



(202) 626-8820

May 3, 2011

RE: No Taxpayer Funding for Abortion Act (H.R. 3)

Dear Member of Congress:

The National Right to Life Committee (NRLC), the nationwide federation of right-to-life organizations, urges you to support the No Taxpayer Funding for Abortion Act (H.R. 3) when it comes before the House of Representatives on May 4.

For many years, federal funding of abortion has been restricted by a patchwork of overlapping laws – many of which expire annually, because they are incorporated into annual appropriations bills. The best known of these is the Hyde Amendment, which prohibits both direct federal funding of abortion and federal payments into any health plan which covers abortion (with narrow exceptions). These same principles have been applied, through separate laws, to the Federal Employees Health Benefits program, SCHIP, military health programs, and other federal health programs. These principles have broad public support – as recently as April, a CNN poll found that 61% of respondents opposed public funding for abortion.

Regrettably, however, the 111th Congress enacted the Patient Protection and Affordable Care Act (PPACA). During consideration of that legislation, language was proposed (the Stupak-Pitts Amendment) to apply the principles of the Hyde Amendment to the multitude of programs created by the bill, and the House initially approved that language – but no such provision was part of the enacted law, due to opposition from President Obama and the Senate majority. Consequently, the enacted PPACA contains multiple provisions authorizing funding of abortion and funding of health plans that cover abortion. For documentation, please see NRLC's February 9, 2011 testimony before the Health Subcommittee of the House Energy and Commerce Committee, at <http://www.nrlc.org/AHC/ProtectLifeActDouglasJohnsonTestimony.pdf>, and <http://www.nrlc.org/AHC/DvSBA/GenericAffidavitOfDouglasJohnsonNRLC.pdf>.

H.R. 3 would codify the principles of the Hyde Amendment on a permanent, government-wide basis, applicable to both longstanding federal health programs and to the new programs created by the PPACA. **A Member's vote on H.R. 3 will essentially define his or her position, for or against federal funding of abortion, for the foreseeable future. NRLC will include the vote on final passage of H.R. 3 in our scorecard of key right-to-life votes of the 112th Congress. Moreover, we reserve the right to also score the roll call on the Motion to Recommit, which we anticipate will be an**

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attempt to make the bill far narrower than the traditional Hyde Amendment – an attempt consistent with the Obama Administration’s ongoing attempts to “reinvent” the Hyde Amendment and to preserve legal authorizations for federal funding of abortion. Certainly, the veto threat on H.R. 3 issued by the White House yesterday provides additional graphic evidence that President Obama is opposed to meaningful statutory limitations on federal funding of abortion – notwithstanding his past attempts to obfuscate this issue.

We would like to comment on two additional components of H.R. 3. The bill would codify the principles of the Hyde-Weldon Amendment, which has been appended to the original Hyde Amendment on every Health and Human Services appropriations bill since 2004. This provision would solidify important protections for health care providers who do not wish to participate in providing abortions – which is especially important in light of the Obama Administration’s February 23, 2011 action rescinding the conscience protection regulation issued by the Bush Administration.

H.R. 3 would also codify the “D.C. Hyde Amendment,” which is the prohibition on 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), recently restored by enactment of the FY 2011 omnibus appropriations bill (Public Law 112-10). Most of the objections to this section misconstrue or misrepresent the constitutional status of the District of Columbia. Under the Constitution, the District is exclusively a federal jurisdiction. Article I says that Congress alone exercises “exclusive legislation in all cases whatsoever” over the Federal District. The local administrative government is a component of the federal government. It is constitutional nonsense to speak of “non-federal funds,” because all government funds in the Federal District are federally controlled, federally appropriated funds – and that is why H.R. 3 applies the Hyde Amendment principles to these funds.

Over one million Americans are alive today because of the Hyde Amendment. In order to preserve and extend this lifesaving policy, NRLC respectfully urges you to reject the anticipated Motion to Recommit, and to vote to pass the No Taxpayer Funding for Abortion Act. Thank you for your consideration of NRLC’s positions on these critical issues.

Sincerely,



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