

June 3, 2024

(202) 626-8820

RE: In support of H.R. 8580— Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2025 (MilCon-VA)

Dear Member of Congress:

The National Right to Life Committee (NRLC), the nationwide federation of right-to-life organizations, writes to express our support of the MilCon-VA appropriations bill (H.R. 8580).

Permanent VA Statute Prohibits the IFR

Since 1992, the VA has been statutorily prohibited from using taxpayer dollars for abortion. On September 9, 2022, the Biden administration disregarded this long-standing statutory prohibition on taxpayer funding for abortion at the VA and issued an interim final rule, “Reproductive Health Services,” 87 FR 55287 (IFR), including funding abortion for “health reasons.” The IFR authorizes the VA to provide taxpayer-funded abortions and abortion counseling to veterans, as well as eligible spouses and dependents, in direct conflict with both federal and state law.

Undefined Definition of “Health” is Turning Veterans Hospitals into Abortion Clinics

The undefined reference to health will mean, as in *Doe v. Bolton* (the companion case to *Roe v. Wade*), that abortions can be performed for virtually any reason. The Court held in *Doe* that “medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial, and the woman’s age—relevant to the wellbeing of the patient. All these factors may relate to health.”

For the past 30 years, women have long been able to receive care in the rare cases where the mother faced an emergency or life-threatening complication. Because there is nothing in the IFR that defines health, the health exception is not limited in any way. This means the VA is now providing abortion on demand, with no limits. One of the goals of this policy is to make an end-run around state laws that protect unborn children.

Despite numerous congressional inquiries and questions regarding the legality of the IFR, the VA has not been forthcoming. An October 2023 [report](#) gave information surrounding the number of abortions in the first year of implementation. With efforts underway to expand the abortion capacity of the VA, they have refused to release updated data regarding additional abortions since this last report, despite multiple congressional letters requesting the data.

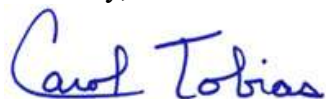
The longer this egregious and illegal rule is allowed to be in effect, the more quickly abortion numbers will rise.

H.R. 8580 would prohibit the VA from providing abortion under the health exception and permit abortion only in instances of rape or incest or “in the case where a woman suffers from a physical

disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.”

Should you have any questions, please contact us at (202) 378-8863, or via e-mail at federallegislation@nrlc.org.

Sincerely,



Carol Tobias
President



Scott Fischbach
Executive Director



Jennifer Popik, J.D.
Legislative Director