

Congress of the United States
Washington, DC 20515

September 8, 2022

The Honorable Denis R. McDonough
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue N.W.
Washington, D.C. 20420

Dear Secretary McDonough,

This letter expresses our very strong opposition to the United States Department of Veterans Affairs' (VA's) interim final rule¹ issued on September 1, 2022 to provide abortion services in a manner that violates the laws of the land.

A federal agency is permitted to publish an interim final rule such as this only when it has “good cause” to do before first publishing a proposed rule as is normally required.² It is incredibly disturbing to us that this rule publication comes out in apparent response to the recent *Dobbs v. Jackson Women's Health Organization* ruling.³ The Supreme Court rightfully overturned the misguided *Roe v. Wade* decision and returned the issue of abortion to the American people to decide through state legislatures. If this SCOTUS ruling is the basis for your alleged “good cause” for issuing the interim final rule, your Department is bypassing regular rulemaking processes as part of a blatant political response to a Supreme Court decision, which is wholly unacceptable and inappropriate.

Moreover, your Department is knowingly violating current law as the Hyde Amendment restricts abortions for active military members, and Section 106 of the Veterans Health Care Act of 1992 explicitly prohibits the VA from providing abortion services – both of which are still the law of the land.

Make no mistake: your Department's decision to expand and promote abortion services – “regardless of state restrictions”⁴ – is blatantly illegal. You must reverse course immediately, or we will be forced to take further action to hold your Department accountable for this overreach.

¹ Interim final rule with request for comment. Department of Veterans Affairs. (2022, September 2). Retrieved September 2, 2022, from, <https://www.womenshealth.va.gov/docs/AR57-IF-Reg-to-FR-Reproductive-Health-Services.pdf>

² A Guide to the Rulemaking Process. The Office of the Federal Register. (2011). Retrieved September 2, 2022, from, https://www.federalregister.gov/uploads/2011/01/the_rulemaking_process.pdf.

³ *Dobbs v. Jackson Women's Health Org.*, No. 19-1392, slip op. at 1 (U.S. June 24, 2022).

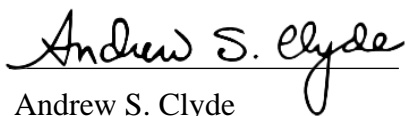
⁴ *VA will offer abortion counseling and — in certain cases — abortions to pregnant Veterans and VA beneficiaries.* va.gov. (2022, September 2). Retrieved September 2, 2022, from <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5820>

Despite the false narrative surrounding the *Dobbs* decision, conservative Americans are actively working to protect both the unborn child and the expectant mother. This is evidenced by the fact that even the most restrictive abortion prohibitions in effect today include exceptions to save the life of the mother.⁵ These exceptions include cases of ectopic pregnancies and other life-threatening complications arising from pregnancy. In addition, there are thousands of crisis pregnancy centers across the United States who provide support, counseling, and life-affirming medical services to women in need.⁶

Furthermore, your misguided decision is using taxpayer dollars to conduct this heinous action, which is a direct attack on the consciences of countless Americans, and goes against decades of precedent prohibiting taxpayer funded abortions.

The VA's interim final rule is obviously another attempt by the Biden Administration to circumvent the Supreme Court's ruling in *Dobbs* and disregard the wishes of the majority of American voters. We demand that you rescind this rule immediately, and we request that you provide your Department's response by September 15, 2022.

