

**NLWJC - Kagan**

**DPC - Box 004 - Folder 008**

**Budget Materials - Appropriations  
Riders 1999: General [2]**

- ① Mexico City meeting / Condell <sup>P. 2</sup>
- ② skilled nursing facility.
- ③ ~~EPB - Gordo~~
- ④ ~~Nominees - State~~
- ⑤ ~~Step 1 - Davey~~

October 7, 1998 (8:23 AM)  
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### FY 1999 APPROPRIATIONS BILLS: OBJECTIONABLE LANGUAGE ISSUES

#### AGRICULTURE/RURAL DEVELOPMENT

- Black Farmers (Statute of Limitations Waivers)

give Kingo

The Administration had a proposal for Waiver of Statute of Limitation. It was negotiated with Martha Foley, House Judiciary, House Ag, House Approps

The Senate version is much broader and goes well beyond "Black Farmers". ~~Accomp~~

A compromise was reached in conference already to go further than the House position. In fact Black Caucus members spoke in favor of ~~conference report~~ on floor.

This ~~is~~ should be closed. no further negotiations  
 are necessary.  
 Bill \$15 million      The House bill cost \$10 million, the Senate  
    the Conference report \$12 million.

line

COMMERCE/JUSTICE/STATE DETCH, KAGAN, KYLE

check lang

Annual U.N. Assessments (Report Language) (appears to be resolved) ?

• Authorization Waivers - resolved waiver included.

→

• Brady Handgun Insta-Check System <sup>unresolved from Admin perspective, House and Senate agreed to provide funds, prohibit fees and limit reward retention. Have not addressed Admin concerns on a transition period for their rewards retention limit.</sup>  
Bureau of Export Administration (BXA) Licensing Notification (appears to be resolved) - notification language included check w/ DoD.

check lang

• Bureau of Prisons/Abortion prohibition included (as carried for several years)

• Census Sampling - open

What?

• Controlled Substances Act - compromise language included.  
<sub>replena OK - MD</sub>

• Coordinated Drug Strategy (appears to be resolved) - report language has been dropped.

• Department of Justice/State Ethics Rules - open

check language

Exxon Valdez - open (Stevens) but compromise language has been floated, awaiting confirmation that Admin has signed off on language.

• Foreign Policy Provisions Regarding Jerusalem - open, Senate unwilling to recede.

→

• FCC - Free Air Time (pending confirmation) - language included prohibiting use of funds.  
<sub>(both chains)</sub>

• Funding ABM Treaty Negotiations (McIntosh Amendment) - open <sub>staff discussion</sub>

→ FEES IN

INS Fees - ~~open - Senate refusing to agree to program in current bill~~

→

• Internet Regulation - all provisions open, Senate unwilling to recede.  
<sub>Assume all dropped - three? (both chains)</sub>

• Limitation on Immigration and Naturalization Service (INS) Non-Career Appointments - limitation included, as carried in FY98.

• National Oceanic and Atmospheric Administration (NOAA) Restrictions on Executive Direction - resolved (compromise language included)

117:55 (42)

- NIST: Advanced Technology Program (ATP) – Cap on New Awards- \$55 m cap included Las was carried in FY98.
- Prohibition on Intervention in Certain Court Proceedings (appears to be resolved) – resolved (dropped)
- Restriction on Agricultural Export Controls (appears to be resolved) – resolved (probably dropped)
- Restriction on FCC Funding for Portals Move ~~192 million~~ 192 million RPT LAND
- SBA Administrative Expenses – resolved, above both House and Senate levels for SBA Admin.
- Teamsters (appears to be resolved) – IN
- Use of Visa Fees (State) – open
- • Visas for Agricultural Workers – open
- ? • Visas for Foreign Nurses (appears to be resolved) – open

- { • INS Reform Package <sup>Char.</sup>
- { • Physician Assisted Suicide.

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**DISTRICT OF COLUMBIA ELENA, DEICH**

IN • Abortion (Prohibition of Federal and District funds.)

• D.C. Micromanagement:

IN -- Criminalizing minors possession of tobacco (pending confirmation)

IN -- DC voting rights suit (pending confirmation)

I said: do attorneys for authorization as recapture

opens ang- • National Capital Revitalization Corporation (new issue)  
cannot be capitalized

OUT • Permit Use of Federal Funds for Private School Vouchers in D.C. (appears to be resolved)

{ IN • Prohibition on Adoption in D.C. by Unmarried Couples

{ IN • Prohibition on the Use of Federal and Local Funds for D.C. Needle Exchange Programs

} we've had over waiting to hear from them

OUT • Prohibition on Payment of Attorney's Fees in Special Education Cases

• DC Contingency Fee Contract Authority

Foreign Operations *KYLE, MARA*

*need to see language*

- Climate Change: RESOLVED. Senate notification requirement dropped.
- Development Assistance: RESOLVED. negative impact of Indonesia earmark mitigated by requiring only \$50m in new money.
- Eastern Europe - RESOLVED. Restrictions on Aid to Bosnia: \$200m out of E.Europe for Bosnia, no restrictions on other accounts.
- Export-Import Bank: RESOLVED. No restrictions on environmental standards.
- Foreign Assistance Act Authorities: Repeal of section 451 dropped; reduction from \$50m to \$35m of sec. 614 authority retained because of overuse and abuse in recent years.

*Staff maybe perhaps*

*KU*

*KU*

- KEDO: House insisting on no funding for KEDO.
- IMF: Most language and conditions informally agreed to among House and Senate Republicans: actual funding level for IMF Quota and preconditions for quota reserved by Speaker, House Democrats have problems with trade & investment liberalization language carried in both Senate and House bills.

*staff attempt*

- Iraqi National Congress: sub-earmark of \$3 million.
- International Organizations and Programs: prohibits funding of UNFPA.

*- staff attempt*

*KU*

- Mexico City Abortion language: same language on population that was in FY98 bill.

*need to see lang*  
*need to see lang*

- NIS - RESOLVED. Restrictions on Aid to Russia over Links to Iran and Taxation of Assistance: House (FY98) language on Iran, and taxation issue resolved in consultation with USG in Moscow.
- Overseas Private Investment Corporation: RESOLVED. \$5m withheld until report provided.
- Palestine Liberation Organization: RESOLVED. Senate accepted House provision allowing office to remain open.
- Tiahart family planning: RESOLVED. Conference language negotiated with AID and Democrats..

• *CTBT*

• *OK w/ 907 Azerbaijan*

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**INTERIOR** CHOW, MCGINTY, HOLSTEIN

- Alaska Land Purchases *in bill*
- Alaska Subsistence Fishing (House Sec. 341) *open*
- Airstrip within Denali National Park and Preserve (AK) (Report Language) *Modifications set forth - eliminated - 1995 agreement*
- BIA and IHS Tribal Contract Moratorium *in bill w/ exception for health & safety repairs above in BIA Schedule*
- BIA -- Amendment on Indian Class III Gaming *in bill*
- BIA -- Tribal Priority Allocations (TPA) Funding *Modified to do study*
- BIA -- Prohibition on Taking Land into Trust Status for Tribes *not in bill*
- *maybe go* BLM -- Grazing Permits *in bill*
- BLM -- Hardrock Mining Surface Management Regulations *1 yr only w/ study*
- Chugach National Forest Road Easement *changed public road to forest road*
- Columbia Basin *open*
- Commercial Fishing in Glacier Bay National Park (AK) *DOT deal: life extension for Commercial fishing, also need for subsistence, buy out*
- Coastal Barriers *in bill w/ So Carolina creation*
- *long* Forest Plan Revisions *modified to exempt 11 additional plans + to provide transition plan in next 15 years*
- *g* Grizzly Bear Reintroduction *in bill*
- King Cove/Izemek Road (AK) *in bill*
- Land Between The Lakes *open*
- Mandated Appraisal Procedures (Forest Service- AK only) *eliminated - mandatory appraisal*  
*(Red Cedar)*
- Mandated Increase in Nationwide Timber Sales *in bill*
- Prohibition on Improvements to Pennsylvania Avenue *in bill*

