abortions away from state legislatures, allowing them to impose only those restrictions that are medically necessary to protect the life or health of the mother.

Although no action was expected until next year, abortion-rights backers said the bill would become the central focus of future congressional and political debate on the abortion issue.

A result, they said, would be to thrust the abortion issue even further into the politics of the 1990 House and Senate races.

"This bill is the moral equivalent for women of the 1964 Civil Rights Act," said Rep. Les AuCoin, D-Ore.

A leader of the abortion opponents, Rep. Christopher Smith, D-N.J., said he welcomed the bill because it would bring a full debate on abortion. He said he was confident the House would defeat it.

"I hope they bring the bill to the floor very quickly," he said. "The question will then be very squarely: 'Will we permit abortion on demand for the whole nine months of pregnancy?'"

The House bill had 88 sponsors, and a version introduced in the Senate carried 19 sponsors.

The bill was aimed at writing into law the landmark 1973 Roe vs. Wade decision establishing a woman's right to an abortion and at reversing the Webster case. Abortion-rights supporters contend the Webster decision eroded rights established 16 years earlier, and signaled a possible further erosion in future high-court decisions.

The Webster decision, however, has energized abortion-rights leaders and raised the temperature of the abortion debate in many states. Democrats won elections in New Jersey and Virginia last week in outcomes credited to increasing public sentiment for abortion rights. On the other hand, the Pennsylvania legislature passed a law imposing new restrictions on abortion, including requirements for a 24-hour waiting period and that women notify their husbands beforehand.

"The Webster decision forced us to go back to the legislative basics," said Rep. Vic Fazio, D-Calif. "Now the focus is on the basic right. I look forward to this being the centerpiece of the abortion fight next year."

"This bill is going to be the rallying point," said Rep. Claudine Schneider, R-R.I., an abortion-rights supporter who met with President Bush on the issue this week and who is weighing a 1990 race for the Senate. Bush is appearing at a fund-raising event for her Monday, despite their differences on abortion.

Sen. Robert Packwood, R-Ore., predicted passage by both the House and Senate but acknowledged supporters would probably not be able to override a presidential veto.

Abortion-rights supporters in the Senate on Thursday ended their efforts to overcome Bush's veto of a bill that would extend Medicaid abortions to women who are victims of rape or incest. Both the House and Senate agreed to provisions keeping the current prohibition on federal payment for abortions except in cases where the life of the mother is endangered.

Both sides also were watching to see whether Bush would sign or veto a spending bill for the District of Columbia. He vetoed an earlier version because it permitted federal financing of abortions in cases of rape, incest or danger to the life of the mother. Congress passed a new version that prohibits use of federal funds except to save the mother's life, but would permit the city to use its own funds in all other cases.

"If he signs it, it will be a victory for us," AuCoin said.

DC

Gov. Sonum :

This is on the AP wire as you read this :

"If he signs it,
it will be a victory
for us," AuCoin said

House Votes to Relax Medicaid Abortion Rule

Victims of Rape or Incest Would Be Eligible

By Don Phillips
Washington Post Staff Writer

After voting for eight straight years to ban federal financing of abortions for poor women who become pregnant because of rape or incest, the House yesterday reversed that position.

In a vote that both sides said demonstrated a stronger than expected shift in House sentiment, the House by 216 to 206 accepted Senate language that would permit federally funded abortions for victims of rape or incest. Previously, the House had only allowed federally funded Medicaid abortions when they were needed to save the woman's life.

The screams and cheers of surprised abortion-rights supporters pierced the chamber from hallways outside as the House vote was announced on a motion connected to the \$156.7 billion appropriations bill for the Departments of Labor and of Health and Human Services. That abortion vote was affirmed by a second one, 212 to 207.

Rep. Barbara Boxer (D-Calif.), who offered the motion to liberalize the abortion language, said she had expected to lose because she could count no more than 209 possible votes in favor of it. "We felt that anything over 200 [would be] a moral victory, and we won a real victory," she said.

President Bush has threatened to veto any legislation that contains such a provision. And abortion-rights supporters challenged him to do so. "My reaction is, 'Go ahead, George,'" said Rep. Les AuCoin (D-Ore.). "You're going to bring injury to yourself. And, more importantly, you're going to bring injury to your allies on this floor," he said.

The last time the House faced the same issue, on Sept. 9, 1988, it voted 216 to 166 to preserve the "Hyde amendment," which has been attached to the Labor-HHS bill every year since 1981.

A disappointed Rep. Henry J. Hyde (R-Ill.), the amendment's sponsor, said yesterday's vote indicates that the makeup of the House is changing, with more abortion-rights supporters being elected.

"As the membership changes, the vote changes," said Hyde, the godfather of the antiabortion movement. "... Over the years, 'pro-lifers' have been replaced by 'pro-choicers.'"

An analysis of yesterday's vote

shows that more was involved than changes in the makeup of the House. Twenty-eight members deserted the antiabortion position between the 1988 and 1989 votes, while only two switched the other way. Among new members, who could not have voted in 1988, 20 voted for the abortion-rights position and 18 voted for the antiabortion position, according to an analysis by Boxer's staff.

"I think members are telling me the sentiment is changing in their districts," Boxer said.

Yesterday's vote was similar to a 219 to 206 vote this summer on the District appropriations bill reversing a ban on the District's use of its own money for abortions for the poor. Bush has threatened to veto that bill because of its abortion provisions.

That earlier vote, while significant, was not a pure test of the strength of abortion-rights advocates because the question of home rule also entered into the debate.

However, yesterday's vote, coupled with the vote on the District bill, tends to confirm abortion-rights advocates' contention that they are riding a political wave that began last July with the Supreme Court's *Webster v. Reproductive Health Services* decision, which gave states greater power to regulate abortion.

"It was clear that the *Webster* decision galvanized the American public," said Ann Kolker of the National Women's Law Center.

"Congress realized, like everyone else, that people intended to stand up and be counted this time," said Sheri O'Dell of the National Organization for Women.

Floor debate was intense and often emotional. "I bleed for women who are raped or who are the victims of incest," Hyde said. "... But don't kill the second innocent victim of that rape."

But Hyde's opponents said that his amendment results in cruelty for poor women, who cannot afford the legal abortion procedures that are available to those with money.

"Let's not turn this disgusting, ... solitary crime of rape into a gang rape by the Congress of the United States," said Rep. George Miller (D-Calif.).

Antiabortion activists said the vote was a setback but only one battle in a war that will continue.

"There are a lot of temporary bumps in the road that the pro-life movement is experiencing," said Pat McGuigan, senior scholar at the Free Congress Foundation. "I'm not panicked by this. ... It's not the end of the debate."