Sincerely,



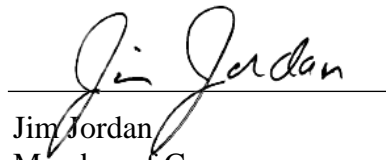
Andrew S. Clyde
Member of Congress



Michael Cloud
Member of Congress



Elise M. Stefanik
Member of Congress



Jim Jordan
Member of Congress

⁵ Pro-Life Laws Protect Mom and Baby: Pregnant Women's Lives are Protected in All States - Charlotte Lozier Institute. (2022, July 29). *Pro-life laws protect mom and baby: Pregnant women's lives are protected in all States*. Charlotte Lozier Institute. Retrieved September 2, 2022, from <https://lozierinstitute.org/pro-life-laws-protect-mom-and-baby-pregnant-womens-lives-are-protected-in-all-states/>

⁶ Charlotte Lozier Institute. (2020, October 21). *Pro-life pregnancy centers served 2 million people with Essential Medical, education and support services in 2019*. Charlotte Lozier Institute. Retrieved September 2, 2022, from <https://lozierinstitute.org/pro-life-pregnancy-centers-served-2-million-people-with-essential-medical-education-and-support-services-in-2019/#:~:text=2%2C700%20pro-life%20pregnancy%20centers%20nationwide%20served%20almost%20two.at%20virtually%20no%20charge%3A%20Almost%20732%2C000%20pregnancy%20tests>



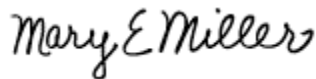
Ken Buck
Member of Congress



Brian Babin, D.D.S.
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



Mary E. Miller
Member of Congress



Greg Steube
Member of Congress



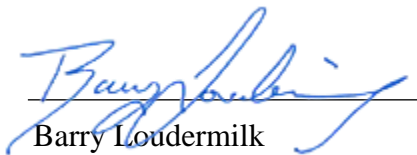
Ralph Norman
Member of Congress



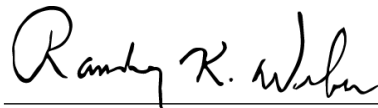
Fred Keller
Member of Congress



Steven M. Palazzo
Member of Congress



Barry Loudermilk
Member of Congress



Randy K. Weber
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Brian Mast
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Eric A. "Rick" Crawford
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Debbie Lesko
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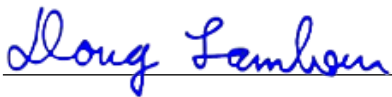
Gus M. Bilirakis
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Kevin Hern
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Jim Banks
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Doug Lamborn
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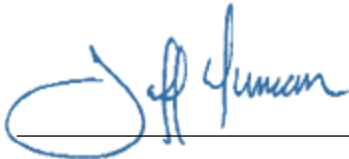
Chip Roy
Member of Congress



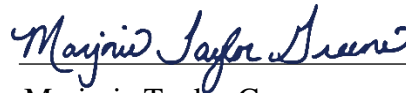
Markwayne Mullin
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Louie Gohmert
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Marjorie Taylor Greene
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Lisa C. McClain
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Troy E. Nehls
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Burgess Owens
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Jody Hice
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Bob Good
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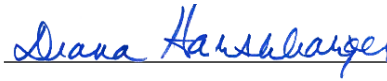
Doug LaMalfa
Member of Congress



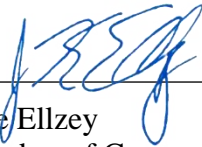
Matthew M. Rosendale Sr.
Member of Congress



Andy Biggs
Member of Congress



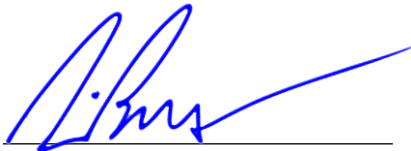
Diana Harshbarger
Member of Congress



Jake Ellzey
Member of Congress



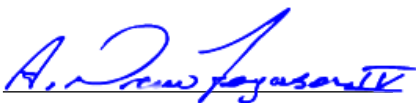
Daniel Webster
Member of Congress



Tim Burchett
Member of Congress



Michelle Fischbach
Member of Congress



A. Drew Ferguson, IV D.M.D.
Member of Congress



Lauren Boebert
Member of Congress

A handwritten signature in blue ink, appearing to read "Barry Moore". The signature is written in a cursive style with a horizontal line underneath the name.

Barry Moore
Member of Congress