- Oil Valuation Royalty Rule *open*
- Pro-rata Allocation of Contract Support Costs/Indian Health Service *in bill* *staff*
- Receding from National Finance Center *deleted*
- Rent Subsidies in Sawtooth National Forest, ID *modified to 25% increase*  
*"give"*
- Remove Dams on Elwha River *modified to limit funding to 2000*  
*Canyon Dams prior to dam removal determination*
- Road Obliteration: Prioritization
- Salmon Habitat in Columbia and Snake Rivers *open*
- Stewardship Contracting/Demonstration Projects *added 22 add project*  
*at A.L.M. request*
- Timber Production Through Prescribed Burns *not in bill*
- Tongass National Forest (AK) Timber Sale Offer Target *open*
- *LWCF lapses*



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**LABOR/HHS/EDUCATION**

- Abortion - In, Bipartisan support
- • Bilingual Education - Open
- Black Lung Regulations - Open - read report lay
- • Block Grants - Partial Close - Applies only to goals 2000, but still open.
- *need to see lay* ← • D.C. School Reform et included - sounds fixed.
- Family Planning <sup>language is</sup> <sub>out</sub>
- • HHS/Child Care Initiative - in/subject to authorization
- ? • HHS/NAS Ergonomics Study - open -
- { • IDEA Amendment: Services to Disabled Youth 18-21 in Adult Prisons - open <sub>lay?</sub>
- { • IDEA Amendment: (Sec. 309) Removal of Disabled Children Exhibiting Violent Behavior - Open <sub>Study?</sub>
- Internet Access in Schools and Libraries - out.
- Mine Safety and Health Administration (MSHA) Training (appears to be resolved) <sub>Resolved included</sub>
- National Labor Relations Board (NLRB) - Open
- • National Testing - Open - kick up
- • Needle Exchange - House language included
- NIH Office of AIDS Research - As in House bill, Current law for 3 years.
- OSHA Peer Review - Open
- • Organ Donation - Open
- RRB Inspector General/Medicare <sub>closed permanent extension included. Pres. signed bill last year w/ ban.</sub>

- Social Services Block Grant (SSBG). TANF Transfer Authority ~~Dropped~~
- Teamsters (appears to be resolved) *Resolved*
- Viagra - *Dropped*

- **ADDITIONS**

- SNF - PPS
- Home Health / IPS - *nothing yet*
- ~~MEDICAID~~
- CHIP ISSUES - *still a table*
- DSH

### Transportation – White House Concerns

1. **Airline Competition.**—The conference agreement includes no language on airline competition. The issue is to be addressed in the aviation bill. Chairman Wolf has indicated that if the FAA bill falters, he would be inclined to include language that the Administration has negotiated with Chairman Shuster.
2. **Coast Guard Roles and Mission.**—The conference agreement provides that no more than \$1 million shall be available for a study of the roles and missions of the Coast Guard.
3. **Disadvantaged Business Enterprise.**—By direction of the leadership of the House, the House receded to the Senate on expedited judicial review of the DBE program.
4. **WAAS.**—The conference agreement provides \$85 million for WAAS to be available only for Phase 1 activities. Senate conditions problematic to the Administration have been dropped.
5. **Fuel economy standards.**—The conference agreement includes the prohibition on CAFE standards, as has been the case for the last four years.
6. **Helicopters in Alaska.**—We have been presuming that the issue shall be addressed someplace other than the transportation title.
7. **Restrictions on Environmental Review of Transportation Projects.**—The conference agreement includes 3 limited waivers of NEPA: one in California (Packard); one in Alabama (Callahan) and one in New York (D'Amato), similar to ones included in TEA-21 over which the Administration did not object.
8. **Restrictions on political appointees.**—The conferees have agreed to increase the cap to 100 (the level sought by the Administration) from the House level of 88 and the Senate level of 91.

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**TREASURY/GENERAL GOVERNMENT**

IN • Abortion

IN • Family Assessments - HOUSE/SENATE AUTHORIZERS WANT IT IN

OUT • Federal Election Commission (FEC)

IN • Foreign State Economic Sanctions - LAUTENBERG

{ OUT • Haitian Immigration (retain Senate language; oppose House "extreme hardship" alternative)

{ OUT • Prescription Contraceptives

? • Prohibition on Intervention

These are just suggestions.  
You're closer to this.

Thanks -

## LABOR/HHS STRATEGY

### DROP

- \* BLOCK GRANTS (Surely we have veto ~~power~~ sustaining margin on anything called a block grant)
- \* BILINGUAL (Compromise only if Obey insists; Becerra O.K.'s)  
(OR, if it goes to leadership, ~~maybe~~ maybe come up with unenforceable <sup>nat.</sup> goal - 4 yrs? 3 yrs? - but only if that wait cause Hsp. explosion) (???)

### COUNTER

- \* CHILD CARE (Jack's compromise)

### UP TO LEADERSHIP

- \* NAT. TESTING (At leadership, open w/NAS study on imbedding items from nat. test into state tests) (pretend we have the votes)
- \* NEEDLES (Big give to conservatives) (no veto sustaining margin) <sub>if we have to</sub>
- \* TOBACCO (If they bring it up + really want it, we might work out a deal, but only if it's acceptable - e.g., 50/50 w/<sup>modified</sup> McCain memo, 10-15% of total state & must go to tobacco control.) (maybe ~~15-20~~ <sup>15-20</sup> % for 5 yrs.)  
(also, they need to know we'd veto waiver with no new - cf. Cong. Daily)

Cynthia Dillard

10/06/98 06:40:59

PIVI

Record Type: Record

To: Laura Emmett/WHO/EOP

cc:

Subject: for Elena re conscience clauses

I looked through my files to see if any existing conscience clauses ever mention the word "moral". I found that for over 20 years no conscience clause ever did until the BBA last year. That allowed Medicare Choice and Medicaid managed care plans to deny services based on moral or religious grounds. From what I understand, this language was snuck in at the 11th hour and staff had so much else going on with the enormity of the BBA that they didn't catch it until it was too late. Also, until the BBA, conscience clauses only applied to abortion and sterilization (the BBA applies to any service). While I still think it is **terrible** policy to allow such a huge loophole (how can an institution have a conscience?), and I would **strongly** urge the Administration to oppose it, I wanted you to know that there is an unfortunate precedent. Just so you have all the facts.....

Stevens/Livingston/Obey mtg w/ Tack/Lamy etc.

Leadership issues:

Demos

fed promic ethics

IME

Mex City

KEDD

FEC

Nat testing law

Parental notif on ~~anti~~ family planning

Haitian provision

INS — fees to other programs (outside immig)  
146M - 1 yr

reprogramming to do worse team: not approved

Rogers - structural reform

OFFSETS

Tack said: general funding issues  
class size  
emergencies  
offsets

language - 100s of issues

no extras, last-minute material

Environmental issues?

October 5, 1998

MEMORANDUM FOR BRUCE REED AND ELENA KAGAN

FROM: DPC Team Leaders

SUBJECT: Appropriations Riders

Commerce/Justice/State

**Visas for Agricultural Workers:** High priority; important for the Hispanic and Labor communities (if we are doing constituency specific one-pagers)

**Department of Justice/State Ethics Rules:** This provision to allow state ethics rules to be applied to the U.S. Attorneys is strongly opposed by Justice and prosecutors groups. We should join the Department in vigorously opposing this provision.

