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August 26, 2022

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

Secretary McDonough,

As you are aware, on August 4, the Department of Veterans Affairs (VA) submitted an Interim Final Rule (IFR) to the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) pertaining to “Reproductive Health Services.”

While the contents of the proposed IFR are not yet publicly available, this step forward in the regulatory process raises significant concern due to statements made by you and other officials within the VA asserting that the agency is seeking to provide abortion services to veterans and their families, despite it being prohibited under federal law.

When recently asked whether the VA will provide abortions in states where it’s illegal you stated that “there are 300,000 women veterans of child bearing age who rely on us for their reproductive healthcare. We’re going to make sure that they have access to the *full slate of that care* (emphasis added) because that’s what we owe them... My preference is that they not face risk to their lives as a result of this decision from the Court. We are going to make sure we are in a position to take care of them.”

Current federal law and regulation, however, contradicts these statements and prohibits the VA from providing abortion services. Section 106 of the Veterans Health Care Act of 1992 directs the VA to provide women with “general reproductive health care ... not including ... abortions.”

Despite constant attempts by President Biden and his Administration to promote and pay for abortions, I strongly urge you and all VA officials to ensure that any regulatory actions proposed or issued by your agency are consistent with laws enacted by Congress, including Section 106 of the Veterans Health Care Act of 1992.

Only Congress can change federal law, and Congress has held for the past 30 years that the VA is not permitted to offer abortion services. While activists and even my colleagues in Congress - including some who have written to you to encourage you to promote abortions in states where unborn children’s lives are protected, such as Oklahoma - may desire for you to use your authority to usurp Congress to allow the VA to provide, or even pay for abortions through rulemaking, that would be a direct violation of the laws you swore to uphold and follow. Additionally, such action would further erode the integrity of the rulemaking process.

Abortion is not and will never be healthcare. Healthcare protects life. Abortion takes life. Instead of promoting the taking of human life, I would challenge you, and others within the VA, to respect the dignity of our veterans and all of their family members, including unborn children, by ensuring services provided and funded by the VA are focused on true healthcare consistent with federal law.

In God We Trust,



James Lankford
United States Senator

¹ <https://www.cnn.com/videos/politics/2022/07/31/mcdonough-on-abortion.cnn>