

## 2018 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 (the NRLC position).

(b)  To prevent the death of the mother, or in cases of rape reported to a law enforcement agency, or incest against a minor reported to a child abuse agency.

(c) Other (please explain): Everyone should have a choice. It is not my place to tell others what to do.

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

### ROE v. WADE and CASEY v. PLANNED PARENTHOOD

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*, *Doe v. Bolton*, and *Casey v. Planned Parenthood* 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

### ABORTION POLICIES

**(2) 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?**

OTHER  YES  NO

**(3) Would you vote against any federal legislation that would place new limits on the ability of states to regulate abortion – for example, the so-called "Women's Health Protection Act" (S. 510, H.R. 1322 in the 115th Congress), sometimes referred to by critics as the "Abortion Without Limits Until Birth Act," which is successor to the so-called "Freedom of Choice Act"?**

OTHER  YES  NO

### PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

There is now compelling scientific evidence that at least by 20 weeks fetal age the unborn child is capable of experiencing pain when subjected to abortion. On this basis, in 2010, Nebraska enacted the Pain-Capable Unborn Child Protection Act to prohibit abortions after that point (with narrow exceptions), and a number of other states subsequently passed bills based on the same model. On October 3, 2017, similar national legislation (H.R. 36) was approved by the U.S. House of Representatives. A companion bill also was introduced in the U.S. Senate (S. 1922).

**(4) Would you vote for the Pain-Capable Unborn Child Protection Act, to strictly limit abortion from 20 weeks fetal age, the point in development that evidence currently suggests an unborn child has the capacity to feel pain?**

OTHER  YES  NO

### DISMEMBERMENT ABORTION BAN ACT

The Dismemberment Abortion Ban Act (H.R. 1192) has been introduced in the U.S. House of Representatives by Congressman Chris Smith (R-N.J.). This bill is based on a model state bill proposed by National Right to Life, which was enacted in 2015 in Kansas and Oklahoma, and a number of other states subsequently passed bills based on the same model. The bill defines "dismemberment abortion" as "knowingly dismembering a living unborn child and extracting such unborn child one piece at a time from the uterus through the use of clamps, grasping forceps, tongs, scissors or similar instruments that, through the convergence of two rigid levers, slice, crush or grasp a portion of the unborn child's body in order to cut or rip it off . . ." This definition largely overlaps with what those in the abortion trade currently refer to as "dilation and evacuation" or "dilation and extraction" (D&E) abortions. This brutal method is commonly used starting at about 14 weeks of pregnancy, and extending into the third trimester.

**(5) Would you vote for the Dismemberment Abortion Ban Act, to place a national ban on the use of dismemberment abortion?**

OTHER  YES \_\_\_\_\_ NO \_\_\_\_\_

### GOVERNMENT SUBSIDIES FOR ABORTION

On January 24, 2017, the U.S. House of Representatives approved the No Taxpayer Funding for Abortion Act (H.R. 7). This bill 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 of 2010 (Pub. L. No. 111-148) (“ObamaCare”).

**(6) 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, but, regrettably, not major components of the Patient Protection and Affordable Care Act of 2010 (“ObamaCare”).

**(7) Would you oppose any legislation that would weaken the Hyde Amendment or other current laws that restrict federal subsidies for abortion, and would you support measures to ensure the fullest possible enforcement of such laws and 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.

**(8) 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?**

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

The federal government annually provides many millions of dollars to organizations that operate abortion clinics. For example, affiliates of the Planned Parenthood Federation of America (PPFA) provide over one-third of all the abortions performed in the U.S., yet PPFA also receives over a half-billion dollars annually from government sources, mostly federal (including Medicaid and the Title X “family planning” program).

**(9) Would you vote for legislation that would make organizations that perform abortions (other than bona fide hospitals), including Planned Parenthood, ineligible to receive federal funding, including federal Medicaid funds?**

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

### FOREIGN AID FOR ABORTION

The U.S. spends about \$600 million annually for birth control programs overseas. Under Presidents Ronald Reagan, George H.W. Bush, George W. Bush, and Donald Trump, 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, during the administrations of Presidents Clinton and Obama, this pro-life policy was overturned by executive order.

**(10) Would you vote for legislation to codify (enact into permanent law) the principles of the “Mexico City Policy,” that U.S. funds should not go to overseas organizations that perform or promote abortion?**

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

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

**(11) Would you vote for legislation to prevent U.S. funding of the United Nations Population Fund (UNFPA), and to prevent any other disregard for, or weakening or repeal of, the 1985 Kemp-Kasten anti-coercion law, which prohibits U.S. funding of any agency that supports a program of coercive abortion?**

YES \_\_\_\_\_ 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.

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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), (S. 224, H.R. 692 in the 115th Congress) 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.