Both proponents and opponents said the vote has more symbolic than practical significance since few abortions were sought under the program before the restrictions took effect in 1981. Planned Parenthood officials said that before 1981 about 3,000 abortions a year were paid for under Medicaid. Almost none has been paid for since then.

Other than abortion funding, there were no major fights over the billions of dollars contained in the bill for programs administered by the Departments of Labor, HHS, Education and other agencies, including \$1.5 billion for AIDS activities. Much of the money the appropriations bill contains is in line with what the programs have received in past years.

A major exception is a \$5.42 billion appropriation for aid for poor school districts, an increase of \$855 million. The Head Start preschool program got a boost, to \$1.4 billion. The House turned down Bush's request for a large increase in Pell student-aid grants, raising it from \$4.45 billion to about \$4.7 billion.

House Members Who Switched

Here are the members who switched positions yesterday on the vote to liberalize abortion rights under Medicaid. In 1988, they voted to support the Hyde amendment or officially announced they favored it but did not vote. Yesterday, they voted to support liberalization of abortion rights:

CALIFORNIA—Anderson (D), Bosco (D), Martinez (D), McCandless (R)
CONNECTICUT—Rowland (R)
FLORIDA—Nelson (D)
ILLINOIS—Dunbar (D), Martin (R)
INDIANA—Visclosky (D)
KENTUCKY—Hubbard (D)
LOUISIANA—Baker (R)
MARYLAND—Bentley (R)
MINNESOTA—Sikorski (D)
NEVADA—Bilbray (D)
NEW MEXICO—Richardson (D)
NEW YORK—Flake (D), Hochbrueckner (D)
NORTH CAROLINA—Ballenger (R), Hefner (D)
NORTH DAKOTA—Dorgan (D)
OHIO—Applegate (D)
OKLAHOMA—Watkins (D)
SOUTH CAROLINA—Ravenel (D)
SOUTH DAKOTA—Johnson (D)
TEXAS—Chapman (D), Ortiz (D)
VIRGINIA—Payne (D)
WISCONSIN—Kieciska (D)

Two members switched to support the Hyde amendment yesterday:

PENNSYLVANIA—Getas (R)
TEXAS—Leath (D)

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4

Abortion Vetoes

PRESIDENT Bush has painted himself into a corner on abortion, and it gets tighter by the week. He has promised again and again that he would tolerate no change in restrictive federal regulation of abortion. But voter sentiment and, perhaps as a result, legislative preference are changing. Democrats believe he will give them a useful campaign issue if he goes through with warnings to veto three major bills because of this controversy.

At stake are the appropriations bills for foreign aid, the District of Columbia and the Department of Health and Human Services. Each contains a different amendment relating to abortion that has prompted a veto threat. The foreign aid bill would restore U.S. participation in the United Nations Population Fund, which was discontinued in 1986 because of a controversy over abortions in China; no U.S. money would go to China, nor would any of it be used to fund abortions anywhere. The D.C. bill would restore to the District the right to make its own policy on spending its own tax money to provide abortions for the poor; no federal money would be used for this purpose. The HHS bill would allow states to use Medicaid money to provide abortions to poor women pregnant by reason of rape or incest, as well as in cases where a mother's life was in jeopardy.

Not one of these three bills represents a major

shift in traditional federal policy. Until very recently, the United States did contribute to the U.N. Population Fund, and the District was allowed to spend its own money on abortions. The restrictions have been aberrations. Removing them is only a return to sound practice. True, the small expansion of Medicaid funding provided in the HHS bill is an important symbolic victory for abortion rights forces, but it does not turn federal policy on its head. According to polls, this kind of change is supported by the vast majority of Americans, including many who would oppose abortion for any other reason.

Since 1973, politicians have been protected by the Supreme Court from having to grapple with abortion questions. They were free to assure abortion opponents that they would stand firm. But when the court relaxed its stance last July and opened the door to the possibility of anti-abortion legislation, it quickly became apparent that unwavering support for the entire anti-abortion agenda could be politically costly. Candidates for state office this year have noticed the changing political climate. So have officeholders such as Gov. Bob Martinez of Florida, who tried and failed this week to deliver on promises made to abortion foes. President Bush has political cause in addition to substantive reason to reconsider his unfortunate veto threats.

Bush Threatens to Veto Medicaid Abortion Bill

Plan Provides Funds in Cases of Rape, Incest

4/101/103

By Ann Devroy and Tom Kenworthy
Washington Post Staff Writers

President Bush told Congress yesterday that he will veto legislation that provides federal funding of abortions for poor women who are the victims of rape or incest, saying that such funding "would compound a violent act with the taking of an unborn life."

Ending five days of confusion in which he appeared to open the door to compromise on the issue, the president said he opposes the abortion language in the appropriations bill for the Departments of Labor and of Health and Human Services because it would be difficult for the government to limit Medicaid payments for abortion to "the few cases of actual rape or incest."

He suggested that "countless other" abortions would be performed if the government broadened its rules to pay for abortions other than in cases in which the woman's life is endangered. Bush aides had discussed for several days whether rules could be devised to ensure that women claiming to be pregnant through rape or incest were telling the truth.

In the absence of "perfect legislation" that would answer his concerns, Bush said, "If I have to err, I prefer to err on the side of human life."

(The veto threat was one of the few occasions when Bush has given in to pressure from the GOP's right wing. Details, Page A7.)

The formal veto-threat notification, in a letter to Senate Appropriations Committee Chairman Robert C. Byrd (D-W.Va.), set off a barrage of criticism among abortion-rights activists and praise among abortion opponents.

Abortion-rights lawmakers from both parties said Bush's veto deci-

sion will damage Republicans politically.

"It hurts the Republican Party," said Sen. Bob Packwood (R-Ore.). "It hurts our candidates. We are on the wrong side of the issue."

House Republicans who support the expansion of federally funded abortions are angered that Bush sought to negotiate a compromise only with lawmakers who are strongly antiabortion.

"I see he met with a group of very sincere 'pro-life' legislators," said Rep. Lynn Martin (R-Ill.), who served as a co-chair of Bush's presidential campaign last year. "Maybe he should have met with a group of very sincere 'pro-choice' legislators."

Republican lawmakers also predicted that they will pay at the polls next year for Bush's veto. "It's going to be difficult for me to disassociate myself from the White House," said Rep. Patricia F. Saiki (R-Hawaii).

Democratic lawmakers who favor expanded abortion rights accuse Bush of hypocrisy for favoring the right to an abortion in the case of rape or incest but opposing federal funding of abortions for poor women who are victims of rape or incest.

"How outrageous, how hypocritical," said Rep. Barbara Boxer (D-Calif.). She accused Bush of "endorsing a double standard... based on wealth and connections and power."

House Speaker Thomas S. Foley (D-Wash.) said he finds the president's decision "unfortunate and regrettable" and promised a House vote on overriding the veto.

