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# 2014 CONGRESSIONAL CANDIDATE QUESTIONNAIRE

## ABORTION

The National Right to Life Committee (NRLC) believes that unborn children should be protected by law, and that abortion should be permitted only when necessary to prevent the death of the mother.

Under what circumstances, if any, do you believe that abortion should be legal?

- (a)  Only to prevent the death of the mother.
- (b)  To prevent the death of the mother, or in cases of rape and in cases of incest committed against a minor, if such cases of rape or incest are reported to an appropriate law enforcement agency, or the incest is reported to a government agency legally authorized to act on reports of child abuse or neglect.
- (c) Other (please explain): \_\_\_\_\_

PLEASE NOTE: In every question below, a "yes" response indicates agreement with the position of NRLC.

## ROE V. WADE

In its 1973 rulings in *Roe v. Wade* and *Doe v. Bolton*, the U.S. Supreme Court created a "right to abortion" for any reason until "viability" (into the sixth month), and for any "health" reasons - including "emotional" health - even during the final three months of pregnancy. This ruling invalidated the abortion laws that were in effect in all 50 states at that time. In the 1992 ruling of *Casey v. Planned Parenthood*, the Supreme Court reaffirmed the "core holdings" of *Roe v. Wade*, and said that any law placing an "undue burden" on access to abortion would be struck down.

(1) Do you advocate changing the *Roe v. Wade* and *Doe v. Bolton* decisions, so that elected legislative bodies (the state legislatures and Congress) may once again protect unborn children by limiting and/or prohibiting abortion?

YES  NO

## UNBORN VICTIMS OF VIOLENCE

In 2004, Congress enacted the Unborn Victims of Violence Act, which recognizes a "child in utero" as a legal victim if he or she is injured during the commission of any of 68 federal crimes of violence. The law defines "child in utero" as "a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb."

(2) Would you vote against any attempt to repeal or weaken the Unborn Victims of Violence Act (UVVA), and do you support the underlying principle embodied in UVVA, that federal laws that protect born persons should, wherever possible, also recognize and protect unborn children as members of the human family?

YES  NO

## GENERAL ABORTION-RELATED POLICIES

(3) Would you vote against any legislation that would weaken any pro-life law or policy that is in effect on the day that you are elected?

YES  NO

(4) Would you vote against any federal legislation (for example, the so-called "Women's Health Protection Act" (S. 1696 and H.R. 3471)) that would place new limits on the ability of states to enact and enforce abortion-related laws?

YES  NO

## PAIN-CAPABLE UNBORN CHILD PROTECTION LEGISLATION

There is now compelling scientific evidence that the unborn child is capable of experiencing pain at least by 20 weeks after fertilization (the beginning of the sixth month), if not earlier. Asserting a compelling governmental interest in protecting unborn children capable of feeling pain, in 2010, Nebraska enacted the Pain-Capable Unborn Child Protection Act to prohibit abortions after that point (with narrow exceptions). A number of other states subsequently enacted similar laws.

In the U.S. Congress, the Pain-Capable Unborn Child Protection Act (H.R. 1797), which would adopt the same policy on a national basis, passed the U.S. House of Representatives in June 2013, and has been introduced in the Senate as S. 1670.

(5) Would you vote for the Pain-Capable Unborn Child Protection Act, which - based on evidence that by 20 weeks after fertilization, if not earlier, the unborn child is capable of experiencing pain - would prohibit abortion after 20 weeks fetal age (with narrow exceptions)?

YES  NO

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## SEX-SELECTION ABORTION

On May 31, 2012, a majority of the U.S. House of Representatives voted in favor of the NRLC-backed Prenatal Nondiscrimination Act (PRENDA), sponsored by pro-life Rep. Trent Franks (R-Az.). This legislation would make it a federal offense, punishable by up to five years imprisonment, to knowingly do any one of the following four things: (1) perform an abortion "knowing that such abortion is sought based on the sex or gender of the child"; (2) use "force or the threat of force . . . for the purpose of coercing a sex-selection abortion"; (3) solicit or accept funds to perform a sex-selection abortion; or (4) transport a woman into the U.S. or across state lines for this purpose. The bill explicitly provides, "A woman upon whom a sex-selection abortion is performed may not be prosecuted or held civilly liable for any violation of this section, or for a conspiracy to violate this section." President Obama opposes the PRENDA.