**(12) Would you oppose weakening amendments to the Child Interstate Abortion Notification Act (CIANA), and vote for the bill?**

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

### CONSCIENCE PROTECTION

For many years, pro-abortion officials and advocacy groups have sought to use the compulsory powers of government to compel health care providers to participate in abortion. The Obama Administration 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 (S. 301 and H.R. 644 in the 115th Congress), 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.

**(13) Would you vote for legislation, such as the Health Care Conscience Rights Act, to protect the conscience rights of pro-life health care providers and others, and advocate for vigorous enforcement of existing laws to protect conscience rights?**

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

### SEX DISCRIMINATION

Some federal and state courts have construed laws that ban discrimination "on account of sex" or "on the basis of sex" as inconsistent with limitations on abortion or government funding of abortion. In addition, some U.N. agencies and other international bodies have adopted the position that limits on abortion are a form of gender-based discrimination.

**(14) Would you oppose any legislation or regulatory actions that are based on claims that laws protecting unborn children are a form of gender-based discrimination, and would you insist on the addition of "abortion-neutral" language to any proposed federal statutes, regulations, or constitutional amendments that would mandate "gender equality" or that restrict distinctions on the basis of sex, to ensure that such laws or executive actions cannot be misused to advance pro-abortion policies?**

YES \_\_\_\_\_ 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. This includes any human embryos who might be created by somatic cell nuclear transfer (human cloning) or other laboratory manipulations. 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 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, which has allowed federal funding of stem cell research that requires the destruction of human embryos.

**(15) Would you vote for legislation to prevent Federal support of research or treatments that harm or destroy human embryos, or that use cells or tissues that are obtained by harming or killing human embryos (including any human embryos created by human cloning or other laboratory manipulations)?**

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

### HEALTH CARE RESTRUCTURING LEGISLATION

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

Through objectionable features separately described in questions 17-19 below, this legislation is resulting in

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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.

**(16) Would you actively support repeal and replacement of the PPACA ("ObamaCare")?**

YES  NO

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

### ABORTION IN HEALTH INSURANCE

The PPACA ("ObamaCare") established a new program to assist tens of millions of Americans to purchase private health insurance, including plans that cover elective abortions. The law also created a program under which a federal agency, the Office of Personnel Management (OPM), will administer private plans that will be offered across the nation, but failed to prohibit the agency from including in the program health plans that cover elective abortion.

**(17) Would you support legislation to revise ObamaCare to permanently prohibit federal premium subsidies from being spent on plans that cover elective abortions, prohibit federal agencies from administering plans that cover elective abortions, and prohibit federal mandates requiring private health plans to cover or provide access to abortions?**

YES  NO

**(18) Would you oppose any new health care legislation intended to comprehensively revise or replace ObamaCare unless it contains explicit language, covering all provisions of the legislation, prohibiting federal subsidies for elective abortion and for insurance plans that cover abortion, and preventing federal pro-abortion regulatory mandates, on a permanent basis?**

YES  NO

**(19) Would you oppose changes or revisions to provisions of ObamaCare unless they contains explicit language prohibiting funding for insurance plans that cover abortion, and preventing federal pro-abortion regulatory mandates, on a permanent basis?**

YES  NO

### RATIONING IN HEALTH CARE

ObamaCare has made Americans increasingly concerned about denial of life-saving medical treatment for themselves or their family members resulting from its implementation.

**(20) As a general principle, do you agree with this**

**statement?: "Federal law ought not to limit what private citizens can choose, out of their own funds, to spend on medical treatment to save the lives of their own family."** See generally [www.nrlc.org/medethics/healthcarerationing/](http://www.nrlc.org/medethics/healthcarerationing/)

YES  NO

**EXCESS BENEFITS TAX:** The law ("ObamaCare") would impose a 40% excise tax (the so-called Cadillac tax) on premiums for employer-paid health insurance exceeding an ObamaCare-set limit (26USC §4980I). 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 generally rises faster than that. Think of the Cadillac 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. **DOCUMENTATION** for this and the subsequent three questions: <http://www.nrlc.org/uploads/communications/healthcarereport2014.pdf>

**(21) Would you vote for legislation to eliminate ObamaCare's so-called Cadillac Tax?**

OTHER  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. If the Board fails to complete this task, the law directs the federal Department of Health and Human Services (HHS) to do so in its stead. In either case, 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/)

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

OTHER  YES  NO

Health insurers will be excluded from the 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 whatever the government officials, in their standardless discretion, think is an “excessive or unjustified” amount on their own health insurance.

**(23) Would you vote for legislation that would 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

### TAX INCREASES ON HEALTH INSURANCE

More Americans receive their health insurance through an employer-sponsored plan than any other way. Under current law, apart from the so-called Cadillac Tax discussed above if it goes into effect, what employers spend to obtain health insurance for their employees is not treated as taxable employee income. However, some have proposed to impose federal taxes on some or all of these insurance premiums, making it significantly harder to obtain adequate health insurance and, in effect, imposing a new tax on working Americans.

