

U.S. House of Representatives

COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED EIGHTEENTH CONGRESS

364 CANNON HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

<http://veterans.house.gov>

January 31, 2023

The Honorable Denis R. McDonough
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Secretary McDonough:

We write to express our grave concern over the Department of Veterans' Affairs (VA) response regarding VA's authority for the interim final rule (IFR) entitled, "Reproductive Health Services, 87 Fed Reg 55287," to provide abortion and abortion counseling to veterans and VA beneficiaries.

As you are aware, Section 106 of the "Veterans Health Care Act of 1992," P.L. 102-585, , defines VA's authority when providing care for female veterans. Specifically, this section states that the VA may provide "[g]eneral reproductive health care," however it specifically identifies that abortions and abortion counselling are prohibited from VA care¹.

In your December 27, 2022 response to then-Ranking Members Bost, Granger, and Jason Smith, you argued that providing abortion-related services is a "patient safety decision" that when deemed necessary to, "protect the life or health of the pregnant veteran [who] would be endangered if the pregnancy were carried to term; or the pregnancy is the result of an act of rape or incest," 87 Fed Reg 55288. However, there has been no Congressional action repealing Section 106 we believe the Department's action are an overreach of current authorities and violate Federal law. Further, there has consistently been Congressional action which prohibits the use of federal funds to perform abortions at other federal agencies.

As Committees of jurisdiction overseeing the VA, we are, through Article I of the U.S. Constitution, authorized to perform oversight duties on all matters. We have asked in various forums for detailed data regarding VA's implementation of this IFR since it was made public, but to date have received limited responses. Therefore, we formally ask that you provide the following data by February 10, 2023, and quarterly starting March 31, 2023.

Please provide a list identifying each VISN and:

1. the total number of abortions each VISN has performed;
2. the total number of medical abortions and surgical abortions at each VISN;

¹ Public Law 102-585

3. the trimester of each surgical and medical abortion;
4. the documented exception that provided for each abortion performed; and
5. in the case of a “health” determination, the documented condition that posed the treat.

Thank you for your attention to this matter. Should you have any questions about this request please contact Christine Hill at Christine.Hill@mail.house.gov.

Sincerely,



Mike Bost
Chairman



Mariannette J. Miller-Meeks, M.D.
Chairwoman, Subcommittee on Health

Cc: The Honorable Mark Takano, Ranking Member