**Brady Handgun Insta-Check System:** The Brady rider should be strongly opposed. It undermines implementation of the permanent Brady provisions in two ways: (1) it does not allow the FBI to charge a user fee for background checks, so funds will have to be especially appropriated for this purpose; and (2) it does not allow the FBI to retain record of checks, so Brady implementation would need to be delayed for about 6 months until the software is reconfigured. OMB, DPC and Justice are currently working out a bottom-line compromise, in case it is necessary. *↳ hold on for a few months?*

**INS Fees:** High priority; also important for the Hispanic community; would remove \$166 million from the Exams Fees account (which would ordinarily be used for immigration services, including naturalization processing) and use it to fund discretionary programs.

**Visas for Foreign Nurses:** Low priority; we opposed, but the provision now includes better labor protections and is a small number targeted to inner-city areas.

**Abortions for Federal Prisoners:** We should continue to oppose the prohibitions on funding abortions for federal prisoners except in the case of rape or where the life of the mother is endangered. However, this prohibition is in both the House and Senate bills and is current law.

**Controlled Substances Act:** We should strongly oppose the changes to this Act, which would reduce the record-keeping requirements and penalties that work to prevent precursor chemicals from being diverted to illegal markets.



**Coordinated Drug Strategy:** Although we do not support this unnecessary and duplicative requirement to have Justice develop its own drug strategy for drug prosecutions, it is not worth fighting over.

**Limitation on INS Non-Career Appointments:** Low priority; this is part of appropriations language. We asked in FY99 budget that the limitation be deleted (limited INS to four Schedule C employees, including the Commissioner). Included in both House and Senate. Very little chance of getting this out.

**Assault Weapons:** We support language in the Treasury-Postal appropriations to allow ATF to compensate for their losses a very small group of persons with permits to import certain modified assault weapons.

**Gun Prosecutions:** Although Justice is concerned with a \$1.5 million earmark for U.S. Attorneys to focus on gun prosecutions in Philadelphia, we can accept this amendment. We just need to be sure that the final language does not mandate what cases the U.S. Attorney's office has to take. Additionally, we should make sure that the final language does not re-write the President's Youth Crime Gun Interdiction Initiative or impose any undue burdens on U.S. Attorneys in general.

## Interior

**Pro-rata Allocation of Contract Support Costs/Indian Health Service:** High priority -- this provision would reallocate the way Indian Health Service funding is given to tribes with the result that many tribes will lose hundred of thousands of dollars.

**Bureau of Indian Affairs and Indian Health Service Tribal Contract Moratorium:** High priority -- this provision would interfere with tribal self-determination by prohibiting tribes that want to contract to provide their own health services or other services from doing so (which they are permitted to do under current law).

**Sen. Enzi/Sessions Amendment on Indian Class III Gaming (BIA):** High priority --this provision would prohibit the promulgation of the Indian gaming provisions from the Gaming Commission.

**BIA-Tribal Priority Allocations (TPA) Funding:** This is a non-issue at this point. Senator Gorton had wanted funding to be provided to tribes on a means testing basis. Interior worked out a compromise that would permit a study to be done first.

**BIA-Prohibition of Taking Land into Trust Status for Tribes:** High priority. Will this specific provision only affects the Shakopee Sioux in Minnesota, the effect of this provision would be to prevent BIA from taking lands into trust status for the tribes.

### **Labor/HHS/Education**

**National Testing:** The House language effectively bans any additional work on test development; the Senate language permits pilot testing to proceed this year as planned. We should negotiate something close to the Senate position, perhaps with additional studies thrown in (as was done last year) to give Goodling something to claim credit for. Barbara Chow, Broderick Johnson and I are meeting with Goodling's staff this afternoon to explore their position.

**Block Grants:** The House bill includes language permitting states to shift funds from Goals 2000 to Title VI (an existing block grant). We must oppose this, with no negotiation. If kept, this provision would kill Goals 2000 and eliminate its emphasis on standards and accountability. It will also be seen as a huge defeat for the Administration, because we lose Goals 2000 and cave on Block Grants.

There is an even worse block grant bill Sen. Gorton is pushing, that would consolidate a large number of programs (Goals 2000, professional development, technology, etc.), end their purpose, and provide no accountability. It also contains a version of Ed-Flex (which allows states to waive federal requirements) which we should also oppose, because it is way too broad in its scope, and because there are no accountability provisions to go along with the added flexibility.

If we need to negotiate in this area, our alternative should be the bipartisan Ed-Flex bill (Frist/Wyden in the Senate, Castle/Romer in the House) which we support because it incorporates the principles we articulated earlier this year when POTUS proposed Ed-Flex expansion to NGA. NGA is also supporting this bill.

**Bilingual Education:** This rider contains a 2-year limit on participation in bilingual education, with an absolute cut-off of participation after 4 years. It also has provisions that strengthen accountability and expand flexibility in the existing bilingual ed program. Substantively, we must oppose with no negotiations the time limit and cutoff. While we might be able to work out flexibility and accountability language to our substantive satisfaction, politically we will never work that out in this context to the satisfaction of the CHC.

**Family Planning:** Our draft SAP strongly objects to language in the Committee bill and any proposed amendments that require family planning grantees either to receive parental consent or provide advance notification to parents before giving contraceptives to minors. Mandating parental consent discourages minors from seeking health care and reproductive services and thus leads to more unintended pregnancies, more abortions, and more sexually transmitted diseases, including HIV. Federal health program costs could increase if this amendment interferes with the prevention of teen pregnancy. We would support adoption of the proposed

Castle/Greenwood amendment, which would ensure that grantees encourage minors to seek their family's participation in family planning decisions.

**Organ Donation:** This has been resolved.

**Medicare Home Health:** Although this issue has been under discussion because the interim payment system has been very controversial and there may be efforts to put fixes in report language that could be problematic, in part because of excessive budget costs.

**D.C. School Reform:** After further checking, our position should clearly be to oppose this rider. It prevents ED from providing continuing funding to important DC school reform projects (to hire reading and math specialists, and to support Obey/Porter type schoolwide reforms using effective practices). These projects are important to keeping DC education reform moving in the right direction.

**IDEA Riggs Amendment:** We have and should continue to oppose this provision, which limits the ability of ED to enforce IDEA, with regard to providing educational services to disabled 18-21 year olds.

There is also a Livingston amendment on IDEA that may come up -- it would allow school officials to remove indefinitely (as opposed to for 45 days and then going to a hearing officer) kids with disabilities who bring weapons or drugs to schools, or who engage in violent behavior which could be harmful to other kids. We should oppose this flat out. If this doesn't work, we have developed with OMB and ED several fall back positions: (1) codify the reg that ED will release soon, that will allow schools to repeat 45-day expulsions over and over as long as the hearing officer agrees; (2) propose an independent study (NAS or GAO) to evaluate implementation of new law, and determine if changes are needed; (3) propose specific wording changes to remove most objectionable provisions of Livingston amendment.

**Viagra:** This is being resolved.

**Organ Reallocation:** Could be a major problem. Congress may undermine our current position on how organs are reallocated.

**CHIP reallocation Issues:** There are a number of state reallocation problems that we are trying to resolve, including Washington state, that we are in negotiations about.

**Pennsylvania Medicare DSH problem:** This may show up on a rider. We want to try to work out something for the state on. Unclear if it will happen in appropriations context, but it is a possibility.

