

# Congress of the United States

Washington, DC 20515

January 22, 2009

Dear President Obama,

In the waning days of the Bush Administration, the U.S. Department of Health and Human Services (HHS) finalized a regulation that will significantly limit patients' access to both health care services and important information about their health care options. We respectfully request you to proceed immediately with a formal rule-making process to rescind the rule.

The rule purports to interpret three existing federal refusal clauses—the Church Amendments, the Public Health Service (PHS) Act § 245 (Coates Amendment), and the Weldon Amendment—that allow certain health care providers to deny abortion and sterilization services to patients. In fact, the newly finalized rule (“Ensuring That Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in Violation of Federal Law”, 73 Fed. Reg. 78072, December 19, 2008) goes much further. The regulation goes beyond Congressional intent in these underlying statutes and could jeopardize women's access to needed healthcare services, including contraception.

The rule significantly expands the reach of the relevant statutes, and in doing so, clearly undermines Congressional intent. For example, the final rule defines statutory terms (such as “assist in the performance”) so broadly that it would allow virtually any employee or a volunteer at any HHS-funded entity with even a remote or tangential connection to a health care service, including those who solely provide information, referrals, or clean equipment to refuse to perform that job function—regardless of the needs of patients. The rule also leaves the term “abortion” undefined and permits doctors, nurses, insurance plans, hospitals, and nearly any other employee in a health care setting to use the rule to deny access to most forms of birth control by allowing personal interpretation and political agendas to limit patients' access to care.

Furthermore, the rule undermines many important state laws that protect the health and lives of women. It could threaten rape survivors who could lose access to emergency contraception in hospital emergency rooms in the 14 states that now guarantee it, and might even prevent women from learning this option exists. Similarly, it could undermine laws in six states ensuring that pharmacists fill women's birth control prescriptions. The rule could also undermine efforts to enhance or enact these and other protections in other states.

The vast majority of Americans—regardless of their position on reproductive choice—believe that increasing access to birth control prevents unintended pregnancies and reduces the need for abortion. This is why a bipartisan coalition of more than 150 members of Congress; a bipartisan group of Governors; and an overwhelming number of elected officials, attorneys general and 80 organizations, including the American Medical

Association, joined more than 200,000 people who issued public comments against the regulation.

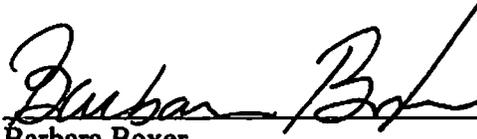
At a time when 45 million Americans are uninsured and women and families are already struggling to obtain basic health care, it is unconscionable to make access to health care even more difficult. This rule will restrict health care access everywhere and undermine health care access at nearly 600,000 health care centers, pharmacies, and hospitals across the country.

We look forward to your leadership in ensuring that access for millions of American women to affordable and effective reproductive health care is not threatened by this dangerous and misguided rule. Again, we urge you to proceed with a formal rule-making process to rescind the rule.

Sincerely,



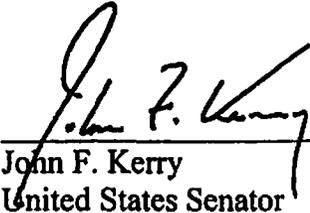
Patty Murray  
United States Senator



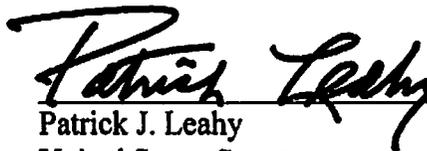
Barbara Boxer  
United States Senator

Diana DeGette  
United States Representative

Louise McIntosh Slaughter  
United States Representative



John F. Kerry  
United States Senator



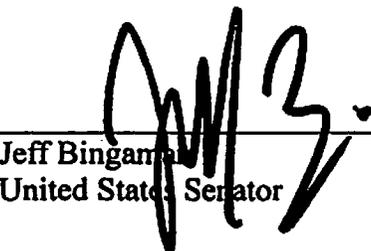
Patrick J. Leahy  
United States Senator



Sherrod Brown  
United States Senator



Debbie Stabenow  
United States Senator



Jeff Bingaman  
United States Senator



Tom Harkin  
United States Senator

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Jared Polis  
United States Representative

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Steve Rothman  
United States Representative

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Lucille Roybal-Allard  
United States Representative

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Dutch Ruppersberger  
United States Representative

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Linda Sanchez  
United States Representative

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Allyson Schwartz  
United States Representative

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Adam Smith  
United States Representative

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Jackie Speier  
United States Representative



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Pete Stark  
United States Representative

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Mike Thompson  
United States Representative

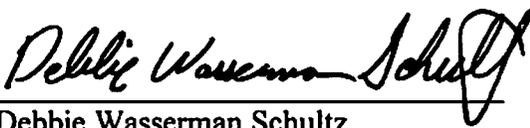
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Nikki Tsongas  
United States Representative

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Chris Van Hollen  
United States Representative

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Debbie Wasserman Schultz  
United States Representative

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Henry Waxman  
United States Representative

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Peter Welch  
United States Representative

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Lynn Woolsey  
United States Representative