

May 17, 2023

(202) 626-8820

**RE: Taxpayer Funding of Abortion in the 118<sup>th</sup> Congress**

Dear Member of Congress:

With the 2022 landmark ruling in the *Dobbs v. Jackson* Supreme Court decision that overruled *Roe v. Wade*, the Court held that “the authority to regulate abortion is returned to the people and their elected representatives.” This decision returns the abortion issue to Congress and the state legislatures.

**Ensuring that taxpayer dollars do not fund abortions continues to be one of the right-to-life movement’s top congressional priorities for the 118th Congress.**

We write to you to thank you for your support of the basic principle that tax dollars should not fund abortion.

National Right to Life, on behalf of our affiliates in each of the 50 states and the District of Columbia and more than 3,000 local chapters, urges you to:

1. Retain the longstanding pro-life appropriations amendments, including the Hyde Amendment, in this year’s appropriations.
2. Work to enact H.R.7/S.62 No Taxpayer Funding for Abortion Act of 2023 (sponsored by Rep. Smith/Sen. Wicker)
3. Continue to push back on the numerous aggressive steps taken by the Biden Administration to circumvent the clear Congressional intent regarding prohibitions of taxpayer-funded abortion.

After *Roe v. Wade* was handed down in 1973, various federal health programs, including Medicaid, simply started paying for elective abortions. On September 30, 1976, an amendment was enacted, authored by pro-life Congressman Henry Hyde (R-Ill.), to prevent federal Medicaid funds from paying for abortions.

The Hyde Amendment is a limitation that is attached annually to the appropriations bill that includes funding for the Department of Health and Human Services, and it applies only to the funds contained in that bill, including Medicaid. Like the annual appropriations bill itself, the Hyde Amendment expires every September 30th, the end of the federal fiscal year. The Hyde Amendment will remain in effect only for as long as the Congress and the President re-enact it for each new federal fiscal year.

The Hyde Amendment is widely recognized as having a significant impact on the number of abortions in the United States, saving an estimated 2.5 million lives. ***We believe that the Hyde Amendment has proven itself to be the greatest domestic abortion-reduction measure ever enacted by Congress.***

It has been renewed each appropriations cycle — with few changes — every year for over 40 years. The Hyde Amendment, and similar provisions, have enjoyed bipartisan support over the years and have been supported by Congresses controlled by both parties as well as presidents from both parties.

Funding bans, similar to Hyde, have been consistently attached to programs funded through other funding streams [e.g., international aid (Helms), the federal employee health benefits program (Smith), the District of Columbia (Dornan), Federal prisons, Peace Corps, etc.]. Together these various funding bans form a patchwork of policies that cover most federal programs and the District of Columbia, but many of these funding bans must be re-approved every year and could be eliminated at any time.

**We urge you to include all pro-life appropriations amendment provisions in the FY 2024 appropriations.**

The No Taxpayer Funding for Abortion Act (H.R. 7/S.62) would codify the principles of the Hyde Amendment on a permanent, government-wide basis, with respect both to longstanding federal health programs (Medicaid, International Aid, FEHB, etc.) and to the Affordable Care Act (ACA). For plan years beginning after December 31, 2023, ACA exchange-participating health plans that cover abortion would not be eligible for federal subsidies. The U.S. House of Representatives passed this legislation in 2011, 2014, 2015, and 2017.

**National Right to Life Strongly Supports the No Taxpayer Funding for Abortion Act.**

Additionally, the Biden Administration has taken numerous aggressive steps to circumvent the clear Congressional intent regarding prohibitions of taxpayer-funded abortion.

**Veterans Affairs September 9, 2022 Interim Final Rule**

Since 1992, Veterans Affairs (VA) has been statutorily prohibited from using taxpayer dollars for abortion. In fall of 2022, the administration disregarded this longstanding statutory prohibition on taxpayer funding for abortion at the VA and issued a new rule that includes funding abortion for health reasons<sup>1</sup>. The undefined reference to health will mean, as in *Doe v. Bolton* (the companion case to *Roe v. Wade*), that abortions can be done for virtually any reason. The Court held in *Doe* that, “medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial, and the woman’s age—relevant to the wellbeing of the patient. All these factors may relate to health.”

**Department of Defense Memorandum October 20, 2022**

Federal law (10 U.S.C. § 1093) has long prevented the Department of Defense (DOD) from using funds to perform elective abortions and prevented the DOD from using its facilities to provide abortions. In late October 2022, Biden’s DOD published a memorandum directing the

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<sup>1</sup> October 11, 2022 bicameral public comment letter in opposition to the Department of Veterans Affairs’ (VA) interim final rule (IFR) <https://www.lankford.senate.gov/imo/media/doc/Lankford%20Bicameral%20Comment%20on%20VA%20IFR%2010.11.22.pdf>

DOD to pay the travel and transportation costs for military members and dependents who travel to obtain elective abortions.<sup>2</sup>

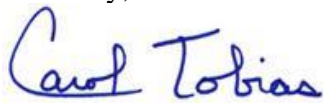
The federal prohibition against DOD funding elective abortion clearly extends to funding for any item related to the abortion, such as travel and transportation, which has been the case for the entire life of the funding prohibition.

These Biden Administration actions (as well as others not listed) are an affront to the longstanding provisions of law prohibiting taxpayer-funded abortion.

*Again, we thank you for your support of the principle that tax dollars should not fund abortion, and strongly urge you to maintain this policy and work to make it permanent and government wide.*

Should you have any questions, please contact us at (202) 378-8863, or via e-mail at [federallegislation@nrlc.org](mailto:federallegislation@nrlc.org). Thank you for your consideration of NRLC's position on this important matter. You can find more detailed information on the Hyde Amendment [here](#).

Sincerely,



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2. <https://media.defense.gov/2022/Oct/20/2003099747/-1/-1/1/MEMORANDUM-ENSURING-ACCESS-TO-REPRODUCTIVE-HEALTH-CARE.PDF>

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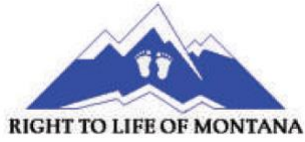
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