

Congress of the United States

House of Representatives

April 6, 2021

The Honorable Joseph R. Biden, Jr.
The President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20006

Dear Mr. President,

On December 18, 2020, Congressional Pro-Choice Caucus leadership in the 116th Congress wrote to your incoming administration requesting swift and proactive actions to preserve, protect, and advance sexual and reproductive health, rights, and justice for the people in the U.S. and around the world.

As freshmen members of the Congressional Pro-Choice Caucus, we write in support of our leadership's letter sent in December and re-affirm critical priorities for your administration. Together with our colleagues in the caucus, we are committed to protecting and advancing sexual and reproductive health, including access to abortion in the US and around the world, and we look forward to partnering with your administration on policies, regulations, and budgets to ensure that all people are free and equal to exercise bodily autonomy. To that end, we would like to thank your administration for moving expeditiously on a number of priorities, including:

- Issuing a Presidential “Memorandum Protecting Women’s Health at Home and Abroad” clearly stating the Administration’s commitment to advancing sexual and reproductive health and rights in the United States, as well as globally.
- In that memorandum, revoking the January 23, 2017 Presidential Memorandum Regarding the Mexico City Policy, also referred to as the Global Gag Rule. Rescinding this policy was a step in the right direction and crucial to ensuring access to comprehensive reproductive health care around the world.
- Halting enforcement of the 2019 public charge rule, a Trump Administration rule that expands and weaponizes the concept of “public charge” to discourage immigrants from accessing basic services and public programs.
- Announcing plans to issue a Notice of Proposed Rulemaking ending the Title X Gag Rule and revising the rules for the Title X program.
- Re-engaging on a global scale to advance the health and rights of individuals worldwide. We particularly note the important steps you have taken toward this goal, including:
 - Joining and restoring funding to the World Health Organization.
 - Disassociating from the anti-abortion Geneva Consensus Declaration.
 - Restoring funding to the UN Population Fund (UNFPA) and the UN’s sexual and reproductive health agency.

- Championing sexual and reproductive health and rights at the UN and in international forums.
- Repudiating the report of the Commission on Unalienable Rights.
- Reinstating reporting on reproductive rights in the annual State Department Human Rights Report.

Taken together, these actions clearly signal a new direction for US policy, and each will have immediate and significant impact on access to health care. As new members of the House of Representatives, we look forward to working with you to build upon these initial policy changes. As our colleagues wrote in December, we believe that the pro-choice House majority in the 117th Congress presents a unique and timely opportunity to stand strong in the fight for sexual and reproductive health, and justice for all people.

That is why we urge your administration to follow through on a number of additional requests that our Pro-Choice Caucus colleagues made last year, and to continue to work to advance policies that expand access to sexual and reproductive health services. These include:

- Rescinding Executive Order 13535, Patient Protection and Affordable Care Act’s Consistency with Longstanding Restrictions on the Use of Federal Funds for Abortion.
- Directing the Secretary of Health and Human Services to issue guidance to lift the FDA’s in-person dispensing requirement for mifepristone, a medication used to safely and effectively end an early pregnancy or treat an early miscarriage, for the duration of the public health emergency of COVID-19, directing FDA to initiate a comprehensive review of the full restrictions on mifepristone.
- Finalizing the process of revising the Title X regulations as quickly as possible to re-start funding to organizations that lost critical resources under the Trump Title X Gag rule;
- Rescinding any additional regulations that undermine access to health care coverage and care, and reverse any litigation positions that undermines access to reproductive health care, including:
 - The Trump Administration’s birth control coverage exemption rules, which contradict the Affordable Care Act by allowing virtually any employer to refuse to cover birth control for their employees.
 - The Refusal of Care rule, which invites many individuals or entities involved in patient care to withhold and obstruct health care services and information without regard for patients’ wellbeing;
 - The rule that undermines Section 1557 of the Affordable Care Act, by emboldening discrimination against LGBTQ+, individuals, Black people, indigenous communities, Latinos, Asian Americans and Pacific Islanders, people with limited English proficiency, and people seeking reproductive health care;
 - The 1303 abortion coverage rule requiring separate billing and payment transactions for abortion coverage in certain health plans under the ACA.
- Reversing the Trump Administration’s restrictions on biomedical research involving fetal tissue.
- Revising agency policies that restrict access to sexual and reproductive health care and undermine sexual and reproductive rights. We reiterate a number of particularly harmful

policies raised by our colleagues in December and urge your immediate attention to any that remain unaddressed:

- Expanding U.S. foreign assistance support for abortion care to the maximum extent allowed under the Helms amendment, namely by immediately clarifying that funds can be used to support abortion care provided in cases of rape, incest or life endangerment of the pregnant person and for abortion information and counseling.
- Reinstating the Department of Health and Human Services guidance from 2016 reaffirming Medicaid's free choice of provider provisions, which ensures that states may not exclude qualified providers of reproductive health care from Medicaid for reasons unrelated to their qualifications, including their provision of abortion care.
- Rescinding a 2008 Office of Refugee Resettlement (ORR) policy that requires heightened ORR involvement in abortion, and issue new guidance to ensure that all ORR care facilities provide minors with timely, confidential access to family planning services.
- Clarifying that PEPFAR funds can be used to pay for contraception to ensure individuals living with and at risk for HIV have access to a full range of voluntary contraception options.
- Rescinding Executive Order 13798,9 Promoting Free Speech and Religious Liberty, which set the stage for the Trump Administration to expand the use of religion to discriminate against people seeking reproductive health care.

My freshmen colleagues and I look forward to working with your Administration in the 117th Congress to expand and defend reproductive freedoms not only in America but around the world.

Sincerely,



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Member of Congress



Sara Jacobs
Member of Congress



Mondaire Jones
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