Though it is unlikely the House can muster sufficient votes to pass the bill over Bush's veto, a second vote on the issue would put many Republicans on the spot, lawmakers said.

"The president is making a very bad political mistake," said Rep. George Miller (D-Calif.). "He will provide the 'pro-choice' forces with another organizing tool."

"We are in a win-win position," said Rep. Les AuCoin (D-Ore.). "We either win on an override or we win in the elections next year. The people who stand by the president are going to be remembered. They are going to be in for a rude surprise. . . . He is going to lead his party into an unmitigated disaster."

Sen. Alan K. Simpson (R-Wyo.) said that Bush had no option but to threaten the veto. White House and party officials generally agreed with this assessment, arguing that if Bush changed position now he would suffer even graver political harm, but appearing inconsistent.

In the last month, Bush has also threatened to veto two other bills over the abortion issue. One bill would allow the District to use local taxes to pay for abortions of poor women. The other would provide funds to a U.N. population-control effort because of its work in China, a country that the U.S. charges mandates abortion to control population.

Abortion Issue Imperils D.C. Budget

101/21

By Michael Abramowitz
Washington Post Staff Writer

The House of Representatives gave final approval yesterday to the District's \$3.4 billion budget for 1990 and sent it to the White House, where the measure faces a certain presidential veto because of provisions allowing unrestricted local spending for abortions.

District officials warned that a veto could exacerbate the city's troubled budgetary situation by further delaying a \$435 million federal payment in lieu of taxes and possibly forcing the city to borrow millions more than planned to meet payroll and maintain operations.

The appropriations bill, which was approved earlier this week by the Senate, contains \$32 million for a new program to combat illegal drugs, including funds to hire 1,000 additional police officers and finance a drug treatment initiative for pregnant women addicted to crack cocaine.

The bill also would alter two D.C. laws, changing the city's gay rights law to permit religious schools such as Georgetown University to discriminate against gay

groups and weakening the city's preferential system of hiring and promoting D.C. residents.

But the fate of those and other features of the D.C. spending plan is up in the air because of the presidential veto threat. Until a new budget is enacted, the District will continue to spend at fiscal 1989 levels, under provisions of a continuing resolution, but without a federal payment and without funds to hire additional police and step up the city's anti-drug efforts.

Already a delay in receiving all but \$30 million of the federal payment has upset the city's delicate financial balance and could make the city's projected deficit for 1990 even worse, according to city officials. Because of the expected fight over the abortion language, city officials said it could be a month or more before a permanent measure is approved for the fiscal year that began Oct. 1.

The city has delayed its October payments to the Metro system and the D.C. Retirement Board because of a cash-flow squeeze, and officials are preparing to borrow \$200 million this month to meet short-term obligations, months ahead of schedule.

"If this drags on much longer, it will force us to borrow [even] more money," said Deputy Mayor for Finance Robert Pohlman.

Pohlman said that borrowing an additional \$100 million would cost the city \$7 million in interest payments this year and force the city to find other savings to compensate. The city has already restricted hiring in an effort to rein in overspending in government programs.

City officials and politicians appealed to Bush not to veto the D.C. appropriations bill on the grounds that abortion should be a matter left to individual jurisdictions and that the veto would only delay critical federal spending to fight the city's drug epidemic.

Bush "is going to be sacrificing the public safety of the nation's capital to appeal to a one-issue constituency, most of whom don't even live here and none of whom contributed one penny" to the D.C. budget, said D.C. Council Chairman David A. Clarke (D).

But there seems little likelihood Bush will back down on the abortion issue. A White House spokeswoman last night reiterated the president's intention to veto the bill because of its abortion language, while abortion-rights supporters in Congress were reported to be mapping out a strategy for sending the measure back to the president in another form.

Although the bill would prohibit the District from spending any federal funds on abortion, the president objects to its language permitting the city to spend its own tax money for abortions virtually without limitation.

Last year, the House and the Senate were divided on the question of abortion funding for the District, with the House voting against the measure and the Senate voting in favor. The Senate backed down from its position after then-President Reagan threatened a veto of the measure.

But this year, both the House and the Senate have supported local funding of abortion after the House unexpectedly reversed course in August and approved the measure by a 219 to 206 vote.

While abortion-rights supporters in Congress concede they don't have the votes of two-thirds of the members of the House and Senate needed to override a veto, some assert that they might prevail on the issue by attaching the D.C. appropriations bill to another piece of legislation the president would be reluctant to veto.

One congressional source said members have been emboldened by the House's unexpected amendment last week to the Health and Human Services appropriations bill liberalizing abortion funding. The president has indicated he would also veto the HHS bill because it permits states to use Medicaid money to fund abortions if a poor woman becomes pregnant through rape or incest.

Don't Veto D.C. Budget, Barry Urges

By Michael Abramowitz
and Nathan McCall
Washington Post Staff Writers

D.C. Mayor Marion Barry, arguing that critical dollars for law and order are at stake, urged President Bush yesterday to reconsider his plans to veto the D.C. appropriations bill and approve the city's \$3.4 billion budget for 1990.

The president has threatened to veto the budget, approved by Congress this week, because it permits the District to spend local tax dollars on abortion without restrictions. But Barry said the veto would also mean the delay of a \$32 million package for hiring 1,000 new police officers, drug treatment for pregnant women and other anti-drug measures.

"We think this budget is an anti-crime, anti-drug fighting budget," Barry said at his monthly news conference. "We hope the president will not veto the measure."

Barry also said he intends to avoid campaigning or debating for the rest of the year, expressed support for reducing benefits under the city's right-to-shelter law, and called upon an aide to renew criticism of the federal anti-drug initiative in the District.

Barry's news conference came a day before one scheduled by William J. Bennett, the national drug policy director, to discuss the six-month progress of his plan to help

the District fight illegal drug trafficking and abuse in the city.

Apparently seeking to preempt Bennett, Barry released a letter to the federal government this week in which City Administrator Carol B. Thompson said the city has been unable to find \$97 million in federal funds being spent on the special metropolitan area initiative.

The District said it was told that the money is being spent on a variety of programs, from drug treatment for prisoners to additional FBI and prosecution support.

But Thompson said that most of this initiative represents programs already funded by the District, already planned by the federal government or "so fraught with difficulties that they would likely not materialize within the foreseeable future."

A Bennett aide said yesterday that Bennett's office never intended for all of the \$97 million to be turned over to the District. He said the figure represents the total amount of federal expenditures earmarked for the local project.

During yesterday's meeting with reporters, Barry also declined to explain comments he made Monday to a WRC-TV (Channel 4) reporter in which he recounted finding a beeper two years ago at Constitution Hall. Barry told the reporter that he turned the beeper over to police and later learned that it belonged to the alleged drug organization of Rayful Edmond III.