**(24) Would you oppose legislation that would raise federal taxes on health insurance premiums?**

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

**(25) Regardless of your answer to the preceding question, would you oppose legislation raising taxes on health insurance premiums above a limit if that limit was not indexed to medical inflation?**

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

### ADVANCE CARE PLANNING

Effective beginning in 2016, the Obama Administration directed that Medicare funds pay health care professionals to provide “advance care planning” to senior citizens in which they are asked if they want to execute advance directives that limit or reject the life-preserving health care they will be provided. As documented in National Right to Life’s report, “The Bias Against Life-Preserving Treatment in Advance Care Planning,” available at <http://www.nrlc.org/uploads/advancecareplanning/advanceplanningbias2015.pdf>, in practice advance care planning typically uses unbalanced, distorted, and often inaccurate information in an acknowledged effort to “nudge” those subjected to it to reduce health care spending on them by getting them to agree to forego life-preserving treatment and assisted feeding and fluids.

**(26) Would you support legislation to require the Department of Health and Human Services to take steps to ensure that advance care planning paid for with federal tax dollars neutrally assists beneficiaries to implement**

**their own values and health care choices, rather than using unbalanced information and counseling that pressures them into agreeing to reject life-preserving treatment and assisted feeding?**

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

### POLITICAL SPEECH, GRASSROOTS ADVOCACY, and RIGHT TO PETITION

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 donors to such organizations. Such restrictions would harm organizations engaged in advocacy on contentious issues, including pro-life issues, because many businessmen 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.

**(27) Would you oppose enactment of any legislation that would curb the right of private citizens to support advocacy organizations without being “outed” by the government?**

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

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, 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.

**(28) Would you oppose 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 \_\_\_\_\_

The federal Lobbying Disclosure Act is a law that already requires organizations that lobby Congress to report, on a quarterly basis, all of the legislative matters on which they contacted members of Congress or Executive Branch agencies, but the law does not require the reporting of the names of specific lawmakers or officials with whom they communicated. In January, 2010, President Obama urged Congress to adopt legislation under which every contact between lobbying organizations and lawmakers would be reported into a publicly accessible database. NRLC believes that such “contact reporting” is an infringement on the First Amendment right to petition government officials, is exceedingly burdensome, and serves no legitimate public policy purpose.

**(29) Would you oppose any legislation that would require members of Congress or Executive Branch officials to report, into a public database, contacts they receive from an advocacy organization such as NRLC, or that would require an advocacy organization such as NRLC to report its contacts with individual elected officials?**

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

Under the Bipartisan Campaign Reform Act (McCain-Feingold), the Federal Election Commission promulgated new rules on defining what constitutes illegal “coordination” between candidates (including incumbent members of Congress and incumbent presidents) and citizen groups. The rules specifically do not require that there be “formal agreement or collaboration” with a member of Congress or other candidate in order for an expenditure by a citizen group or political action committee to be a “coordinated expenditure” and thus a campaign “contribution.”

Under the loose new definition of “coordination,” citizen groups and PACs that communicate with Congress on legislative matters and also conduct independent expenditures are at risk of being unintentionally “coordinated,” thereby making their independent expenditures illegal campaign “contributions.”

**(30) Would you support regulatory reforms and/or new legislation to reestablish that “coordination” means only a formal agreement or collaboration on a specific project between a candidate and a citizen group or PAC?**

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

**ASSISTING SUICIDE**

Oregon, several other states, and the District of Columbia have adopted laws affirmatively legalizing prescription of lethal drugs to assist suicide in certain cases.

**(31) Would you oppose the Federal legalization of assisting suicide through lethal prescription as under the Oregon law?**

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

**(32) Would you support Federal law to strengthen policy against “assisting suicide,” including overturning the D.C. law?**

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

*PLEASE NOTE: The following questions are for Senate candidates only:*

**NOMINATIONS TO THE U.S. SUPREME COURT**

The fundamental documents of American democracy and freedom, the Constitution and the Declaration of Independence, have given us essential principles such as the “unalienable” right to life which must be respected by the courts.

**(33) Will you advocate for and support nomination to the U.S. Supreme Court of only well-qualified persons who will respect the sanctity of innocent human life, who will interpret the Constitution according to its text, and who will be willing to reconsider precedents inconsistent with the text of the Constitution?**


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

**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.

**(34) Will you vote against ratification of the CEDAW?**

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

|   |  |                   |
|---|--|-------------------|
|  | W. Scott Howard                          | 2018-04-20        |
| Signature of Candidate  | Please Print or Type Name                | Date Signed       |
| ID 1  | Libertarian                              |                   |
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