



Setting the Record Straight with Senator Landrieu

December 10, 2009

**For a shorter response to Senator Landrieu's opposition to the pro-life Nelson Amendment, please see Louisiana Right to Life's press release from December 8th.*

On Tuesday, December 8, the U.S. Senate voted, by a margin of 54-45 to table (kill) the bipartisan Nelson Amendment. The Nelson Amendment would have safeguarded H.R. 3590, the Senate health care reform bill, from funding abortion by:

- Permanently prohibiting the new federal government insurance program, the "public option," from paying for abortion, except to save the life of the mother, or in cases of rape or incest; and
- Permanently prohibiting the use of the new federal premium subsidies to purchase private insurance plans that cover abortion (except to save the life of the mother, or in cases of rape or incest).

Senator Mary Landrieu, unfortunately, voted against the Nelson Amendment. After her vote, Senator Landrieu issued a press release defending her vote with incorrect reasoning.

Louisiana Right to Life has reviewed her press release and points out below the inaccuracies of her position.

1. **LANDRIEU'S PR:** "The Nelson amendment would go beyond current federal law and would not only have prohibited the use of taxpayer funds for abortion services, but would also have prevented many Americans from using their own funds to obtain coverage for abortions."

LARTL: The Nelson Amendment would not have gone beyond current federal law. In fact, the amendment would have applied the current principles of provisions in certain laws to the new mechanisms created by the Senate's legislation. We will develop this rationale below.

Senator Landrieu is also false when she claims that the Nelson Amendment would have "prevented many Americans from using their own funds to obtain coverage for abortions". As the second bullet above states, the Nelson

Amendment would only restrict those using federal subsidies in purchasing their health plans from choosing plans that cover elective abortion.

2. **LANDRIEU'S PR:** "Since 1976, federal law has banned the use of taxpayer dollars for abortions. I have consistently supported this policy, and the legislation being considered by the Senate -- The Patient Protection and Affordable Care Act -- continues that approach."

LARTL: When Senator Landrieu refers to the federal law that has "banned the use of taxpayer dollars for abortions", she is referring to the Hyde Amendment. The Hyde Amendment, originally passed in 1976, is a limitation amendment that **only** applies to Medicaid; *the Hyde Amendment is not a government wide policy*. Because H.R. 3590 is creating new health care systems funded through other legislative pipelines, the principles of the Hyde Amendment must be written into the bill, and if they are not applied, abortion would be funded.

In fact, an AP story dated August 5 entitled "Gov't Insurance would Allow Coverage for Abortion" accurately states the scenario: "*A law called the Hyde Amendment applies the restrictions to Medicaid ... The health overhaul would create a stream of federal funding not covered by the restrictions.*"

The Nelson Amendment would have applied the longstanding principles of the Hyde Amendment to H.R. 3590, The Patient Protection and Affordable Care Act. Without the amendment, Senator Landrieu is incorrect to state the legislation being considered by the Senate "continues that approach."

3. **LANDRIEU'S PR:** "As we move closer to finishing our work to improve health care in America, we cannot allow the bill's opponents to manufacture a controversy for the sole purpose of killing these important reform efforts."

LARTL: It is unfortunate that Senator Landrieu would claim that pro-life organizations like Louisiana Right to Life are attempting to destroy health care reform through the supposed manufacturing of the abortion issue. We simply believe abortion is not health care, and it should be explicitly excluded from health care reform legislation. We are not manufacturing this issue.

Before the House passed the pro-life "Stupak Amendment", a FactCheck.org article from August 21 entitled "Abortion: Which Side is Fabricating" analyzed the House health care reform bill, which at that time had similar language to the current Senate legislation. The article stated, "*Despite what Obama said, the House bill would allow abortions to be covered by a federal plan [the "public option"] and by federally subsidized private plans.*"

Since even FactCheck.org, a non-partisan organization, opined that these new

federal health care programs would cover abortion, it follows that pro-life organizations are not manufacturing this issue.

4. **LANDRIEU'S PR:** "The fact is that the Senate bill already ensures that no federal funds will be used for abortion coverage, and even goes a step further. The legislation creates a 'firewall' to separate federal from private funds, and guarantees that only private dollars are used for abortion coverage in the new insurance exchanges. "

LARTL: Section 1303 of the bill, as currently written, authorizes the Secretary of Health and Human Services to require the coverage of any and all abortions in the new "public option," thereby debunking our Senator's claim that the bill already "ensures that no federal funds will be used for abortion coverage."

It is utterly impossible to "segregate" federal funds away from abortion within the "public option" because the "public option" is a federal program. Once the funds are in the federal pot, they are federal dollars, and if they are spent on abortion, that is federal funding of abortion. Without question, this legislation would authorize our government to be in the business of paying for abortion.

With regards to the subsidies for premiums for private plans, the Reid bill explicitly authorizes the use of these federal premium subsidies to pay for private plans that cover abortion on demand (under a bookkeeping scheme). This would be a break with the policy established under longstanding federal laws, like the Hyde Amendment, whereby federal funds do not flow to plans that cover abortion on demand.

5. **LANDRIEU'S PR:** "One of the pledges we made at the start of this debate was that we would ensure that Americans who like their current health coverage would get to keep it. The Nelson amendment would break that promise by taking legal abortion coverage out of private policies that currently cover it."

LARTL: We assume Senator Landrieu is referring to the notion many pro-abortion organizations have put forth that the Stupak and Nelson Amendments would go beyond current law by restricting private policies from covering abortion. Nothing could be further from the truth.

In fact, the Nelson Amendment **explicitly** states that people not using federal subsidies to purchase a health plan may purchase a plan with elective abortion coverage.

However, the Nelson Amendment would have made sure that federal subsidies do not assist people in purchasing plans that do cover elective abortion.

This policy is a continuation of federal policies. For example, current law prohibits any of the over 260 private health plans that participate in the Federal Employees Health Benefits (FEHB) program from paying for elective abortions because these plans receive federal subsidies. These private plans cover over 7.7 million federal employees and dependents, including members of Congress.

However, just as with the Hyde Amendment, this policy is not government wide. If Senator Landrieu favored current policy, as she claims, then she would have voted to support the Nelson Amendment.

Additional Resources Found at www.ProLifeLouisiana.org/Healthcare or www.NRLC.org.