### **Foreign Operations**

**Mexico City Abortion Language:** The President has issued a veto threat on this language in the past, and said he would veto it again. The House bill contains which would prohibit foreign non-governmental organizations from receiving US family planning funds if the organization uses any of its own funding from non-US Government sources for abortion-related services or advocacy. The Senate bill does not contain this, and the conference is once again at an impasse.

### **Treasury/General Government**

**Federal Election Commission (FEC):** A rider for which we thought we had a compromise has been reborn. McConnell, in retaliation for the General Counsel of the FEC's recommendation to restrict soft money, included a rider on the Treasury, Postal Appropriations bill in the that would require that four of the six commissioners vote to **retain** the General Counsel in his current position. Currently, no vote is necessary. Only when you hire a new General Counsel is a vote necessary.

We had a compromise in the House bill, where Livingstone had originally put forward this rider. It would have allowed the current General Counsel to keep his job, then institute this new voting procedure on retention for future General Counsels.

**Abortion:** We oppose this language which prevents FEHBP coverage for abortions for federal employees, except in cases of rape and incest, and when necessary to save the life of the woman. This restriction has been the law for the past few years.

**Prescription Contraceptives:** We support this language, which would require plans participating in the FEHBP program to provide coverage of prescription contraceptives.

### **VA/HUD/Independent Agencies**

**HUD: Public Housing Reform Legislation:** Although still some problems, most of the differences have been resolved and Cuomo has scheduled a news conference to announce a compromise agreement.

**HUD: Director of Mark-to-Market Program Office:** No longer an issue because Director is about to be confirmed.

**HUD: Single-family Property Disposition:** Resolved in our favor.

**HUD: FHA Mortgage Limit:** Compromise achieved.

**HUD: Homeless Assistance Grants:** Congress included a 30% set-aside which we opposed. Can't win this fight.

**HUD: Ninety-day Delay of Reissuing Vouchers and Certificates (Section 8):** Republicans took out which frees up another 40,000 vouchers. Good news for us.

**EPA: Brownfields Cleanup Funding:** Has been resolved in our favor.

### Agriculture/Rural Development

**Prohibition on Use of Food and Nutrition Service (FNS) Funds to do Research and Program Evaluations:** The conference provides that a small portion of research on nutrition programs be conducted by the FNS, however, the bulk of that research would be provided by the Economic Research Service. USDA would urge Congress to allow all research to be conducted by FNS.

**FDA Drug Reviews/RU-486:** This rider has been dropped from the conference report.

**USDA Rural Development:** The conference report blocks use of mandatory funding under Fund for Rural America. We urge the conference to remove this provision.

**Country of Origin Labeling -- New issue:** This is currently going to be a study, I put in a call to NEC but because of relations with Canada, I don't think we had agreement to push this.

### District of Columbia

**Permit Use of Federal Funds for Private School Vouchers in D.C.:** We have to insist this be dropped, with no compromise. I've heard the Republicans are prepared to drop this rather than fight.

**Abortion:** This amendment would prevent unmarried couples in DC from jointly adopting or becoming foster parents. We strongly oppose the amendment because it would interfere in caseworkers decisions about the best interests of the child and with matters of state and local policy. While the amendment would affect the ability of all unmarried couples to adopt, it clearly targets gay and lesbian couples.

## **FY 1999 APPROPRIATIONS BILLS: OBJECTIONABLE LANGUAGE ISSUES**

### ***AGRICULTURE/RURAL DEVELOPMENT***

- Black Farmers (Statute of Limitations Waivers)

## COMMERCE/JUSTICE/STATE

- Brady Handgun Insta-Check System
- Census Sampling
- Funding ABM Treaty Negotiations (McIntosh Amendment)
- Foreign Policy Provisions Regarding Jerusalem
- Internet Regulation - e-rate?/must filter
- INS Fees - we want for naturalization; they want for other direct programs
- Visas for Agricultural Workers - H2A (pilot program)
  
- Annual U.N. Assessments (Report Language) (appears to be resolved)
- Authorization Waivers
- Bureau of Export Administration (BXA) Licensing Notification (appears to be resolved)
- Bureau of Prisons/Abortion - signed many times
- Controlled Substances Act - reduce record-keeping reqs + pens re precursor chems (meth issue)
- Coordinated Drug Strategy (appears to be resolved)
- Department of Justice/State Ethics Rules
- Exxon Valdez
- Global Maritime Distressed and Safety System



## Law Enforcement Block Grant

- Limitation on Immigration and Naturalization Service (INS) Non-Career Appointments
- National Oceanic and Atmospheric Administration (NOAA) Restrictions on Executive Direction
- NIST: Advanced Technology Program (ATP) – Cap on New Awards
- Prohibition on Intervention in Certain Court Proceedings (appears to be resolved)
- Restriction on Agricultural Export Controls (appears to be resolved)
- Restriction on FCC Funding for Portals Move
- SBA Administrative Expenses
- Teamsters (appears to be resolved)
- Use of Visa Fees (State)
- Visas for Foreign Nurses (appears to be resolved)
- Whale Conservation Act



***DISTRICT OF COLUMBIA***

- Permit Use of Federal Funds for Private School Vouchers in D.C. (appears to be resolved)
- Prohibition on Adoption in D.C. by Unmarried Couples
- Prohibition on the Use of Federal and Local Funds for D.C. Needle Exchange Programs

- Abortion (Prohibition of Federal and District funds.)
- D.C. Micromanagement

- ① Prohibition on Payment of Attorney's Fees in Special Education Cases

## ***FOREIGN OPERATIONS***

- Climate Change
- Export Import Bank (appears to be resolved)
- Foreign Assistance Act Authorities-Sections 451 and 614
- Korean Peninsula Energy Development Organization (KEDO)
- Mexico City Abortion Language
- NIS -- Restrictions on Aid to Russia over Links to Iran and Taxation of Assistance
  
- Development Assistance
- Eastern Europe -- Restrictions on Aid to Bosnia
- IMF -- Restrictions on the IMF Quota Increase and the New Arrangements to Borrow
- International Organizations and Programs
- Overseas Private Investment Corporation
- Palestine Liberation Organization (appears to be resolved)

**INTERIOR**

- BIA -- Amendment on Indian Class III Gaming
- Columbia Basin
- Commercial Fishing in Glacier Bay National Park (AK)
- King Cove/Izemeck Road (AK)
- Land Between The Lakes
- Oil Valuation Royalty Rule
- Remove Dams on Elwha River
- Road Obliteration: Prioritization
- Salmon Habitat in Columbia and Snake Rivers
- Timber Production Through Prescribed Burns
- Tongass National Forest (AK) Timber Sale Offer Target
  
- Alaska Land Purchases
- Alaska Subsistence Fishing (House Sec. 341)
- Airstrip within Denali National Park and Preserve (AK) (Report Language)
- BIA and IHS Tribal Contract Moratorium
- BIA -- Tribal Priority Allocations (TPA) Funding
- BIA --Prohibition on Taking Land into Trust Status for Tribes
- BLM -- Grazing Permits

- BLM -- Hardrock Mining Surface Management Regulations
- Chugach National Forest Road Easement
- Coastal Barriers
- Forest Plan Revisions
- Grizzly Bear Reintroduction
- Mandated Appraisal Procedures (Forest Service- AK only)
- Mandated Increase in Nationwide Timber Sales
- Prohibition on Improvements to Pennsylvania Avenue
- Pro-rata Allocation of Contract Support Costs/Indian Health Service
- Receding from National Finance Center
- Rent Subsidies in Sawtooth National Forest, ID
- Stewardship Contracting/Demonstration Projects

**LABOR/HHS/EDUCATION**

- Bilingual Education
- Block Grants - allows shift of funds from Goals 2000 to T. VI
- Family Planning
- National Labor Relations Board (NLRB)
- National Testing *expensive for pilot testing?*
- OSHA Peer Review
- Organ Donation Reallocation  
*HCFR reassignment?*