(6) Would you vote to pass such legislation to impose a national prohibition on the use of abortion as a method of sex selection?

YES  NO

## GOVERNMENT SUBSIDIES FOR ABORTION

The No Taxpayer Funding for Abortion Act (H.R. 7, S. 946) would establish a permanent policy against funding abortions and health plans that cover abortions, consistent with the principles of the Hyde Amendment, to all federal programs, including those created by the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) ("ObamaCare").

(7) Would you vote for the No Taxpayer Funding for Abortion Act?

YES  NO

Congress votes from time to time on the "Hyde Amendment," a law that prohibits federal Medicaid money from being used to pay for abortions or for health care plans that include abortion, except to save the life of the mother, or in cases of rape or incest. Other similar provisions of law restrict federal subsidies for abortion in certain other federal health programs, including those covering the military and federal employees.

(8) Would you oppose any legislation that would weaken the Hyde Amendment and other current laws that restrict federal subsidies for abortion, and would you support legislation to ensure the fullest possible enforcement of such laws and the application, wherever appropriate, of their underlying principles?

YES  NO

The District of Columbia is an exclusively federal jurisdiction. Article I of the Constitution provides that Congress must exercise "exclusive legislation in all cases whatsoever" over the District. In December 2009, at the urging of President Obama, Congress effectively repealed a longstanding ban on government funding of abortions in the District. However, in April 2011, at the insistence of congressional Republican leaders, a prohibition was restored to prohibit any use of government funds for abortion in the District, whether designated as "federal" funds or so-called "local" funds (except to save the life of the mother, or in cases of rape or incest). This issue will continue to arise during future congressional appropriations cycles.

(9) Would you vote to preserve the prohibition on public funding of abortion in the District of Columbia - applicable to all government funds however they are labeled - and would you vote against any legislation that would permit a resumption of government-funded abortion in the District?

YES  NO

The federal government annually provides many millions of dollars to organizations that operate abortion clinics. For example, a significant portion of the aggregate income of clinics operated by affiliates of the Planned Parenthood Federation of America (PPFA) comes from selling abortions (PPFA-affiliated clinics perform more than 300,000 abortions annually). Yet, PPFA affiliates are also major recipients of funds from various federal programs, including the Title X "family planning" program and Medicaid.

(10) Would you vote for legislation that would make organizations that operate abortion clinics (not bona fide hospitals) ineligible to receive federal funding?

YES  NO

## FOREIGN AID FOR ABORTION

The U.S. spends about \$600 million annually for birth-control programs overseas. Under President Reagan, George H.W. Bush, and George W. Bush, executive orders collectively referred to as the "Mexico City Policy" established that in order to be eligible for U.S. population-control funds, a private overseas organization must agree not to perform abortions (except to save the life of the mother, or in cases of rape or incest) or to "actively promote abortion as a method of family planning." However, in January 2009, President Obama overturned this pro-life policy by executive order. In congressional testimony on April 22, 2009, Secretary of State Hillary Clinton said that the Administration's international policy is to "protect the rights of women, including their rights to reproductive health care," and that "reproductive health includes access to abortion."

(11) Would you vote for legislation to codify (enact into permanent law) the principles of the "Mexico City Policy," to deny U.S. "family planning" funds to overseas

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organizations that perform or actively promote abortion?

YES X NO \_\_\_\_\_

The United Nations Population Fund (UNFPA) participates in China's population control program, which relies heavily on coerced abortion. The UNFPA also promotes expanded access to abortion in developing nations, and has promoted the abortion pill, RU 486. The administrations of Presidents Reagan, G.H.W. Bush and George W. Bush cut off U.S. funding to the UNFPA because of its role in China, but the Obama Administration restored U.S. funding to the UNFPA.

(12) Would you vote for legislation to prevent further U.S. funding of the United Nations Population Fund (UNFPA)?

YES X NO \_\_\_\_\_

### PARENTAL NOTIFICATION/CONSENT FOR MINORS' ABORTIONS

Laws are already in effect in about half the states that require notification or consent of at least one parent (or authorization by a judge) before an abortion can be performed on a minor. However, these laws are often circumvented by minors who cross state lines in order to evade parental notification requirements (often with the aid of older boyfriends, abortion clinic staff, or other adults lacking parental authority).