Barry said that what he told the television station was true but that he "got carried away and told [the reporter] something I hadn't intended."

As of late yesterday, the White House had made no formal veto announcement on the D.C. appropriations bill. Before Barry's news conference, D.C. Council Chairman David A. Clarke (D) and about a dozen community leaders called reporters together to urge that Bush reconsider his veto threat.

Josiyn N. Williams, president of

the Greater Washington Central Labor Council, asked Bush "to let the people govern—to let the taxpayers of the District of Columbia decide . . . what local policies and programs they should pursue."

On the subject of the campaign, Barry said he intends to spend the remainder of the year "managing the D.C. government, working for the poor and working for the homeless."

Four other Democrats have entered the 1990 mayoral contest, including Clarke, council members John Ray (At Large) and Charlene Drew Jarvis (Ward 4) and Sharon Pratt Dixon, a former power company executive.

Jesse L. Jackson has indicated that he might run for mayor if Barry steps aside.

Barry, who formed a reelection campaign committee in August, said he will not formally announce until early next year.

The mayor disputed suggestions that he is having trouble raising funds but declined to identify any major campaign contributors.

Barry, who is a subject of a federal grand jury drug investigation, said he may hold several fund-raisers between now and Christmas.

"I am not going to do any active campaigning," Barry said. "I think managing the city is more important than running for office."

The second mayoral forum of the year is scheduled for Oct. 27. Barry characterized his participation in the first debate, held last month at Shiloh Baptist Church, as "a mistake," saying he took part in it because his office had accepted the invitation unbeknownst to him.

Barry said his negative reception at recent public events has no bearing on his decision to hold back on campaigning. The mayor recently flashed his middle finger at hecklers during the Adams-Morgan Day street festival. Barry was booed again this month when introduced at the Housing Now! rally.

"I've been booed before," Barry said. "That's democracy. I love it."

Summary of Abortion-Related Provisions in District of Columbia
Appropriations Bills

As requested, we have done a review of the District of Columbia Appropriations bills from FY 1976 to FY 1990. Our review found that abortion-related language did not appear in the D.C. appropriations bill until FY 1980.

For each year, from FY 1980 through FY 1988, the identical abortion language appeared in the District of Columbia bill. The language follows (see attachment 1):

"None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy."

By prohibiting the use of Federal funds in the Act for abortions, the District could not use the Federal Payment to the District (approximately \$.4 billion per year) and the Federal Payment for Saint Elizabeth's Hospital (about \$25 million per year) for funding abortions. There was no limitation on the use of the District's own locally generated funds during this period.

FY 1989 was the first and only year that both Federal and District funds could not be used (see attachment 2). No exceptions were provided for rape or incest for either Federal or D.C. funds. The language follows:

"None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term."

During development of the FY 1989 bill, the House passed language that prohibited the use of Federal and District funds but the Senate insisted on the same language that was in place from FY 1980 through FY 1988. After the conferees agreed to the old language, the House insisted on its position (by a vote of 228 to 188). The Senate, in a late night rush to complete the last of thirteen appropriations bills by September 30th agreed to the House language. The vote was 45 to 44 on a Nickles motion to table a Bradley motion to insist on the Senate language.

During development of the FY 1990 bill, the House (on a vote of 206-219) failed to agree to the FY 1989 language that the Administration supports and adopted the old language (see attachment 3). The Senate adopted the old language without a floor vote. The bill was vetoed on October 27, 1989 and there was no vote to overturn the veto.

On November 15, 1989, the House and Senate passed a new version of the D.C. bill that included a compromise abortion provision. The language (see attachment 4) bans the use of Federal funds for abortions with a life of the mother exception. It eliminated the rape, incest and other exceptions that were in the vetoed bill (H.R. 3026). There is no ban on the use of District funds.

FY 1980-88 District of Columbia Appropriations Bill

Abortion-Related Provisions

1980-P. L. 96-93
1981-P. L. 96-530
1982-P. L. 97-91
1983-P. L. 97-378
1984-P. L. 98-125
1985-P. L. 98-473
1986-P. L. 99-190
1987-P. L. 99-591
1988-P. L. 100-202

DISTRICT OF COLUMBIA APPROPRIATION ACT, 1980

Public Law 96-93

96th Congress, H.R. 4580

October 30, 1979

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1980, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1980, and for other purposes, namely:

TITLE I—TEMPORARY COMMISSION ON FINANCIAL OVERSIGHT OF THE DISTRICT OF COLUMBIA

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Act creating the Temporary Commission on Financial Oversight of the District of Columbia (Public Law 94-399), \$500,000, which shall be available until expended: *Provided*, That the Temporary Commission on Financial Oversight of the District of Columbia shall have the power to appoint, fix the compensation of, and remove an Executive Director and additional staff members without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to the appointment in the competitive service. For purposes of pay (other than pay of the Executive Director) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as Congressional employees. The Executive Director may be paid compensation at a rate not to exceed the rate prescribed for level IV of the Federal Executive Salary Schedule.

[Total, title I, new budget (obligational) authority, Federal funds, \$500,000.]

\$500,000

TITLE II—DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1980, \$238,200,000, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code 47-2501d); and \$10,500,000 in lieu of reimbursements for charges for water and water services and sanitary sewer services furnished to facilities of the United

238,200,000

10,500,000

inspection by the House and Senate Committees on Appropriations or their duly authorized representatives.

Sec. 217. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, D.C. Law 2-20, approved September 23, 1977.

Sec. 218. None of the funds contained in this Act shall be made available to pay the salary of any employee of the government of the District of Columbia whose name and salary are not available for public inspection.

Sec. 219. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Sec. 220. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

[Total, title II, new budget (obligational) authority:

[Federal funds	\$373,700,000.]
[District of Columbia funds	1,541,634,200.]

This Act may be cited as the "District of Columbia Appropriation Act, 1980".

Approved, October 30, 1979.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 96-294 (Comm. on Appropriations) and No. 96-443 (Comm. of Conference).

SENATE REPORT No. 96-257 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 125 (1979):

July 11, 17, considered and passed House.

July 27, considered and passed Senate, amended.

Oct. 16, House agreed to conference report; receded from its disagreement and concurred in one Senate amendment, and in others with amendments.

Oct. 22, Senate agreed to conference report, concurred in House amendments.

