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**U.S. House of Representatives**

COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED EIGHTEENTH CONGRESS

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WASHINGTON, DC 20515

<http://veterans.house.gov>

September 14, 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 frustration with VA's continued lack of transparency regarding the interim final rule (IFR) entitled, "Reproductive Health Services, 87 Fed Reg 55287," allowing the provision of abortion and abortion counseling to veterans and VA beneficiaries. Additionally, we are disappointed in the Veterans Health Administration's (VHA) most recent Reproductive Health Education and Training as we believe the material reinforces our concern that the health exception is overly broad and subjective.

As you are aware, we wrote a letter to you on January 31, 2023, requesting data on the number of abortions authorized by VHA under the IFR by February 10, 2023, and quarterly thereafter starting on March 31, 2023. As a reminder, we specifically asked you to provide documents sufficient to identify:

1. the total number of abortions each Veteran Integrated Service Network (VISN) has performed;
2. the total number of medical abortions and surgical abortions at each VISN;
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 threat.

You responded to our letter on March 17, 2023, but not only was the response delayed, it failed to provide most of the data requested. The letter did not include any of the information requested above, except for the number of abortions performed nationwide and the broad exception listed for the abortion. On March 30, 2023, we sent a follow-up letter expressing our dissatisfaction with the response and reiterated our request for the specific information outlined above. Your response to that letter was received on May 26, 2023, and still fails to include the specific information requested above or identify the specific documented conditions in the case of "health" determinations. Committee staff have reiterated our request for this information in weekly phone calls with VA. We have yet to receive any information regarding what documented conditions led to a "health" determination, which we consider an important element since VA notes the largest number of abortions performed were because of "health" reasons. As of September 14, 2023, we are still

waiting for an adequate response to our letters. Additionally, we would like to reiterate that protecting patient safety and privacy is an utmost priority and we would not make any requests that would suggest otherwise.

As part of our oversight of VHA, we reviewed several training modules that cause concern regarding how VHA is administering this program. In VHA's Reproductive Health Education and Training videos, VHA provides examples of women veterans considering an abortion because of potential health risks, without an imminent risk of death. There are many chronic illnesses, such as Lupus, that women may manage and still be able to bring a pregnancy to term with a healthy child. A woman veteran with chronic conditions may require additional monitoring during pregnancy, but that shouldn't immediately qualify her for an abortion. Further, it is extremely disconcerting that a veteran may qualify for an abortion due to mental health concerns, and yet that veteran is not required to undergo any mental health evaluation or treatment prior to, or in the aftermath of, an abortion. We cannot understand how not providing necessary help and support is the right choice for the veteran patient. Further, we believe it completely inappropriate that throughout the training videos an employee is instructed multiple times that "an abortion is ten times safer than carrying a pregnancy to term."

Congress has historically prohibited taxpayer funded abortions. This Administration has used all levers available to undermine that definitive policy pronouncement. The documents requested on January 31 and again in March will inform whether the Committee needs to consider targeted legislation that would address the VA's current posture on taxpayer funded abortions. In other words, the American taxpayers funding these abortion procedures at VA deserve to know how VA is carrying out the IFR. The information request on January 31 is critical to assessing whether the Committee needs to take legislative action. Failure to provide the requested information to the Committee by September 30, 2023, will force the Committee to consider all tools at the Committee's disposal, including scheduling a vote to issue a subpoena for the requested information.

Under House Rule X, the Committee has sole legislative and oversight jurisdiction over the VA. The House's oversight authority derives from its legislative power under Article I of the U.S. Constitution. 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. Please provide the requested information and a staff level briefing regarding the IFR and VA's training methods on or before September 30, 2023.

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](mailto: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