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The Honorable John Conyers, Jr.  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

We understand that tomorrow your Committee is scheduled to markup H.R. 1478, the Carmelo Rodriguez Military Medical Accountability Act of 2009. I am writing to you on behalf of the American Bar Association to urge your Committee to report this legislation favorably when it is considered.

H.R. 1478 would largely repeal the *Feres* Doctrine, which was established by the Supreme Court in its decision in *Feres v. United States*, 340 U.S. 135 (1950). In that case, the Court ruled that members of the Armed Forces and their families have no right or ability to sue the military for negligent medical care during their service.

H.R. 1478 would amend the Federal Tort Claims Act to allow claims for damages to be brought against the United States Government for personal injury or death of a member of the Armed Forces arising out of a negligent or wrongful act or omission in the performance of medical, dental or related health care functions. The bill would prohibit claims arising out of the combatant activities of the Armed Forces in times of armed conflict.

The ABA believes that Congress should act expeditiously to end the current separate and unequal status and treatment of members of our Armed Forces regarding medical malpractice injuries. Those in the Armed Forces who serve our country have waited far too long for Congress to address this inequity.

We respectfully urge your Committee to vote "yes" on reporting H.R. 1478 and to encourage speedy action by the full House once the bill is reported out of Committee. Thank you for considering the views of the ABA on this very important matter.

Sincerely,



Thomas M. Susman

cc: Members, Committee on the Judiciary