

FREEDOM FROM RELIGION *foundation*

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Submitted Electronically

May 7, 2021

Office of the Secretary
U.S. Department of Health and Human Services (HHS)
200 Independence Avenue SW
Washington, DC 20201

Re: Comments supporting proposed rule entitled Ensuring Access to Equitable, Affordable, Client-Centered, Quality Family Planning Services

Document Number: 2021-07762

RIN: 0937-AA11

Dear Office of the Secretary, U.S. Department of Health and Human Services (HHS):

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to support the proposed rule, Ensuring Access to Equitable, Affordable, Client-Centered, Quality Family Planning Services by the U.S. Department of Health and Human Services (HHS). FFRF is a national nonprofit organization with more than 35,000 members across the country and works to defend the constitutional separation between state and church and educates about nontheism.

FFRF strongly opposed the Trump Administration's domestic gag rule, which was issued on March 4, 2019, as 84 FR 7714. The callous decision to prevent organizations that provide abortions or abortion referrals from receiving federal family planning endangered the health care of millions of women across the country. Prior to the Trump Administration's domestic gag rule, organizations like Planned Parenthood used Title X funding to serve about 40 percent of their 4 million patients with reproductive care like cancer screenings and birth control. The majority of these Title X patients came from underrepresented populations and communities of color.¹ Women of color already receive disproportionately fewer reproductive health services and experience sharp health disparities related to cervical and breast cancer, unintended pregnancy, and pregnancy complications. Many women of color rely on publicly funded services and Title X helped support

4,000 of these health centers.² The cruel decision to revoke Title X funding to organizations that provide abortion care left these patients scrambling to find new providers or to go completely without care. This arbitrary and punitive action does not comply with the spirit of *Roe v. Wade*, and undermines women's reproductive rights, access and health.

Instead, the domestic gag rule favored public funds going to religious, anti-abortion groups. These faith-based groups typically refuse to provide factual sex education information or contraception, or even refer patients to providers for birth control.³ Studies have shown that abstinence-only education is ineffective, withholds medically accurate information, and undermines public health programs.⁴ It is unconscionable that religiously-motivated organizations have received family planning monies instead of organizations that provide comprehensive, science-based resources and information.

American women die in childbirth at a higher rate than any other developed country. Additionally, two-thirds of pregnancy-related deaths are considered to be preventable.⁵ According to researchers from the Centers for Disease Control and Prevention, Black, American Indian, and Alaska Native women are two to three times more likely to die from pregnancy-related issues than white women. Furthermore, pregnancy-related deaths for live births for these women of color was four to five times higher than white women.⁶ It is unconscionable that health- and life-saving services and resources should be denied funding and given to religiously-driven, anti-science organizations. American women have a constitutional right to privacy, in this case to determine if or whether they wish to use contraception, terminate unwanted pregnancies or become mothers. The government needs to ensure that right, not undermine it.

Major provider associations agree. Every provider association publicly opposed dismantling Title X including: the American Medical Association, American Nurses Association, American Academy of Pediatrics, American Family of Physicians, American College of Obstetricians and Gynecologists, and National Association of Community Health Centers.⁷ In fact, the American Medical Association, National Family Planning & Reproductive Health Association, Essential Access Health, the American Civil Liberties Union, the Oregon Medical Association, and Planned Parenthood Federation of America petitioned the U.S. Supreme Court to review the ruling. Collectively they stated that the gag rule harmed patient care and caused health care providers to violate ethical obligations by preventing Title X recipients from providing full reproductive health information to patients.⁸

FFRF agrees with the HHS's statement that the rules issued on March 4, 2019 (84 FR 7714) have undermined public health. Moreover, the gag rule has favored religion over science. We support the Department's proposal to readopt the 2000 regulations (65 FR 4127) and to strengthen the program to "ensure access to equitable, affordable, client-centered, quality family planning services for all clients, especially for low-income clients."⁹ As a secular nation, we must not allow the religious motivations of the few to dictate the health care of millions of women.

FFRF urges the Department of Health and Human Services to stand up for evidence-based medicine and repeal the domestic gag rule as expeditiously as possible. This would end the senseless ban of Title X funding to organizations that provide abortion care, access and information.

Sincerely,



Annie Laurie Gaylor & Dan Barker
Co-Presidents
Freedom From Religion Foundation

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