The Child Interstate Abortion Notification Act (CIANA), sponsored by Congresswoman Ileana Ros-Lehtinen (R-FL) (H.R. 732) and Senator Marco Rubio (R-FL) (S. 369), would require any abortionist, encountering a minor client from another state, to notify one parent before performing an abortion, unless presented with authorization from a court, or in cases of life endangerment, or in cases of sexual or physical abuse or neglect by a parent, in which case the appropriate state agency must be notified instead of a parent. The bill would also make it an offense to transport a minor across state lines to evade a parental involvement requirement.

(13) Would you vote for the Child Interstate Abortion Notification Act?

YES X NO \_\_\_\_\_

### ABORTION: CONSCIENCE PROTECTION

Across the nation, pro-abortion officials and advocacy groups have sought to use the compulsory powers of government to compel health care providers to participate in abortion. Recently, the Obama Administration has broadened the assault on conscience rights by issuing "Obamacare" regulations that require employers (including religious schools and hospitals) to provide health coverage that will provide drugs and procedures to which the employers have religious or moral objections. In response, pro-life members

of Congress have proposed the Health Care Conscience Rights Act (H.R. 940, S. 1204), which would greatly strengthen the rights of private individuals and employers to refuse to participate in abortion or other procedures that violate their deeply held beliefs. Among other things, the bill would prohibit any government agency – federal, state, or local – from penalizing health care providers for refusing to participate in providing abortions, and would allow health care providers to sue when subjected to such attacks from government entities.

(14) Would you vote for legislation, such as the Health Care Conscience Rights Act, to increase protections for health care providers and entities who do not wish to participate in providing abortions or in providing health care coverage for drugs and procedures that violate their deeply held beliefs?

YES X NO \_\_\_\_\_

### "EQUAL RIGHTS AMENDMENT" (ERA)

The proposed "Equal Rights Amendment" (S.J. Res. 10 in the 113th Congress) would amend the federal Constitution to invalidate any law or government policy that discriminates "on account of sex." In some of the states that have already added similar provisions to their state constitutions, courts have used them to invalidate limits on abortion. For example, the New Mexico Supreme Court in 1998 unanimously ruled that the New Mexico ERA required state funding of abortion.

NRLC opposes the federal ERA unless the following "abortion neutral" amendment is added to ensure that the ERA will not change abortion policy in either direction: "Nothing in this article [the ERA] shall be construed to grant, secure, or deny any right relating to abortion or the funding thereof."

(15) Would you vote against the proposed federal ERA, if it does not contain this "abortion-neutralization" amendment?

YES X NO \_\_\_\_\_

### PROTECTION OF HUMAN EMBRYOS

The right to life of human beings must be respected at every stage of their biological development. Human individuals who are at the embryonic stage of development should not be used for harmful or lethal medical experimentation. This applies equally to human beings whether their lives were begun by in vitro fertilization, by somatic cell nuclear transfer (human cloning), or by any other laboratory techniques.

NRLC opposes harvesting "stem cells" from living human embryos, since this kills the embryos. Note: NRLC is NOT opposed to other research on "stem cells" that are obtained without killing embryos – for example, stem cells harvested from umbilical cord blood and from adult tissue.

In 2001, President George W. Bush issued an executive order

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to prevent the federal government from funding research that would encourage the destruction of human embryos, and vetoed bills that would have overturned that policy – but in 2009, President Obama issued a new executive order that nullified the previous pro-life policy, and has allowed federal funding of stem cell research that requires the destruction of human embryos.

However, embryonic stem cell research has not produced therapies, while other types of stem cells, obtainable without killing human embryos, are producing breakthroughs and treatments. On November 14, 2011, Geron Corporation, which had been the world's leading embryonic stem cell company, announced that it "will discontinue further development of its stem cell programs."

(16) Would you vote for legislation to prevent federal support of research that harms or destroys human embryos, or that uses cells or tissues that are obtained by harming or killing human embryos?

YES  NO

### HEALTH CARE RESTRUCTURING LEGISLATION

On March 23, 2010, President Obama signed into law "The Patient Protection and Affordable Care Act" (Pub. L. No. 111-148) ("ObamaCare"), which passed Congress over the objections of NRLC. When the government rations health care in a way that limits the ability of Americans to choose life-saving medical treatment, food, and fluids, it imposes a type of involuntary euthanasia.

