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November 29, 2010

RE: Urging "No" vote on H.R. 5953 today

Dear Member of Congress:

The House of Representatives is scheduled to consider today, on the Suspension Calendar, H.R. 5953, pertaining to a "Women Veterans Bill of Rights," as modified by a manager's amendment. The National Right to Life Committee (NRLC) is opposed to H.R. 5953 in its current form. **NRLC urges you to vote against passage of the bill. NRLC reserves the right to include the roll call on H.R. 5953 in our scorecard of key abortion-related votes of the 111th Congress.**

H.R. 5953, which was not the subject of any hearing in the Committee on Veterans Affairs, would write into statute language enunciating a set of broadly worded "rights" for women veterans, including "the right to a coordinated, comprehensive, primary women's health care, at every Department of Veterans Affairs medical facility," "access to a Department of Veterans Affairs primary care provider who can meet all her primary care needs, including gender-specific . . . health care," "the right to request and expect gender equity in provision of clinical health care services," and "the right to equal access to health care services as that of their male counterparts."

These are the sort of sweeping statutory phrases that have often been construed by various government agencies and courts, at both the federal and state level, to encompass a right to inclusion of *abortion on demand* in various government-operated health programs. The only way to reliably preclude administrators or (especially) courts from adopting such a construction is to amend the bill to explicitly exclude abortion from the scope of the statute-based rights that are being enunciated in the bill. However, since the bill is being brought to the floor on the Suspension Calendar, which precludes any consideration of floor amendments, the only pro-life option is a "no" vote.

Supporters of the bill may tell you that the VA does not currently fund abortion, which is true, but obviously irrelevant to the scope of the rights created by H.R. 5953. You may also be told H.R. 5953 does not "change" an existing law that excludes abortion from the scope of "general reproductive health care" authorized by Public Law 102-585 (1992). Unfortunately, that exclusion [found at 38 U.S.C. §1710 note] merely prevents the VA from covering abortion under the specific authority conferred by Public Law 102-585. It is a dodge to say that H.R. 5953 would not "change" this law, because the 1992 law on its face simply has no bearing on the question of the scope of the rights that would be conferred by later enactments, such as H.R. 5953. Thank you for your consideration of NRLC's objections to H.R. 5953.

Sincerely,

A handwritten signature in blue ink that reads "Douglas Johnson".

Douglas Johnson
Legislative Director
202-626-8820

A handwritten signature in black ink that reads "Susan T. Muskett".

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