• Abortion

○ Black Lung Regulations -

○ D.C. School Reform - *should strongly oppose.*  
*Prevents ED funding sch. reform*

○ HHS/NAS Ergonomics Study

- IDEA Amendment: Services to Disabled Youth 18-21 in Adult Prisons
- IDEA Amendment: (Sec. 309) Removal of Disabled Children Exhibiting Violent Behavior

*What is this?*

○ Internet Access in Schools and Libraries *update*

• Mine Safety and Health Administration (MSHA) Training (appears to be resolved)

• Needle Exchange

○ NIH Office of AIDS Research

- RRB Inspector General/Medicare
- Social Services Block Grant (SSBG). TANF Transfer Authority
- Teamsters (appears to be resolved)
- Viagra
- Welfare-to-Work Grants (period of obligation of funds) - *technical change?*  
*supported by us?*

## ***TRANSPORTATION***

- Helicopters in Alaskan Wilderness Areas
- Airline Competition (not in bill yet)
- Coast Guard Roles and Missions Review
- Expedited Judicial Review of Disadvantaged Business Enterprise (DBE) Program
- FAA Wide Area Augmentation System (WAAS)
- Fuel Economy Standards (National Highway Traffic Safety Administration)
- Restrictions on Environmental Review of Transportation Projects
- Restrictions on Political Appointees

**TREASURY/GENERAL GOVERNMENT**

- Federal Election Commission (FEC)

- Abortion



<sup>Impact</sup>  
Family Assessments - in doing up

- Foreign State Economic Sanctions

- Haitian Immigration (retain Senate language; oppose House "extreme hardship" alternative)

- Prescription Contraceptives

House - S plans

Senate - rel-band plans

on basis of net benefits



**COMMERCE/JUSTICE/STATE**

- Visas for Agricultural Workers
- Census Sampling
- Department of Justice/State Ethics Rules
- Brady Handgun Insta-Check System
- INS Fees
- Authorization Waivers
- Prohibition on Intervention in Certain Court Proceedings
- Foreign Policy Provisions Regarding Jerusalem
- Funding ABM Treaty Negotiations (McIntosh Amendment)
- Restriction on Agricultural Export Controls
  
- **Teamsters** (resolved)
- Visas for Foreign Nurses
- National Oceanic and Atmospheric Administration (NOAA) Restrictions on Executive Direction
- NIST: Advanced Technology Program (ATP) -- Cap on New Awards
- Bureau of Export Administration (BXA) Licensing Notification
- Internet Regulation
- Restriction on FCC Funding for Portals Move
- SBA Administrative Expenses
- Reauthorization of Small Business Innovation Research (SBIR) Program (Language affects agencies in VA/HUD; Labor/HHS/Education; Defense; Energy/Water Development; Interior; Agriculture/Rural Development.)

- Use of Visa Fees (State)
- Controlled Substances Act
- Exxon Valdez
- Bureau of Prisons/Abortion
- Coordinated Drug Strategy
- Limitation on Immigration and Naturalization Service (INS) Non-Career Appointments
- Annual U.N. Assessments

**INTERIOR**

- Columbia Basin
- King Cove Health and Safety Act
- Tongass National Forest (AK) Timber Production Targets
- Oil Valuation Royalty Rule
- Forest Plan Revisions
- Grizzly Bear Reintroduction
- Commercial Fishing in Glacier Bay National Park (AK)
- Bureau of Land Management (BLM) Hardrock Mining Surface Management Regulations
- Salmon Habitat in Columbia and Snake Rivers
- Remove Dams on Elwha River
- Timber Production Through Prescribed Burns
- Alaska Land Purchases
- Road Obliteration: Prioritization
- Mandated Increase in Timber Sales
- Coastal Barriers
- Land Between The Lakes
- Pro-rata Allocation of Contract Support Costs/Indian Health Service
- Bureau of Indian Affairs and Indian Health Service Tribal Contract Moratorium
- Sen. **Enzi/Sessions** Amendment on Indian Class III Gaming (BIA)
  
- Stewardship Contracting
- Chugach National Forest Road Easement

- BLM Grazing Permits
- BIA -- Tribal Priority Allocations (TPA) Funding
- BIA --Prohibition on Taking Land into Trust Status for Tribes
- Receding from National Finance Center
- Rent Subsidies in Sawtooth National Forest, ID
- Mandated Appraisal Procedures
- Prohibition on Improvements to Pennsylvania Avenue
- Airstrip within Denali National Park and Preserve (AK)
- **ALASKA SUBSISTENCE FISHING (House Sec. 341) -- New Issue**

**LABOR/HHS/EDUCATION**

- National Testing
- Block Grants
- Bilingual Education
- OSHA Peer Review
- National Labor Relations Board (NLRB)
- Family Planning
- Organ Donation
- Medicare Skilled Nursing Facility Prospective Payment System -- New Issue
- Medicare Home Health Interim Payment System -- New Issue
  
- Teamsters (resolved)
- Social Services Block Grant (SSBG). and beyond, to FY 1999 and FY 2000:  
4.25%
- D.C. School Reform -
- IDEA Riggs Amendment
- Viagra
- ~~Abortion~~
- Needle Exchange
- Black Lung Regulations
- Mine Safety and Health Administration (MSHA) Training
- Railroad Retirement Board (RRB) Buyout Authority
- RRB Inspector General/Medicare
- Internet Access in Schools and Libraries - Put above the line.  
way it's written, e-rate would end.

## **FOREIGN OPERATIONS**

- Mexico City Abortion Language — <sup>imp-term</sup> couple w/ UN appears — prob. not IMF
- IMF -- Restrictions on the IMF Quota Increase and the New Arrangements to Borrow
- NIS -- Restrictions on Aid to Russia over Links to Iran and Taxation of Assistance
- Korean Peninsula Energy Development Organization (KEDO)
- Export-Import Bank
- **Climate Change**
- Sections 451 and 614- Foreign Assistance Act Authorities- New Issue
  
- International Organizations and Programs
- Eastern Europe -- Restrictions on Aid to Bosnia
- Palestine Liberation Organization
- Development Assistance
- Overseas Private Investment Corporation

## **TRANSPORTATION**

- Helicopters in Wilderness Areas
- Coast Guard and FAA User Fees
- Coast Guard Roles and Missions Review
- Fuel Economy Standards (National Highway Traffic Safety Administration)
- FAA Wide Area Augmentation System (WAAS)
- King Cove and Cold Bay, AK (Izembek) Road
- **Restrictions on Environmental Review of Transportation Projects -- New Issue**
- **Expedited Judicial Review of Disadvantaged Business Enterprise (Dbe) Program -- New Issue**

*Restrictions on political appointees*

**TREASURY/GENERAL GOVERNMENT**

- Federal Election Commission (FEC)
- Treasury Department Obligation Delays
- Foreign State Economic Sanctions
- Abortion
- Prescription Contraceptives
  
- Family Impact Assessments
- Customs Service Modernization Project
- OMB Review of Agriculture Marketing Orders
- Pay Raise
- Judges/Executive Schedule Pay Raise
- Postal Service: Participation in the Universal Postal Union (UPU)
- Postal Service: Nonpostal Commercial Activities
- Executive Residence
- Electronic Tax Filing Services
- Bureau of Engraving and Printing (BEP)
- Reauthorization of ONDCP
- Health Care Task Force