Grand total, new budget (obligational) authority (Federal funds), District of Columbia Appropriation Act, 1980	\$374,200,000
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NOTE.—Deduct the following amount for an independent agency transferred to the General Government total:

Temporary Commission on Financial oversight of the Dis- trict of Columbia (p. 97)	\$500,000
Subtotal, deduction	500,000
Grand total, Federal funds	373,700,000
District of Columbia funds	(1,541,634,200)

ENERGY AND WATER DEVELOPMENT

FOREIGN ASSISTANCE

HUD-INDEPENDENT AGENCIES

THE INTERIOR

V. LABOR AND HEW

CII

LEGISLATIVE BRANCH

**DISTRICT OF COLUMBIA APPROPRIATION
ACT, 1981**

Public Law 96-530

96th Congress, H.R. 8061

December 15, 1980

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1981, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1981, \$295,400,000, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code 47-2501d); and \$8,100,000 in lieu of reimbursements for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government as authorized by the Act of May 18, 1954, as amended (D.C. Code 43-1541 and 1611).	\$295,400,000
	8,100,000

For the Federal contribution to the Police Officers and Fire Fighters', Teachers' and Judges' Retirement Funds as authorized by the District of Columbia Retirement Reform Act, Public Law 96-122, approved November 17, 1979 (93 Stat. 866), \$52,070,000.	52,070,000
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For reimbursement for necessary expenses incurred in connection with inauguration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-827(b)), \$1,330,100.	1,330,100
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For reimbursement for necessary expenses incurred in connection with demonstration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-827(b)), \$3,315,000.	3,315,000
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[Total, Federal payment, \$360,215,100.]

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For loans to the District of Columbia, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended, \$130,567,600, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Mayor: <i>Provided</i> , That during fiscal year 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$200,000,000.	130,567,600 (loan appropriation)
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[Total, Federal funds to the District of Columbia (all definite appropriations), \$490,782,700.]	(200,000,000) (limitation)
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SEC. 111. The total expenditure of funds appropriated by this Act for authorized travel and per diem costs outside the District of Columbia, Maryland, and Virginia shall not exceed \$225,000.

SEC. 112. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1981, for the compensation of any person appointed—

(1) as a full-time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 35,313: *Provided, That—*

(A) positions within this city employment limitation shall be set aside as the maximum number of permanent, authorized employees as follows: Appropriated positions, 31,005 of which 8,869 shall be for Public Schools; intra-District positions, 1,952; District of Columbia General Hospital, 2,356; and

(B) the District of Columbia Public Schools and the District of Columbia General Hospital shall not exceed their respective employment limitations and are hereby required to report monthly to the Mayor, for the purpose of maintaining controls on city-wide employment, regarding the total number of current employees and the total number of separations and filling of positions within their respective employment limitations; or

(2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

SEC. 113. No funds appropriated in this Act for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 114. The annual budget for the District of Columbia government for fiscal year 1982 shall be transmitted to the Congress by not later than February 1, 1981. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the government of the District of Columbia whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations or their duly authorized representatives.

SEC. 115. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, section 47-331 et seq.).

SEC. 116. None of the funds contained in this Act shall be made available to pay the salary of any employee of the government of the District of Columbia whose name and salary are not available for public inspection.

SEC. 117. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 118. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would

be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

[Total, new budget (obligational) authority:

[Federal funds	\$490,782,700.]
[District of Columbia funds	1,741,033,500.]
[Limitation	200,000,000.]

This Act may be cited as the "District of Columbia Appropriation Act."

Approved December 15, 1980.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 96-1271 (Comm. on Appropriations) and No. 96-1477 (Comm. of Conference).

SENATE REPORT No. 96-969 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):

Sept. 3, considered and passed House.

Nov. 17, considered and passed Senate, amended.

Dec. 2, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments and in others with amendments.

Dec. 4, Senate agreed to conference report and concurred in House amendments.

Grand total, new budget (obligational) authority, District of Columbia Appropriation Act, 1981:

Federal funds	\$490,782,700
District funds	(1,741,033,500)
Limitation	(200,000,000)

DISTRICT OF COLUMBIA APPROPRIATION ACT, 1982

Public Law 97-91

97th Congress, H.R. 4522

December 4, 1981

An Act

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1982, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1982, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1982, \$336,600,000, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code 47-2501d); and \$13,500,000 in lieu of reimbursements for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government as authorized by the Act of May 18, 1954, as amended (D.C. Code 43-1541 and 1611).

\$336,600,000

13,500,000

For the Federal contribution to the Police Officers and Fire Fighters', Teachers' and Judges' Retirement Funds as authorized by the District of Columbia Retirement Reform Act, Public Law 96-122, approved November 17, 1979 (93 Stat. 866), \$52,070,000.

52,070,000

[Total, Federal payment, \$402,170,000.]

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For loans to the District of Columbia, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended, \$155,000,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Mayor: *Provided*, That during fiscal year 1982 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$145,000,000.

155,000,000

(loan
appropriation)

(145,000,000)

(limitation
on direct
loans)

[Total, Federal funds to the District of Columbia (all definite appropriations), \$557,170,000.]

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided:

school buildings for the use of any community or partisan political group during non-school hours.

SEC. 114. The annual budget for the District of Columbia government for fiscal year 1983 shall be transmitted to the Congress by not later than April 15, 1982. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the government of the District of Columbia whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations or their duly authorized representatives.

SEC. 115. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code 47-331 et seq.).

SEC. 116. None of the funds contained in this Act shall be made available to pay the salary of any employee of the government of the District of Columbia whose name and salary are not available for public inspection.

SEC. 117. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 118. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 119. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for borrowing from the United States Treasury: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 120. The Mayor shall not borrow any funds for capital projects from the United States Treasury unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 121. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 122. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of firefighters or police officers.

SEC. 123. None of the funds appropriated by this Act may be used to transport any output of the municipal waste system of the District of Columbia for disposal at any public or private landfill located in any State, excepting currently utilized landfills in Maryland and Virginia, until the appropriate State agency has issued the required permits.

SEC. 124. None of the Federal funds provided under this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 125. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in

ENERGY & WATER DEVEL.

FOREIGN ASSISTANCE

ON

HUD-INDEPENDENT AGENCIES

INTERIOR

FOL LABS, EHS & EDUCATION

DISTRICT OF COLUMBIA APPROPRIATION
ACT, 1983

Public Law 97-378

97th Congress, H.R. 7144

December 22, 1982

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1983, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1983, \$361,000,000, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code 47-3406): *Provided,* That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982 under qualification standards other than those in effect on such date. \$361,000,000

For payment to the District of Columbia for the fiscal year ending September 30, 1983, in lieu of reimbursements for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, \$11,800,000, as authorized by the Act of May 18, 1954, as amended (D.C. Code 43-1552 and 43-1612). 11,800,000

For the Federal contribution to the Police Officers and Fire Fighters', Teachers' and Judges' Retirement Funds as authorized by the District of Columbia Retirement Reform Act, Public Law 96-122, approved November 17, 1979 (93 Stat. 866), \$52,070,000. 52,070,000

[Total, Federal Payment, \$424,870,000.]