Using measures designed to limit what private citizens are allowed to spend for health care and health insurance described in questions 17-20 below, this legislation will result in unacceptable involuntary denial of life-saving medical treatment through rationing. It also provides subsidies for private health plans that cover elective abortion, and contains provisions that are likely to result in further expansions of abortion through administrative actions by various federal agencies.

(17) Would you vote to repeal the "Patient Protection and Affordable Care Act" ("ObamaCare")?

YES  NO

Regardless of your answer to question 16, please answer the following additional questions about the PPACA as well.

### RATIONING IN HEALTH CARE

**EXCESS BENEFITS TAX:** The law ("ObamaCare") imposes a 40% excise tax (named the Excess Benefits Tax) on premiums for employer-paid health insurance exceeding an ObamaCare-set limit (26USC §49801). As explained in

a September 30, 2013 *Politico* article, the level at which the tax kicks in will "be linked to the increase in the consumer price index, but medical inflation pretty much always rises faster than that. Think of the . . . tax as the slow-moving car in the right lane, chugging along at 45 miles per hour. It may be pretty far in the distance, but if you're . . . moving along at a reasonable clip in the same lane – say, 60 miles an hour—and you don't slow down, you're going to run smack into it."

When, in the not-too-distant future, the "collision point" is reached, health insurance benefits for employees will effectively be prevented from keeping up with medical inflation, forcing compounding cutbacks in the health care they are permitted to receive.

(18) Would you vote to eliminate ObamaCare's Excess Benefits Tax?

YES  NO

**IPAB:** The law ("ObamaCare") establishes an "Independent Payment Advisory Board" (IPAB) which is directed to make recommendations to prevent private health care spending from keeping up with the rate of medical inflation. The federal Department of Health and Human Services (HHS) is empowered to implement these recommendations through the imposition of "quality and efficiency" measures on health care providers. For example, no insurance plan offered through any of the state or federal insurance exchanges may contract with a health care provider who fails to abide by the federally imposed "quality and efficiency" measures.

Because the objective is to limit not just health care paid for by government funded programs, but also that paid for by private citizens and their private health insurance, treatment that a doctor and patient deem needed or advisable to save the patient's life or health but which runs afoul of the imposed standards would be denied, even if the patient is willing and able to pay for it. Documentation: [www.nrlc.org/medethics/healthcarerationing](http://www.nrlc.org/medethics/healthcarerationing)

(19) Would you vote to eliminate the Independent Medical Advisory Board (IPAB) and the authority of HHS to use "quality and efficiency measures" to limit treatment paid for with non-government funds?

YES  NO

**MEDICARE:** While cutting hundreds of billions of dollars from federal payments in Medicare, the law empowers HHS to limit senior citizens in spending their own money to make up the difference.

Under the law as it existed before, older Americans were permitted to add their own money, if they chose, on top of the government payment, in order to get insurance plans less likely to ration care (known as Medicare Advantage private-fee-for-service plans). The new law gives HHS the standardless discretion to reject any such plan and thus to limit or even eliminate senior citizens' legal ability to add

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their own money to obtain health insurance less likely to ration their health care.

Documentation: www.nrlc.org/medethics/healthcarerationing

(20) Would you vote to restore the previous law so that HHS could not limit the right of senior citizens to choose to add their own money on top of the government Medicare payment in order to obtain private-fee-for-service plans less likely to ration health care?

YES  NO

**EXCHANGES:** Health insurers will be excluded from the new state-based insurance exchanges whenever government officials think plans offered by the insurers, inside or outside the exchange, allow private citizens to choose to spend an amount on their own health insurance that the government officials, in their standardless discretion, think is an "excessive or unjustified" amount. Documentation: www.nrlc.org/medethics/healthcarerationing

(21) Would you vote to remove the authority of state-based insurance exchange officials to exclude health insurers from competing within the exchange on the basis of how much the insurers permit private citizens to choose to spend on health insurance?

YES  NO

### PRICE CONTROLS

When the government limits by law what can be charged for health care, it limits what people are allowed to pay for health care. While everyone would prefer to pay less – or nothing – for health care (as for anything else), government price controls in fact prevent access to life-saving medical treatment that costs more to supply than the price set by the government. The same is true when price controls are imposed on what people are permitted to pay for health insurance.