## **VA/HUD/INDEPENDENT AGENCIES**

- ALL VA/HUD & INDEPENDENT AGENCIES: Restrictions Relating to Entities
- HUD: Public Housing Reform Legislation
- HUD: Director of the Mark-to-Market Program Office
- HUD: Single-family Property Disposition
- **HUD: FHA Mortgage Limit**
- EPA: Kyoto Protocol Environmental Rider
- Alaska Native Vietnam Era Veterans Land Allotment
- NASA: TRIANA -- Earth-observing Space-based Mission
- VA: Medical Care -- Earmarked Funding for NY/NJ Health Care Network
- Consumer Product Safety Commission (CPSC)
  
- Corporation for National and Community Service
- HUD: Homeless Assistance Grants
- HUD: Ninety-day Delay of Reissuing Vouchers and Certificates (Section 8)
- NASA: International Space Station -- Changes in Account Structure
- EPA: Brownfields Cleanup Funding
- EPA: Overseas Ship Scrapping - *Done*
- Council on Environmental Quality: Detailees
- Liberty Memorial Earmark/American Battle Monuments Commission (ABMC)
- VA: General Administration -- Funding Mechanism for Offices of Resolution Management and EEO
- VA: National Cemetery System -- New National Cemetery in Eastern Kentucky

## FY 1999 APPROPRIATIONS BILLS: LANGUAGE ISSUES

### *AGRICULTURE/RURAL DEVELOPMENT*

- Prohibition on Use of Food and Nutrition Service (FNS) Funds to do Research and Program Evaluations
- FDA Drug Reviews/RU-486
- One-year Funding of Energy Supply Account
  
- USDA Rural Development
- Executive Branch Management -- FDA Lab Consolidation
- Executive Branch Review of USDA Responses
- Country of Origin Labeling -- New Issue

## ***ENERGY/WATER DEVELOPMENT***

- Waste Isolation Pilot Plant
- DOE Laboratory Competition
  
- Transferring Regulatory Authority for Berkeley Laboratory
- Corps of Engineers Continuing Contracts

***DISTRICT OF COLUMBIA***

- Permit Use of Federal Funds for Private School Vouchers in D.C.
- Prohibition on Adoption in D.C. by Unmarried Couples
- Prohibition on the Use of Federal and Local Funds for D.C. Needle Exchange Programs
  
- Abortion (Prohibition of Federal and District funds.)
- D.C. Micromanagement

**DEFENSE**

- **Prior Authorization Requirement (Resolved)**
- Prohibition on Deployment in the Balkans
- Reauthorization of Small Business Innovation Research (SBIR) Program  
(Also in Commerce/Justice/State)
  
- Import of PCBs (Resolved)
- Human Rights Violations

**FY 1999 APPROPRIATIONS BILLS: LANGUAGE ISSUES**

**COMMERCE/JUSTICE/STATE**

- Visas for Agricultural Workers
- Census Sampling
- Brady Handgun Insta-Check System
- INS Fees
- Foreign Policy Provisions Regarding Jerusalem
- Funding ABM Treaty Negotiations (McIntosh Amendment)
  
- Department of Justice/State Ethics Rules
- Authorization Waivers
- SBA Administrative Expenses
- Use of Visa Fees (State)

**INTERIOR**

- Columbia Basin X
- King Cove Health and Safety Act
- Tongass National Forest (AK) Timber Production Targets ✓
- Oil Valuation Royalty Rule ✓ (stealing \$ - not enviro. damage)
- Commercial Fishing in Glacier Bay National Park (AK) - need clear victory
- Salmon Habitat in Columbia and Snake Rivers ✓✓ - Murray compromise, but Gerten unwilling.
- Remove Dams on Elwha River ✓✓ - also a comp, but Gerten unwilling
- Timber Production Through Prescribed Burns ✓
- Road Obliteration: Prioritization ✓ non-negotiable
- Land Between The Lakes
- Sen. Enzi Amendment on Indian Class III Gaming (BIA) - #1 issue for timber - non-negotiable
- Mandated ↑ in timber sales - non-negotiable
- Denali Airstrip
- Glacier Bay
- Forest Plan Revisions ✓ hardline - no language compromises
- Pro-rata Allocation of Contract Support Costs/Indian Health Service - Linde

✓ Timber

✓✓ Salmon

**LABOR/HHS/EDUCATION**

- National Testing - need to maintain our schedule
- Block Grants - goals <sup>Hours</sup> 2000 - see version -  
Title VI - o/c?
- Bilingual Education - poss compromises, but Dems will go nuts.
- OSHA Peer Review
- National Labor Relations Board (NLRB)
- Family Planning - regionally done
- Organ Donation < ← geog distrib - richest or closest? allocation  
recruitment
- Medicare Skilled Nursing Facility Prospective Payment System -- New Issue
- Medicare Home Health Interim Payment System -- <sup>Potential</sup> New Issue 1.4.b.
- HHS Child Care Initiative
  
- IDEA Riggs Amendment
- IDEA Livingston Amendment



**FOREIGN OPERATIONS**

- Mexico City Abortion Language
- NIS – Restrictions on Aid to Russia over Links to Iran and Taxation of Assistance
- Korean Peninsula Energy Development Organization (KEDO)
- Export Import Bank
- Climate Change
- Section 451 and Section 614 – New Issue
  
- IMF – Restrictions on the IMF Quota Increase and the New Arrangements to Borrow
- Palestine Liberation Organization

September 28, 1998 (7:27pm)

## ***TRANSPORTATION***

- Helicopters in Wilderness Areas
- Coast Guard and FAA User Fees
- Transportation Restriction on Political Appointment -- new issue

September 28, 1998 (7:27pm)

**TREASURY/GENERAL GOVERNMENT**

- Federal Election Commission (FEC)

**VA/HUD/INDEPENDENT AGENCIES**

- ALL VA/HUD & INDEPENDENT AGENCIES: Restrictions Relating to Entities
- HUD: Public Housing Reform Legislation
- EPA: Kyoto Protocol Environmental Rider
- Alaska Native Vietnam Era Veterans Land Allotment
- NASA: TRIANA -- Earth-observing Space-based Mission
- Council on Environmental Quality: Detailees
  
- VA: Medical Care -- Earmarked Funding for NY/NJ Health Care Network
- Consumer Product Safety Commission (CPSC)
- Corporation for National and Community Service

**AGRICULTURE/RURAL DEVELOPMENT**

- Prohibition on Use of Food and Nutrition Service (FNS) Funds to do Research and Program Evaluations
- FDA Drug Reviews/RU-486
  
- One-year Funding of Energy Supply Account
- Executive Branch Management -- FDA Lab Consolidation
- Country of Origin Labeling -- New Issue

September 28, 1998 (7:27pm)

***ENERGY/WATER DEVELOPMENT***

(No issues remain)

September 28, 1998 (7:27pm)

***DISTRICT OF COLUMBIA***

- Permit Use of Federal Funds for Private School Vouchers in D.C.
- Prohibition on Adoption in D.C. by Unmarried Couples
- Prohibition on the Use of Federal and Local Funds for D.C. Needle Exchange Programs

September 28, 1998 (7:27pm)

**DEFENSE**

- Reauthorization of Small Business Innovation Research (SBIR) Program  
(Also in Commerce/Justice/State)



September 28, 1998 (7:27pm)

**DEFENSE**

- Reauthorization of Small Business Innovation Research (SBIR) Program  
(Also in Commerce/Justice/State)

## Riders Meeting

- Family planning: Talk to Marsha / Judy
- SNF - check w/ Chris (Dardik / Harbin / Boncaux)  
how much does it cost?
- Need right language on child care
- Organs: check w/ Chris - is he sufficiently involved?
- Block grants - sec. version OK?
- Needle exchange. What to do? / Talk to Richard S.

