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RE: NRLC scorecard advisory: Nelson-Hatch Amendment to H.R. 3590

Dear Senator:

On behalf of the National Right to Life Committee (NRLC), we are writing to urge you to support the Nelson-Hatch Amendment (No. 2962) to Senator Reid's "Patient Protection and Affordable Care Act" (substitute amendment to H.R. 3590).

Senator Reid's legislation would create (1) a nationwide insurance program run by the federal government, "the public option," and (2) a refundable tax credits program that would subsidize health insurance for tens of millions of Americans. These two new government programs will subsidize elective abortion – a drastic break from decades of federal policy -- unless the Nelson-Hatch Amendment is added to the bill to prevent this outcome.

As NRLC's congressional scorecard for the 111th Congress will clearly explain, a vote against the Nelson-Hatch Amendment can only be construed as a position-defining vote in favor of establishing a federal government program that will directly fund abortion on demand, and a second federal program that will provide government subsidies to private insurance plans that cover abortion on demand. If you do not wish to go on record in support of creating major new federal programs that will fund abortions and subsidize private abortion coverage, please vote for the Nelson-Hatch Amendment.

The Nelson-Hatch Amendment would result in the same policy outcomes, with respect to the provisions of the Reid bill, that the House of Representatives added to its health care bill (H.R. 3962) by adoption of the Stupak-Pitts Amendment on November 7. The Stupak-Pitts Amendment commanded a majority of 240-194 in the House – no Republican opposed it, and fully one-quarter of the Democrats (64) also voted for it.

Senator Reid included in his substitute bill language that some have claimed would preserve the principles of the Hyde Amendment. Such claims are highly misleading. In reality, the Reid language explicitly authorizes direct funding of elective abortion by a federal government program, and government subsidies for plans that cover elective abortion – which are exactly the two things that are prohibited under the Hyde Amendment and the similar laws that govern existing federal health programs.

Allow us to address first the "public option": Language on page 118 authorizes the federal Secretary of Health and Human Services to require coverage of any and all abortions throughout the public option program. You may have been told that language has been included in the bill

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that would “segregate” federal funds away from the payments for abortions. Those references are completely inapplicable or nonsensical with respect to the “public option.” It is utterly impossible to “segregate” federal funds away from abortion within the “public option,” because the “public option” will be a federal program. Once the federal program accepts payments from enrollees, those funds are federal government funds, and if they are spent on abortions, that is federal funding of abortion, no matter what contrived terminology is devised to disguise it.

We turn now to the second abortion-related problem in the bill: the new premium-subsidy program. The Reid language explicitly authorizes (on pages 121-122) federal subsidies to pay the premiums of private health plans that cover elective abortions. This, too, would be a break with the policy established under longstanding federal laws, under which federal funds do not flow to health plans that pay for elective abortions. For example, the 260 private plans that participate in the Federal Employees’ Health Benefits program currently are prohibited by law from including elective abortion coverage, because they are federally subsidized.

Likewise, in Medicaid, current law prohibits not only direct funding of abortion procedures, but also federal funding of any fund that pays for abortions – and this ban covers even state matching funds. The Hyde Amendment specifically states that “none of the funds appropriated in this Act [the annual Health and Human Services appropriations bill], and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.” Thus, the Reid bill would create a policy for the proposed new federal programs that is the inverse of the Hyde Amendment.

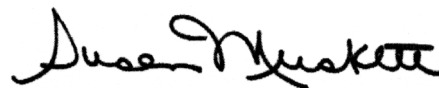
The Nelson-Hatch Amendment does not prevent the purchase of abortion coverage with private funds. It merely continues the federal policy of preventing the use of federal funds to pay for abortion or elective abortion coverage – a policy that has strong support among the American people, as reflected by recent polling, some of which is summarized here:
<http://www.nrlc.org/AHC/AHCPollsSummary.pdf>

Thank you for your consideration of the position of National Right to Life on this critical matter, which we convey on behalf of our affiliates in all 50 states.

Sincerely,



Douglas Johnson
Legislative Director



Susan T. Muskett, J.D.
Senior Legislative Counsel