

Congress of the United States
Washington, DC 20515

July 27, 2018

The Honorable Alex M. Azar II
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

The Honorable Neomi Rao
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street N.W.
Washington, D.C. 20503

Dear Secretary Azar and Administrator Rao:

We are writing to request that you extend the public comment period for the gag rule proposed by the Department of Health and Human Services (HHS) for the Title X National Family Planning Program. Stakeholders across the country, including in Maryland, have experienced difficulty in submitting electronic comments and have requested this extension to give them adequate time to analyze the proposed rule's impact on women's access to health care and provide meaningful comments to the Department.

On June 1, 2018, HHS proposed a rule to severely restrict the ability of health care providers receiving Title X funds to inform women of the full range of health care options available to them and ensure access to these services.¹ The notice provided for a public comment period of 60 days, which will end on July 31, 2018.²

This proposed rule is a significant change that would impact more than 4 million Americans who received critical health care services, such as breast cancer screenings and HIV testing, through the Title X program in 2016.³ According to the Baltimore City Health Department:

¹ Department of Health and Human Services, *Proposed Rule: Compliance with Statutory Program Integrity Requirements* (June 1, 2018) (online at www.hhs.gov/opa/sites/default/files/title-x-nprm.pdf).

² Agencies can provide longer comment periods for "complex" rules. Office of the Federal Register, *A Guide to the Rulemaking Process* (online at www.federalregister.gov/uploads/2011/01/the_rulemaking_process.pdf) (accessed July 26, 2018).

³ Department of Health and Human Services, Office of Population Affairs, *Title X Family Planning Annual Report: 2016 National Summary* (Aug. 2017) (online at www.hhs.gov/opa/sites/default/files/title-x-fpar-2016-national.pdf).

Our staff and patients have expressed great interest in providing input during the comment process, but because of the limited comment period and programmatic impact information available, they may not have an opportunity to do so.⁴

Similarly, the Big Cities Health Coalition—a group of 30 metropolitan public health departments representing 55 million Americans across the country—has stated:

An extended deadline would allow the Coalition and our members to fully evaluate the impact of the rule [on] Title X programs across the country, vetting its implications with partners and sub-grantees to fully analyze the proposal and its far-reaching and long-lasting impacts on access to important family planning services.⁵

The Title X National Family Planning Program was created in 1970 to provide low-income individuals with information and resources to make informed decisions about their health. The 75 Title X service sites in Maryland serve over 70,000 individuals, including more than 16,000 individuals in Baltimore City alone.⁶ It is essential that these patients, their health care providers, and other stakeholders have an opportunity to provide insightful, data-driven comments on the proposed gag rule—particularly given the detrimental effect it would have on women’s access to quality, comprehensive health care.

HHS’s proposed gag rule would upend the doctor-patient relationship for the millions of women who rely on Title X programs, leaving these women with fewer places to turn for honest advice and affordable family planning services and related preventive health care. The rule would prohibit doctors from discussing the full range of reproductive health care options with their patients or referring women to other qualified health care providers for abortion services. Even though federal funds are already prohibited from being used for abortion services, the gag rule would require providers who do offer abortions to have fully separate facilities, staff, and resources for these services if they wish to receive Title X funds for the other reproductive health care they offer.

For these reasons, we respectfully request that you extend the public comment period for the proposed gag rule to October 1, 2018. We urge you to afford stakeholders the opportunity to provide HHS with the detailed, data-driven comments to guide the Administration as it develops policies that will affect millions of Americans.

⁴ Letter from Commissioner Leana Wen, Baltimore City Health Department, to Secretary Alex Azar, Department of Health and Human Services, and Administrator Neomi Rao, Office of Information and Regulatory Affairs, Office of Management and Budget (July 20, 2018).

⁵ Letter from Director Chrissie Juliano, Big Cities Health Coalition, to Secretary Alex Azar, Department of Health and Human Services, and Administrator Neomi Rao, Office of Information and Regulatory Affairs, Office of Management and Budget (July 24, 2018).

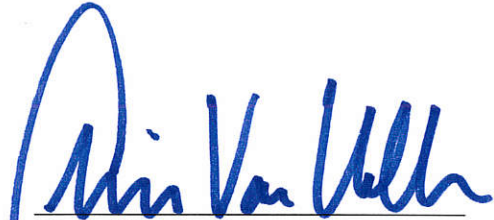
⁶ Letter from Commissioner Leana Wen, Baltimore City Health Department, to Secretary Alex Azar, Department of Health and Human Services, and Administrator Neomi Rao, Office of Information and Regulatory Affairs, Office of Management and Budget (July 20, 2018).

Thank you for your consideration of this request.

Sincerely,



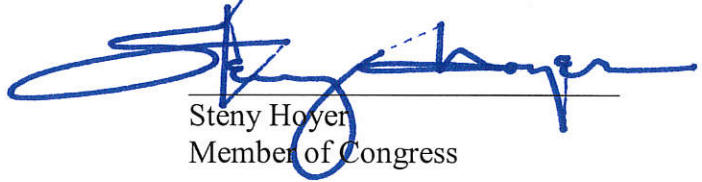
Ben Cardin
U.S. Senator



Chris Van Hollen
U.S. Senator



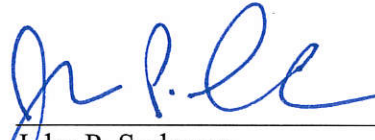
Elijah E. Cummings
Member of Congress



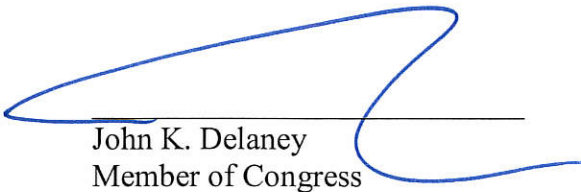
Steny Hoyer
Member of Congress



C.A. Dutch Ruppersberger
Member of Congress



John P. Sarbanes
Member of Congress



John K. Delaney
Member of Congress



Anthony G. Brown
Member of Congress



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