"Family riders" memo

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# Achieving a Budget Solution

## The First Step: Drop Controversial Riders

October 6, 1998

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**The President has proposed a budget that focuses on the basic fundamentals needed to keep the country moving forward:**

- ✓ Saving Social Security First.
- ✓ Investing in education and in a cleaner environment.
- ✓ Leading the response to the global financial turmoil.

**The Congressional Majority has taken its eye off of these basic fundamentals.** That is why they failed to even pass a budget resolution, despite an April 15th legal deadline. And why they sent only one appropriations bill to the President's desk before the fiscal year began. Instead of focusing on basic budget decisions and making the needed investments:

- **The Congress has loaded down the appropriations bills with scores of controversial and objectionable riders.** Many of these controversial items have not been debated, hearings have not been held, and they do not belong on appropriations bills. These riders are an unnecessary distraction that pose a major obstacle to achieving a budget solution.

**The time has come to return the focus to the basic task at hand: achieving a budget solution.** Dropping these controversial riders is the critical first step needed to achieve success. It is time to put progress over partisanship and to put common sense over ideology.

### **Examples of riders that should be dropped:**

- **Assaults on the Environment** -- Scores of anti-environmental riders would sacrifice public lands to private interests by mandating overcutting on national forests, carving roads through wilderness, and denying taxpayers a fair return on oil leasing on federal lands. Other riders aim to cripple wildlife protections and thwart common-sense efforts to reverse global warming.
- **Undermining of the Brady Law** -- Extraneous language would undermine the Brady law by delaying implementation of the FBI's system of computerized background checks for all gun purchasers. Brady background checks have stopped nearly a quarter of a million illegal handgun sales and its implementation should not be undermined.
- **Denial of an Accurate Census.** The statistical methods incorporated in the Census Bureau's plan, which are based on recommendations from the National Academy of Sciences, would produce the most accurate census possible and virtually eliminate the large undercounts of minorities, children, and other groups that occurred in the 1990 census. The onerous House language restrictions on the Census should be dropped.
- **Private School Vouchers** -- House language provides for the use of private school vouchers in the District of Columbia. Instead of investing additional resources in public schools, vouchers would allow a few selected students to attend private schools and would draw resources and attention away from the

hard work of reforming public schools that serve the overwhelming majority of D.C. students. This would establish a dangerous precedent for using Federal taxpayer funds for schools that are not accountable to the public.

- **Prohibition on National Voluntary Education Testing** -- The House has included language that would prohibit the development, implementation, and administration of the tests. This would retreat from the work of raising expectations for students and schools and bring a halt to the President's efforts to help States and parents raise academic standards through a voluntary national test in the basic skills. The House has included language that would prohibit the development, implementation, and administration of the tests unless explicitly authorized. This would bring a halt to the President's efforts to help States and parents raise academic standards through a voluntary national test.
- **Other Education Riders Pose Serious Concerns:** The bills contain other riders that change, in unnecessary and inappropriate ways, programs that serve youth with disabilities (IDEA); programs that serve limited English proficient children; how schools protect students from inappropriate internet materials; and how grantees are held accountable for the use of certain Federal funds that address national needs.
- **Undermining of Worker Safety Efforts** -- House language would unnecessarily delay efforts to protect worker safety and should be dropped.
- **Family Planning Interference** -- Several controversial family planning riders have been added to appropriations bills. These restrictions would lead to more unintended pregnancies, abortions, and sexually transmitted diseases and should be dropped.

Budget mtg - Goshine

All hope to finish by Sunday

Went through issues

Census

McDade - bill to them

"survival issue"

IME - give us 1k; conditions

Mex City - to last

KEBO - big deal to them

PEL - ditto -

Education - biggest deal to them. - get compromise done to EB

Parental Notif - not discussed

Hatics - prob. able to resolve bec of Mach.

INS - big deal.

Immig - plg deal

HZA - Bob Smith pilot - 20,000 - 25,000

we have to \$urg - w/ cuts

Farmers - more \$; not changing freedom-to-farm.

They want:

- something on trade (?) <sup>beef +</sup> bananas letter
- Quincy Library - Feels Barbara Boxer
- in modern bill

→  
I said: still  
a lot of diff  
between us

October 5, 1998

MEMORANDUM FOR BRUCE REED AND ELENA KAGAN

FROM: DPC Team Leaders

SUBJECT: Appropriations Riders

**Commerce/Justice/State**

**Visas for Agricultural Workers:** High priority; important for the Hispanic and Labor communities (if we are doing constituency specific one-pagers)

**Department of Justice/State Ethics Rules:** This provision to allow state ethics rules to be applied to the U.S. Attorneys is strongly opposed by Justice and prosecutors groups. We should join the Department in vigorously opposing this provision.

**Brady Handgun Insta-Check System:** The Brady rider should be strongly opposed. It undermines implementation of the permanent Brady provisions in two ways: (1) it does not allow the FBI to charge a user fee for background checks, so funds will have to be especially appropriated for this purpose; and (2) it does not allow the FBI to retain record of checks, so Brady implementation would need to be delayed for about 6 months until the software is reconfigured. OMB, DPC and Justice are currently working out a bottom-line compromise, in case it is necessary.

**INS Fees:** High priority; also important for the Hispanic community; would remove \$166 million from the Exams Fees account (which would ordinarily be used for immigration services, including naturalization processing) and use it to fund discretionary programs.

**Visas for Foreign Nurses:** Low priority; we opposed, but the provision now includes better labor protections and is a small number targeted to inner-city areas.

**Abortions for Federal Prisoners:** We should continue to oppose the prohibitions on funding abortions for federal prisoners except in the case of rape or where the life of the mother is endangered. However, this prohibition is in both the House and Senate bills and is current law.

**Controlled Substances Act:** We should strongly oppose the changes to this Act, which would reduce the record-keeping requirements and penalties that work to prevent precursor chemicals from being diverted to illegal markets.

**Coordinated Drug Strategy:** Although we do not support this unnecessary and duplicative requirement to have Justice develop its own drug strategy for drug prosecutions, it is not worth fighting over.

**Limitation on INS Non-Career Appointments:** Low priority; this is part of appropriations language. We asked in FY99 budget that the limitation be deleted (limited INS to four Schedule C employees, including the Commissioner). Included in both House and Senate. Very little chance of getting this out.

**Assault Weapons:** We support language in the Treasury-Postal appropriations to allow ATF to compensate for their losses a very small group of persons with permits to import certain modified assault weapons.

**Gun Prosecutions:** Although Justice is concerned with a \$1.5 million earmark for U.S. Attorneys to focus on gun prosecutions in Philadelphia, we can accept this amendment. We just need to be sure that the final language does not mandate what cases the U.S. Attorney's office has to take. Additionally, we should make sure that the final language does not re-write the President's Youth Crime Gun Interdiction Initiative or impose any undue burdens on U.S. Attorneys in general.

### Interior

**Pro-rata Allocation of Contract Support Costs/Indian Health Service:** High priority -- this provision would reallocate the way Indian Health Service funding is given to tribes with the result that many tribes will lose hundred of thousands of dollars.

**Bureau of Indian Affairs and Indian Health Service Tribal Contract Moratorium:** High priority -- this provision would interfere with tribal self-determination by prohibiting tribes that want to contract to provide their own health services or other services from doing so (which they are permitted to do under current law).

**Sen. Enzi/Sessions Amendment on Indian Class III Gaming (BIA):** High priority --this provision would prohibit the promulgation of the Indian gaming provisions from the Gaming Commission.

**BIA-Tribal Priority Allocations (TPA) Funding:** This is a non-issue at this point. Senator Gorton had wanted funding to be provided to tribes on a means testing basis. Interior worked out a compromise that would permit a study to be done first.