SPECIAL CRIME INITIATIVE

For a Federal contribution to the District of Columbia to aid in the detection and prevention of crime, \$2,342,600: *Provided,* That this amount shall be available to the Metropolitan Police Department. 2,342,600

For the Department of Justice for use in the Superior Court Division of the United States Attorney's Office for the District of Columbia, \$800,000. 800,000

[Total, Special Crime Initiative, \$3,142,600.]

Sec. 117. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Sec. 118. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

Sec. 119. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowing from the United States Treasury: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

Sec. 120. The Mayor shall not borrow any funds for capital projects from the United States Treasury unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

Sec. 121. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

Sec. 122. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of fire fighters or police officers.

Sec. 123. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443) which accompanied the District of Columbia Appropriation Act, 1980 (Public Law 96-93, approved October 30, 1979).

Sec. 124. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

Sec. 125. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

Sec. 126. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) for any position for any period during the last quarter of calendar year 1982 shall be deemed to be the rate of pay payable for that position for September 30, 1982.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945 (D.C. Code 5-803(a)) the board members of the

LABOR, HHS & EDUCATION

ENERGY & WATER DEVEL. LABY FOREIGN ASSISTANCE SPOB

HUD- INDEPENDENT AGENCIES , & O INTERIOR

DISTRICT OF COLUMBIA APPROPRIATION ACT, 1984

Public Law 98-125

98th Congress, H.R. 3415

October 13, 1983

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1984, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1984, \$386,000,000, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code 47-3406): *Provided*, That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date.

\$386,000,000

For payment to the District of Columbia for the fiscal year ending September 30, 1984, in lieu of reimbursements for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, \$16,520,000, as authorized by the Act of May 18, 1954, as amended (D.C. Code 43-1552 and 43-1612).

16,520,000

For the Federal contribution to the Police Officers and Fire Fighters', Teachers' and Judges' Retirement Funds as authorized by the District of Columbia Retirement Reform Act, Public Law 96-122, approved November 17, 1979 (93 Stat. 866), \$52,070,000.

52,070,000

[Total, Federal payment, \$454,590,000.]

CRIMINAL JUSTICE EMERGENCY INITIATIVE

For a Federal contribution to the District of Columbia, \$25,171,600 of which \$11,735,400 shall remain available until expended: *Provided*, That \$2,841,300 for the Superior Court of the District of Columbia shall be made available only upon enactment into law of authorizing legislation.

25,171,600

EDUCATION INITIATIVE

For a Federal contribution to the District of Columbia, \$350,000.

350,000

GENERAL ACTS
FURTHER CONFINING APPRS. 1983
TRANSPORTATION
HUD-INDEPENDENT AGENCIES
TREAS. POS. INTERIOR
GEN. LABOR, ERS & EDUCATION
191 ENERGY & WATER DEVEL.
AGRICULTURE
FOREIGN ASSISTANCE

SEC. 110. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personal compensation may be used to pay the cost of overtime or temporary positions.

SEC. 111. The total expenditure of funds appropriated by this Act for authorized travel and per diem costs outside the District of Columbia, the State of Maryland, and the Commonwealth of Virginia shall not exceed \$300,000.

SEC. 112. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1984, for the compensation of any person appointed to a permanent position in the District of Columbia government during any month in which the number of employees exceeds 30,417, the number of positions authorized by this Act.

SEC. 113. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during nonschool hours.

SEC. 114. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1985, shall be transmitted to the Congress by not later than April 15, 1984.

SEC. 115. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations or their duly authorized representatives.

SEC. 116. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code 47-421 et seq.).

SEC. 117. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 118. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 119. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 120. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowing from the United States Treasury: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 121. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1985

98th Congress, H.R. 5899

[NOTE.—The following bill, H.R. 5899, was enrolled when the conference report was filed in the House on September 26, 1984. The conference report did not advance in the legislative process. Programs normally funded in this bill have been provided for in the continuing resolution, Public Law 98-473. The continuing resolution provided such sums as may be necessary for programs, projects, or activities provided for in the District of Columbia Appropriation Act, 1985 (H.R. 5899), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report No. 98-1088), filed in the House of Representatives on September 26, 1984, as if such Act had been enacted into law with the exception of Amendment No. 19. A substitute for the language in Amendment No. 19 (the Chadha amendment) is included as Sec. 131 of the continuing resolution. (See Public Law 98-473, Sec. 101(b) on p. 283, Sec. 131 on pp. 410-412, and pp. 1882-1883 for the table VIII showing estimates and funding levels by appropriation account.)]

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1985, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1985, \$425,000,000, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406): *Provided*, That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date.

For payment to the District of Columbia for the fiscal year ending September 30, 1985, in lieu of reimbursement for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, \$24,100,000, as authorized by the Act of May 18, 1954, as amended (D.C. Code, secs. 43-1552 and 43-1612).

For the Federal contribution to the Police Officers and Fire Fighters', Teachers' and Judges' Retirement Funds as authorized by the District of Columbia Retirement Reform Act, Public Law 96-122, approved November 17, 1979 (93 Stat. 866), \$52,070,000.

[Total, Federal payment, \$501,170,000.]

\$425,000,000

24,100,000

52,070,000

Committee on Governmental Affairs and the Council of the District of Columbia or their duly authorized representative.

Sec. 115. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

Sec. 116. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

Sec. 117. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Sec. 118. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

Sec. 119. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowing from the United States Treasury: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

Sec. 120. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

Sec. 121. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

Sec. 122. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of fire fighters or police officers.

Sec. 123. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443) which accompanied the District of Columbia Appropriation Act, 1980 (Public Law 96-93, approved October 30, 1979) (93 Stat. 713), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

Sec. 124. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

Sec. 125. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

LEGISLATIVE BRANCH
LEGISLATIVE & WATER DIVISION

APP'N

MIL

FOREIGN ASSISTANCE

TRANSPORTATION

HUD - INDEPENDENT AGENCIES

MEASO DEPT'S SERV

INTERIOR

OV'T

LABOR, HRG & EDUCATION

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1986

99th Congress, H.R. 3067

[NOTE.—The following bill (H.R. 3067) was enrolled when the conference report (House Report No. 99-419) was filed in the House of Representatives on December 5, 1985. The conference report did not advance in the legislative process. Appropriations and bill language as well as general provisions for the District of Columbia government for fiscal year 1986 are provided under section 101(c) of Public Law 99-190, approved December 19, 1985 (H.J. Res. 465, Further Continuing Appropriations for fiscal year 1986) in accordance with the conference report on H.R. 3067 with the exception of Amendment No. 2. Section 101(c) of Public Law 99-190 provides that the appropriation for a Federal contribution to the District of Columbia for the "Criminal Justice Initiative" under Amendment Number 2 shall be "\$13,860,000" instead of "\$14,010,000" as shown in the conference report. (See p. 357 for text of Sec. 101(c) of Public Law 99-190, and pp. 1731-1732 for the table VIII showing estimates and funding levels by appropriation account.)]