(22) Would you vote AGAINST legislation that would impose price controls on health care?

YES  NO

(23) Would you vote AGAINST legislation that would impose price controls on health insurance premiums?

YES  NO

### EUTHANASIA ISSUES

From its inception, the pro-life movement has been as dedicated to protecting people with disabilities and older people from euthanasia as it has been to protecting unborn children from abortion.

### INVOLUNTARY EUTHANASIA

Some hospitals have implemented formal policies authorizing denial of life-saving medical treatment against the will of a patient or the patient's family if an ethics committee thinks the patient's so-called "quality of life" is unacceptable, even though the patient and family disagree. The federal Patient Self-Determination Act currently requires health care facilities receiving Medicare or Medicaid to ask patients on admission whether they have an advance directive indicating their desire to receive or refuse life-saving treatment under certain circumstances.

(24) Would you vote to prevent involuntary denial of life-saving medical treatment by amending the Patient Self-Determination Act to provide that, if failure to comply with a patient's or surrogate's choice for life-saving treatment would be likely, in reasonable medical judgment, to result in or hasten the patient's death, a health care provider may not refuse to implement the choice for life-saving treatment either:

a. on the basis of a view that treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, non-disabled, or not terminally ill; or

b. on the basis of the health care provider's disagreement with how the patient or surrogate values the trade-off between extending the length of the patient's life and the risk of disability.

YES  NO

### POLITICAL SPEECH AND GRASSROOTS ADVOCACY

In its January 2010 ruling in *Citizens United v. FEC*, the U.S. Supreme Court ruled that the First Amendment to the U.S. Constitution protects the right of corporations (which includes nonprofit corporations, such as NRLC) to spend money to express viewpoints regarding those who hold or seek political office. Subsequently, the Obama Administration, and some members of Congress, have advocated adoption of new restrictions to discourage corporations from exercising this right – for example, by telling corporations that if they engage in constitutionally protected speech on political matters, they will lose other rights. For example, nonprofit organizations such as NRLC would be subjected to crippling tax penalties simply for engaging in constitutionally protected speech on political and legislative matters.

(25) Would you vote against any legislation that would penalize corporations, including nonprofit corporations such as NRLC, for engaging in the types of free speech that the U.S. Supreme Court has ruled are protected by the First Amendment?

YES  NO

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President Obama, and some members of Congress, have pushed for enactment of legislation (such as the so-called "DISCLOSE Act") that attempts to discourage donations to organizations (such as NRLC) that comment on the actions of elected federal officials, by requiring the publication of the identities of such donors. Such restrictions would harm organizations engaged in advocacy on contentious issues, including pro-life issues, because many in business and others would be deterred from supporting advocacy organizations for fear of harassment, abuse, or boycotts by people who do not share their political opinions.

In recent years, some powerful members of Congress, and some special-interest groups, have pushed for enactment of regulations on what they call "grassroots lobbying," by which they mean organized efforts to encourage citizens to contact members of Congress and federal officials, including the President, to express a point of view about a public policy issue. NRLC believes that such communication by citizens to their leaders should be encouraged, and that efforts to encourage such activity should not be subjected to federally imposed record keeping and reporting requirements.

(26) Would you vote against any legislation that would curb the right of private citizens to support advocacy organizations without being publicly identified by the government?

YES  NO

(27) Would you vote against any legislation that would impose new regulatory burdens on efforts to motivate citizens to contact federal officials (so-called "grassroots lobbying")?

YES  NO


The following question is for Senate candidates only:

### CEDAW

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a treaty, submitted to the Senate in 1980 but never ratified, that explicitly obligates ratifying nations to ensure equal access to "health care services, including those related to family planning," and says that parties shall ensure that men and women have "the same rights to decide freely and responsibly on the number and spacing of their children." These and other provisions have been construed by official bodies, including the official UN CEDAW Compliance Committee, to rule that any type of limitation on abortion is a violation of the treaty. This is one of the reasons that the U.S. Senate has never ratified the CEDAW, and it is the reason that NRLC opposes ratification of the CEDAW.

(28) Will you vote against ratification of the CEDAW?

YES  NO

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