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PRO-LIFE
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VIA Federal eRulemaking Portal

August 18, 2025

Secretary Douglas A. Collins
U.S. Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC 20420

RE: Comments on Proposed Rule: Reproductive Health Services, 38 CFR Part 17 (August 4, 2025), RIN 2900-AS31, Docket ID VA-2025-VHA-0073

Dear Secretary Collins,

On August 4, 2025, the Department of Veterans Affairs (VA) issued a Notice of Proposed Rulemaking (NPRM) to rescind Biden-era regulations that violate federal and state law. The NPRM would “return VA’s medical package and CHAMPVA benefits to where they were on September 8, 2022” which is prior to the Biden administration’s issuance of an interim final rule (IFR) that illegally expanded abortion on demand through the VA and asserted improper discretion for the VA Secretary to circumvent longstanding federal statute.¹ Susan B. Anthony Pro-Life America strongly supports VA’s NPRM and asks that it be swiftly finalized and implemented.

The plain reading of the Veterans Health Care Act of 1992 (VHCA) makes clear that the VA is statutorily prohibited from covering and counseling for abortion.² For years prior to the Biden administration’s 2022 IFR, the VA medical benefits package and the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) excluded coverage and counseling for abortion—a fact that had been undisputed and uncontroversial for decades. The Biden administration’s IFR blatantly violated federal and state law by expanding coverage and counseling for abortion at the VA across the country. Though there are limited instances in which a state’s laws may be preempted by the VA, there is no instance in which a state’s laws may be

¹ *Reproductive Health Services*, 38 CFR Part 17, RIN 2900-AS31 (August 4, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-08-04/pdf/2025-14687.pdf>

² Public Law 102-585 (1992, November 4), <https://www.govinfo.gov/content/pkg/STATUTE-106/pdf/STATUTE-106-Pg4943.pdf#page=5>

preempted by the VA asserting a regulation that breaks federal law. The NPRM rightly reinstates the full exclusion of abortion and abortion counseling from the medical benefits package and CHAMPVA in accordance with federal statute.

Additionally, the Biden administration's IFR gave unnecessary and illegal discretion to the VA Secretary to expand abortion at the VA following the *Dobbs* decision in 2022. At the time Secretary McDonough claimed he had discretion to change abortion policy post-*Dobbs*,³ but this was not the case. This is not a matter of discretion but rather a matter of law. Because of the VHCA and the Deborah Sampson Act of 2020, the VA Secretary is not allowed discretion to expand abortion beyond the limitations within the underlying statute. Further, in the time since the Biden administration's IFR was issued, the Supreme Court of the United States (SCOTUS) issued a decision in *Loper Bright Enterprises v. Raimondo*.⁴ In this decision, SCOTUS held that statutory ambiguity does not indicate that Congress intended to give law-interpreting authority to an agency. Even if the VHCA and the Deborah Sampson Act of 2020 were ambiguous – which they are not – the VA is not entitled to deference for interpreting the law. Instead, VA is bound by the plain reading of the text – which is that the VA is statutorily prohibited from covering and counseling for abortion. By returning the VA's medical package and CHAMPVA benefits to where they were on September 8, 2022, the NPRM not only follows the law, but it follows SCOTUS precedent that the VA does not have unfettered discretion to override congressional intent and duly enacted statute.

The Biden administration sought to expand abortion in every facet of government and the VA was no exception. Under the Biden IFR policy, training documents,⁵ videos and slides obtained from the VA revealed disturbing and manipulative language that dehumanized the unborn and promoted abortion as the safest option for pregnant veterans.⁶ The NPRM under consideration brings back the rule of law to the VA by rescinding the Biden administration's illegal IFR and reinstating the longstanding full exclusion on abortion and abortion counseling from the VA. Susan B. Anthony Pro-Life America strongly supports this NPRM action and asks that it be swiftly finalized and implemented.

³ <https://www.lankford.senate.gov/wp-content/uploads/media/doc/2022-08-26%20Letter%20to%20McDonough%20IFR.pdf>

⁴ *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024).

⁵ Martin, M. (2023, September 19). *Veterans Administration training videos instruct health providers to promote abortion as safest option for pregnant veterans*. The Post Millennial. <https://thepostmillennial.com/exclusive-veterans-administration-training-videos-instruct-health-providers-to-promote-abortion-as-safest-option-for-pregnant-veterans>

⁶ Libs of TikTok [@libsoftiktok]. (2023, September 20). *Leaked Dept of Veterans Affairs training video instructs staff to confirm that men can get pregnant, advises not to congratulate a pregnant woman, and encourages and glorifies abortions*. [Tweet]. X. <https://twitter.com/libsoftiktok/status/1704572952342315242?s=20>