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1986, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1986, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1986, \$425,000,000, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406): *Provided*, That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date.

For payment to the District of Columbia for the fiscal year ending September 30, 1986, in lieu of reimbursement for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, \$30,100,000, as authorized by the Act of May 18, 1954, as amended (D.C. Code, secs. 43-1552 and 43-1612).

For the Federal contribution to the Police Officers and Fire Fighters', Teachers' and Judges' Retirement Funds as authorized

\$425,000,000

30,100,000

LEGISLATIVE BRANCH
ENERGY & WATER DEVEL.
780
1986
FURTHER CONT. MILITARY CONSTRUCTION
FOREIGN ASSISTANCE
ECOL TRANSPORTATION
HUD - INDEPENDENT AGENCIES
INTERIOR
LABOR, HHS & EDUCATION

SEC. 110. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personal compensation may be used to pay the cost of overtime or temporary positions.

SEC. 111. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1986, for the compensation of any person appointed to a permanent position in the District of Columbia government during any month in which the number of employees exceeds 32,511, the number of positions authorized by this Act.

SEC. 112. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during nonschool hours.

SEC. 113. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1987, shall be transmitted to the Congress by no later than April 15, 1986.

SEC. 114. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on Governmental Efficiency and the District of Columbia of the Senate Committee on Governmental Affairs and the Council of the District of Columbia or their duly authorized representative.

SEC. 115. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 116. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 117. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 118. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 119. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 120. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 121. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

ENERGY & WATER DEVEL.

1986

FOREIGN ASSISTANCE

INST

HOB - INDEPENDENT AGENCIES

INTERIOR

LABOR, HHS & EDUCATION

[COMMITTEE PRINT]

DISTRICT OF COLUMBIA APPROPRIATIONS ACT,
1987

99th Congress, H.R. 5175

[CLERK'S NOTE.—The following is the text of the District of Columbia Appropriations Act, 1987 (H.R. 5175) as included under Sec. 101(d) of Public Law 99-591, approved October 30, 1986 (H.J. Res. 738), Making Continuing Appropriations for fiscal year 1987. H.R. 5175 was passed by both the House and the Senate but was conferred as part of H.J. Res. 738 (see pp. 594-603 of House Report 99-1005 accompanying H.J. Res. 738 for the joint statement of the Committee of Conference relative to H.R. 5175). In addition, Sec. 154 of Public Law 99-591 (100 Stat. 3341-356) amends the District of Columbia Code relative to the District of Columbia Commission on Mental health and appears at the end of this print.]

[SEC. 101(d) of Public Law 99-591 (100 Stat. 3341-180) follows:]

(d) Such amounts as may be necessary for programs, projects, or activities provided for in the District of Columbia Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1987, and for other purposes.

TITLE I

FISCAL YEAR 1987 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1987, \$444,500,000: *Provided*, That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date.

SEC. 109. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personal compensation may be used to pay the cost of overtime or temporary positions.

SEC. 110. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1987, for the compensation of any person appointed to a permanent position in the District of Columbia government during any month in which the number of employees exceeds 33,549, the number of positions authorized by this Act.

SEC. 111. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 112. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1988, shall be transmitted to the Congress by no later than April 15, 1987.

SEC. 113. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on Governmental Efficiency and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 114. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 115. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 116. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 117. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 118. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District

HOUSE
REPORTSENATE
REPORTCONFERENCE
REPORT

Section 101(c) of Public Law 100-202 reads as follows:

(c) Such amounts as may be necessary for programs, projects or activities provided for in the District of Columbia Appropriations Act, 1988, at a rate of operations and to the extent and in the manner provided for, the provisions of such Act to be effective as if it had been enacted into law as the regular appropriations Act, as follows:

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1988, and for other purposes.

TITLE I

FISCAL YEAR 1988 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1988, \$430,500,000, which shall not be subject to apportionment and shall be paid to the District of Columbia by the Secretary of the Treasury within 15 days after the enactment of this joint resolution: *Provided*, That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date.

FEDERAL PAYMENT FOR WATER AND SEWER SERVICES

For payment to the District of Columbia for the fiscal year ending September 30, 1988, in lieu of reimbursement for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, \$40,500,000, as authorized by the Act of May 18, 1954, as amended (D.C. Code, secs. 43-1552 and 43-1612): *Provided*, That \$7,900,000 of this amount shall be paid to the District government by the Secretary of the Treasury immediately upon enactment of this Act for fiscal years 1986 and 1987 adjustments: *Provided further*, That \$32,600,000 shall be paid to the District government by the Secretary of the Treasury in four equal quarterly payments of \$8,150,000 each, with each payment to be made on the first day of the beginning of each quarter without further justification by the District of Columbia government.

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), \$50,000,000.

the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on Governmental Efficiency, Federalism and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 114. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 115. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 116. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 117. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 118. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 119. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 120. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 121. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of fire fighters or police officers.

SEC. 122. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443) which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

FY 1989 District of Columbia Appropriations Bill

Abortion-Related Provisions

(P. L. 100-462)

*Public Law 100-462
100th Congress

An Act

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989, and for other purposes.

Oct. 1, 1988

[H.R. 4776]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1989, and for other purposes, namely:

District of
Columbia
Appropriations
Act, 1989.

TITLE I—FISCAL YEAR 1989 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1989, \$430,500,000: *Provided*, That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date.

FEDERAL PAYMENT FOR WATER AND SEWER SERVICES

For payment to the District of Columbia for the fiscal year ending September 30, 1989, in lieu of reimbursement for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, \$32,040,000, as authorized by the Act of May 18, 1954, as amended (D.C. Code, secs. 43-1552 and 43-1612).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), \$52,070,000.

TRANSITIONAL PAYMENT FOR SAINT ELIZABETHS HOSPITAL

For a Federal contribution to the District of Columbia, as authorized by the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (98 Stat. 3369; Public Law 98-621), \$20,000,000.

CRIMINAL JUSTICE INITIATIVE

The \$50,000,000 previously appropriated under "Criminal Justice Initiative" for the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1989, for the design and construc-

ENROLLMENT ERRATA

Pursuant to the provisions of H.J. Res. 665, authorizing the hand enrollment of appropriations bills for fiscal year 1989, and authorizing the subsequent, post-enactment of preparation of printed enrollment of those bills, any changes made in this printed version will be footnoted.

*Note: For information on the printing of this law and a related Presidential memorandum, see the editorial note at the end.

any person appointed to a permanent position in the District of Columbia government during any month in which the number of employees exceeds 38,471, the number of positions authorized by this Act.