**BIA-Prohibition of Taking Land into Trust Status for Tribes:** High priority. Will this specific provision only affects the Shakopee Sioux in Minnesota, the effect of this provision would be to prevent BIA from taking lands into trust status for the tribes.

### **Labor/HHS/Education**

**National Testing:** The House language effectively bans any additional work on test development; the Senate language permits pilot testing to proceed this year as planned. We should negotiate something close to the Senate position, perhaps with additional studies thrown in (as was done last year) to give Goodling something to claim credit for. Barbara Chow, Broderick Johnson and I are meeting with Goodling's staff this afternoon to explore their position.

**Block Grants:** The House bill includes language permitting states to shift funds from Goals 2000 to Title VI (an existing block grant). We must oppose this, with no negotiation. If kept, this provision would kill Goals 2000 and eliminate its emphasis on standards and accountability. It will also be seen as a huge defeat for the Administration, because we lose Goals 2000 and cave on Block Grants.

There is an even worse block grant bill Sen. Gorton is pushing, that would consolidate a large number of programs (Goals 2000, professional development, technology, etc.), end their purpose, and provide no accountability. It also contains a version of Ed-Flex (which allows states to waive federal requirements) which we should also oppose, because it is way too broad in its scope, and because there are no accountability provisions to go along with the added flexibility.

If we need to negotiate in this area, our alternative should be the bipartisan Ed-Flex bill (Frist/Wyden in the Senate, Castle/Romer in the House) which we support because it incorporates the principles we articulated earlier this year when POTUS proposed Ed-Flex expansion to NGA. NGA is also supporting this bill.

**Bilingual Education:** This rider contains a 2-year limit on participation in bilingual education, with an absolute cut-off of participation after 4 years. It also has provisions that strengthen accountability and expand flexibility in the existing bilingual ed program. Substantively, we must oppose with no negotiations the time limit and cutoff. While we might be able to work out flexibility and accountability language to our substantive satisfaction, politically we will never work that out in this context to the satisfaction of the CHC.

**Family Planning:** Our draft SAP strongly objects to language in the Committee bill and any proposed amendments that require family planning grantees either to receive parental consent or provide advance notification to parents before giving contraceptives to minors. Mandating parental consent discourages minors from seeking health care and reproductive services and thus leads to more unintended pregnancies, more abortions, and more sexually transmitted diseases, including HIV. Federal health program costs could increase if this amendment interferes with the prevention of teen pregnancy. We would support adoption of the proposed



Castle/Greenwood amendment, which would ensure that grantees encourage minors to seek Their family's participation in family planning decisions.

**Organ Donation:** This has been resolved.

**Medicare Home Health:** Although this issue has been under discussion because the interim payment system has been very controversial and there may be efforts to put fixes in report language that could be problematic, in part because of excessive budget costs.

**D.C. School Reform:** After further checking, our position should clearly be to oppose this rider. It prevents ED from providing continuing funding to important DC school reform projects (to hire reading and math specialists, and to support Obey/Porter type schoolwide reforms using effective practices). These projects are important to keeping DC education reform moving in the right direction.

**IDEA Riggs Amendment:** We have and should continue to oppose this provision, which limits the ability of ED to enforce IDEA, with regard to providing educational services to disabled 18-21 year olds.

There is also a Livingston amendment on IDEA that may come up -- it would allow school officials to remove indefinitely (as opposed to for 45 days and then going to a hearing officer) kids with disabilities who bring weapons or drugs to schools, or who engage in violent behavior which could be harmful to other kids. We should oppose this flat out. If this doesn't work, we have developed with OMB and ED several fall back positions: (1) codify the reg that ED will release soon, that will allow schools to repeat 45-day expulsions over and over as long as the hearing officer agrees; (2) propose an independent study (NAS or GAO) to evaluate implementation of new law, and determine if changes are needed; (3) propose specific wording changes to remove most objectionable provisions of Livingston amendment.

**Viagra:** This is being resolved.

**Organ Reallocation:** Could be a major problem. Congress may undermine our current position on how organs are reallocated.

**CHIP reallocation Issues:** There are a number of state reallocation problems that we are trying to resolve, including Washington state, that we are in negotiations about.

**Pennsylvania Medicare DSH problem:** This may show up on a rider. We want to try to work out something for the state on. Unclear if it will happen in appropriations context, but it is a possibility.

### **Foreign Operations**

**Mexico City Abortion Language:** The President has issued a veto threat on this language in the past, and said he would veto it again. The House bill contains which would prohibit foreign non-governmental organizations from receiving US family planning funds if the organization uses any of its own funding from non-US Government sources for abortion-related services or advocacy. The Senate bill does not contain this, and the conference is once again at an impasse.

### **Treasury/General Government**

**Federal Election Commission (FEC):** A rider for which we thought we had a compromise has been reborn. McConnell, in retaliation for the General Counsel of the FEC's recommendation to restrict soft money, included a rider on the Treasury, Postal Appropriations bill in the that would require that four of the six commissioners vote to **retain** the General Counsel in his current position. Currently, no vote is necessary. Only when you hire a new General Counsel is a vote necessary.

We had a compromise in the House bill, where Livingstone had originally put forward this rider. It would have allowed the current General Counsel to keep his job, then institute this new voting procedure on retention for future General Counsels.

**Abortion:** We oppose this language which prevents FEHBP coverage for abortions for federal employees, except in cases of rape and incest, and when necessary to save the life of the woman. This restriction has been the law for the past few years.

**Prescription Contraceptives:** We support this language, which would require plans participating in the FEHBP program to provide coverage of prescription contraceptives.

### **VA/HUD/Independent Agencies**

**HUD: Public Housing Reform Legislation:** Although still some problems, most of the differences have been resolved and Cuomo has scheduled a news conference to announce a compromise agreement.

**HUD: Director of Mark-to-Market Program Office:** No longer an issue because Director is about to be confirmed.

**HUD: Single-family Property Disposition:** Resolved in our favor.

**HUD: FHA Mortgage Limit:** Compromise achieved.

**HUD: Homeless Assistance Grants:** Congress included a 30% set-aside which we opposed. Can't win this fight.

**HUD: Ninety-day Delay of Reissuing Vouchers and Certificates (Section 8):** Republicans took out which frees up another 40,000 vouchers. Good news for us.

**EPA: Brownfields Cleanup Funding:** Has been resolved in our favor.

### Agriculture/Rural Development

**Prohibition on Use of Food and Nutrition Service (FNS) Funds to do Research and Program Evaluations:** The conference provides that a small portion of research on nutrition programs be conducted by the FNS, however, the bulk of that research would be provided by the Economic Research Service. USDA would urge Congress to allow all research to be conducted by FNS.

**FDA Drug Reviews/RU-486:** This rider has been dropped from the conference report.

**USDA Rural Development:** The conference report blocks use of mandatory funding under Fund for Rural America. We urge the conference to remove this provision.

**Country of Origin Labeling -- New issue:** This is currently going to be a study, I put in a call to NEC but because of relations with Canada, I don't think we had agreement to push this.

### District of Columbia

**Permit Use of Federal Funds for Private School Vouchers in D.C.:** We have to insist this be dropped, with no compromise. I've heard the Republicans are prepared to drop this rather than fight.

~~Adoption~~ <sup>Adoption</sup>: This amendment would prevent unmarried couples in DC from jointly adopting or becoming foster parents. We strongly oppose the amendment because it would interfere in caseworkers decisions about the best interests of the child and with matters of state and local policy. While the amendment would affect the ability of all unmarried couples to adopt, it clearly targets gay and lesbian couples. ]