

July 27, 2021

(202) 626-8820

RE: Scorecard Advisory – H.R. 4502 Appropriations “Minibus”

Dear Representative:

The National Right to Life Committee (NRLC), the federation of state right-to-life organizations, urges you to oppose the appropriations minibus package of H.R. 4502 which includes Labor, Health and Human Services (LHHS), Education, Agriculture, Rural Development, Energy and Water Development, Financial Services and General Government (FSGG), Interior, Environment, Military Construction, Veterans Affairs, Transportation.

Because this legislation fails to include the longstanding Hyde Amendment and other provisions, National Right to Life urges you to oppose H.R. 4502, the appropriations “minibus,” and intends to include votes related to this legislation in our scorecard of key right-to-life votes of the 117th Congress.

Notably, H.R. 4502 removes the longstanding Hyde Amendment. The LHHS Appropriations bill, which has been enacted in various forms from 1976 until FY2021, fails to include the Hyde Amendment which bans federal funding of domestic abortions, except in cases of rape, incest or to save the life of the mother.

After *Roe v. Wade* was handed down in 1973, various federal health programs, including Medicaid, simply started paying for elective abortions. By 1976, the federal Medicaid program was paying for about 300,000 elective abortions annually, and the number was escalating rapidly.ⁱ

That is why it was necessary for Congressman Henry Hyde (R-Ill.) to offer, beginning in 1976, his limitation amendment to the annual Health and Human Services appropriations bill, to prohibit the use of funds that flow through that annual appropriations bill from being used for abortions. In a 1980 ruling (*Harris v. McRae*), the U.S. Supreme Court ruled, 5-4, that the Hyde Amendment did not contradict *Roe v. Wade*.

In the years after the Hyde Amendment was attached to LHHS appropriations, the remaining appropriations bills, as well as other government programs, were brought into line with this life-saving policy.

The Hyde Amendment is widely recognized as having a significant impact on the number of abortions in the United States saving an estimated 2.4 million American lives.ⁱⁱ

National Right to Life believes that the Hyde Amendment has proven itself to be the greatest domestic abortion-reduction measure ever enacted by Congress. Additionally, a strong majority of Americans have consistently opposed taxpayer funding for abortion. A 2020 poll shows that 64.6% oppose tax funding of abortion including 49% of Democrats and 69% of Independents.ⁱⁱⁱ

There is abundant empirical evidence that where government funding for abortion is not available under Medicaid or the state equivalent program, at least one-fourth of the Medicaid-eligible women carry their babies to term, who would otherwise procure federally-funded abortions. Some pro-abortion advocacy groups have claimed that the abortion-reduction effect is substantially greater—one-in-three, or even 50 percent.^{iv}

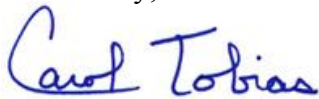
In addition, LHHS Appropriations removes the long-standing abortion non-discrimination provision, known as Hyde-Weldon. The Hyde-Weldon amendment, first enacted in 2005, has continually provided conscience protection for health care entities by preventing HHS funding recipients from discriminating against health care providers because they refuse to provide, pay for, or refer for abortion. (Enacted FY 2005-2021)

H.R. 4502 also repeals the “D.C. Hyde Amendment” (sometimes called the Dornan Amendment) that has prevented tax-funded abortion in the District of Columbia for many years. The “D.C. Hyde Amendment” prohibits the use of government funds to pay for abortion in the Federal District (except to save the life of the mother, or in cases of rape or incest), which for decades (with brief interruptions) has been part of the annual appropriations bill that covers the District.

For the reasons above, National Right to Life urges you to oppose H.R. 4502, the appropriations “minibus,” and intends to include votes related to this legislation in our scorecard of key right-to-life votes of the 117th Congress.

Should you have any questions, please contact us at (202) 378-8863, or via e-mail at jpopik@nrlc.org. Thank you for your consideration of NRLC’s position on this important legislation.

Sincerely,



Carol Tobias
President



David N. O’Steen, Ph.D.
Executive Director



Jennifer Popik, J.D.
Legislative Director\

ⁱ The 1980 CQ Almanac reported, “With the Supreme Court reaffirming its decision [in *Harris v. McRae*, June 30, 1980] in September, HHS ordered an end to all Medicaid abortions except those allowed by the Hyde Amendment. The department, which once paid for some 300,000 abortions a year and had estimated the number would grow to 470,000 in 1980 . . .” In 1993, the Congressional Budget Office, evaluating a proposed bill to remove limits on abortion coverage from Medicaid and all other then-existing federal health programs, estimated that the result would be that “the federal government would probably fund between 325,000 to 675,000 abortions each year.” Letter from Robert D. Reischauer, director, Congressional Budget Office, to the Honorable Vic Fazio, July 19, 1993.

ii Michael J. New, Ph.D., Hyde @ 40 ANALYZING THE IMPACT OF THE HYDE AMENDMENT

iii McLaughlin & Associates, November 4, 2020

iv “Discriminatory Restrictions on Abortion Funding Threaten Women’s Health,” NARAL Pro-Choice America Foundation factsheet, January 1, 2010, citing Rachel K. Jones et al., Patterns in the Socioeconomic Characteristics of Women Obtaining Abortions in 2000-2001, *Persp. on. Sexual & Reprod. Health* 34 (2002).