SEC. 111. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during nonschool hours.

SEC. 112. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1990, shall be transmitted to the Congress by no later than April 15, 1989.

SEC. 113. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on Governmental Efficiency, Federalism and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 114. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 115. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 116. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 117. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 118. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 119. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 120. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 121. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of fire fighters or police officers.

SEC. 122. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to

Abortion.

Reports.

H. R. 3026-FY 1990 District of Columbia Appropriations Bill

Vetoed on October 27, 1989

Abortion-Related Provisions

One Hundred First Congress of the United States of America

AT THE FIRST SESSION

vetted 10/27/89

Begun and held at the City of Washington on Tuesday, the third day of January, one thousand nine hundred and eighty-nine

An Act

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1990, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1990, \$430,500,000: *Provided*, That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date.

FEDERAL PAYMENT FOR WATER AND SEWER SERVICES

For payment to the District of Columbia for the fiscal year ending September 30, 1990, in lieu of reimbursement for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, \$8,685,000, as authorized by the Act of May 18, 1954, as amended (D.C. Code, secs. 43-1552 and 43-1612).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), \$52,070,000.

TRANSITIONAL PAYMENT FOR SAINT ELIZABETHS HOSPITAL

For a Federal contribution to the District of Columbia, as authorized by the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (98 Stat. 3369; Public Law 98-621), \$15,000,000.

CRIMINAL JUSTICE INITIATIVE

For an additional amount for the design and construction of a prison within the District of Columbia, \$20,300,000 to become available October 1, 1990: *Provided*, That these funds shall remain in the United States Treasury and shall be transferred to the District of Columbia government only to the extent that outstanding obliga-

may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during nonschool hours.

SEC. 112. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1991, shall be transmitted to the Congress no later than April 15, 1990.

SEC. 113. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on Governmental Efficiency, Federalism and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 114. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 115. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 116. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 117. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 118. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 119. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 120. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 121. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of fire fighters or police officers.

SEC. 122. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the

THE WHITE HOUSE

WASHINGTON

August 2, 1989

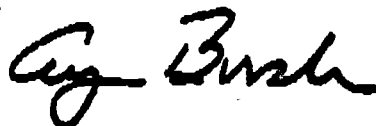
Dear Julian:

The House soon will consider the District of Columbia Appropriations bill for Fiscal Year 1990.

If the bill presented to me permits the use of appropriated funds to pay for abortions other than those where the life of the mother would be endangered if the fetus were carried to term, I will veto it.

I urge the Congress to vote to protect the lives of America's unborn children.

Sincerely,



The Honorable Julian C. Dixon
Chairman
Subcommittee on District of Columbia
Committee on Appropriations
House of Representatives
Washington, D.C. 20515

TO THE HOUSE OF REPRESENTATIVES:

I am returning herewith without my approval H.R. 3026, the "District of Columbia Appropriations Act, 1990."

I informed the Congress earlier that I would veto this bill if it permitted the use of appropriated funds to pay for abortions other than those in which the life of the mother would be endangered if the fetus were carried to term. The limitation I proposed is identical to the one included in the District of Columbia Appropriations Act for 1989 (Public Law 100-462).

This year, regrettably, the Congress has expanded the circumstances in which Federal funds could be used to pay for abortions. Moreover, unlike Public Law 100-462, H.R. 3026 would also permit payment for abortions with local funds, which under current law must be appropriated by the Congress. Thus, H.R. 3026 would not restrict the use of such funds for abortion in any way.

I am, therefore, compelled to disapprove H.R. 3026.

A handwritten signature in dark ink, appearing to read "G. Bush", is written in a cursive style.

THE WHITE HOUSE,

October 27, 1989.

H. R. 3610-FY 1990 District of Columbia Appropriations Bill

Passed by Congress on November 15, 1989.
Enrolled bill memorandum expected to be
delivered to the White House by November
20, 1989.

Abortion- Related Provisions

101ST CONGRESS
1ST SESSION

H. R. 3610

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1989

Mr. DIXON introduced the following bill; which was referred to the Committee on Appropriations⁴⁸

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the following sums are appropriated, out of any money
4 in the Treasury not otherwise appropriated, for the District
5 of Columbia for the fiscal year ending September 30, 1990,
6 and for other purposes, namely:

7 **FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA**

8 For payment to the District of Columbia for the fiscal
9 year ending September 30, 1990, \$430,500,000: *Provided,*
10 That none of these funds shall be made available to the Dis-

1 of the District of Columbia, or their duly authorized repre-
2 sentative.

3 SEC. 114. There are appropriated from the applicable
4 funds of the District of Columbia such sums as may be neces-
5 sary for making payments authorized by the District of Co-
6 lumbia Revenue Recovery Act of 1977, effective September
7 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

8 SEC. 115. None of the funds contained in this Act shall
9 be made available to pay the salary of any employee of the
10 District of Columbia government whose name and salary are
11 not available for public inspection.

12 SEC. 116. No part of this appropriation shall be used for
13 publicity or propaganda purposes or implementation of any
14 policy including boycott designed to support or defeat legisla-
15 tion pending before Congress or any State legislature.

16 SEC. 117. None of the Federal funds provided in this
17 Act shall be used to perform abortions except where the life
18 of the mother would be endangered if the fetus were carried
19 to term.

20 SEC. 118. At the start of the fiscal year, the Mayor
21 shall develop an annual plan, by quarter and by project, for
22 capital outlay borrowings: *Provided*, That within a reasona-
23 ble time after the close of each quarter, the Mayor shall
24 report to the Council of the District of Columbia and the



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

November 15, 1989
(House Floor)

STATEMENT OF ADMINISTRATION POLICY

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

H.R. 3610 -- DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FY 1990
(Sponsors: Whitten (D), Mississippi; Dixon (D), California)

The Administration continues to object strongly to H.R. 3610, the FY 1990 District of Columbia Appropriations bill, as reported by the House Appropriations Committee. The bill, as reported, still deletes language included in the FY 1989 District of Columbia Appropriations Act that prohibits the use of all appropriated funds for abortion except where the life of the mother would be endangered if the fetus were carried to term.

The Committee did take action to restrict the use of Federal funds for abortion, consistent with the FY 1989 language. However, this restriction was not applied to District of Columbia funds, which may still be used to pay for abortions. The President vetoed H.R. 3026 on October 27, 1989, because it did not include the FY 1989 language restrictions on both Federal and District funds.

The Administration urges the House to restore the FY 1989 language on abortion so that the President is finally presented with a bill that he can sign.

The absence in H.R. 3610, of the restriction on District of Columbia funds, would result in the President's senior advisors recommending that he veto the bill.