

The Honorable Orrin Hatch  
Chairman  
Committee on Finance  
U.S. Senate  
Washington, D.C. 20510

The Honorable Ron Wyden  
Ranking Member  
Committee on Finance  
U.S. Senate  
Washington, D.C. 20510

January 9, 2018

Dear Chairman Hatch and Ranking Member Wyden:

As you consider the nomination of Mr. Alex Azar for Secretary of the U.S. Department of Health and Human Services (HHS), the undersigned health care providers, civil rights, and social justice organizations on behalf of reproductive rights write to share serious and significant concerns. At minimum, for this critical agency, its secretary must commit to upholding, or as is the present case, returning to basic pillars to protect and expand health care for all. Any nominee who cannot commit to the below requirements is unfit to lead HHS.

Within the past year, HHS has taken extreme steps, ignoring its stated mission “to enhance and protect the well-being of all,”<sup>1</sup> and instead limiting access to health care for many individuals. The new secretary must take immediate action upon being confirmed to return to the department’s mission to protect and enhance the health of all individuals. For example, if confirmed, Mr. Azar must denounce the newly created HHS Strategic Plan and all related policies, from this misguided political publication that is full of anti-science, anti-woman, and anti-LGBTQ doctrine.<sup>2</sup>

HHS has also unilaterally shortened the duration of grant agreements for the Teen Pregnancy Prevention program and the Title X family planning program by the end of June of 2018, risking the health and well being of those that benefit from these important programs. HHS has also issued guidance in an effort to ban certain words in budget proposals including “fetus, vulnerable, and transgender,” at the Centers for Disease Control and Prevention.<sup>3</sup> In just 12 months, HHS has clearly demonstrated its eagerness to abandon its mission in favor of ideology.

Upon entering the White House, Trump-Pence administration immediately filled key HHS positions with anti-women’s health, anti-science officials and people who directly oppose the programs they oversee. With the confirmation of anti-women’s health Congressman Tom Price as the first Secretary of HHS, it was no surprise to see continued efforts to fill the agency with officials who have attempted to translate their own ideological and personal positions into dangerous public policies for millions of individuals within months of taking office.

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<sup>1</sup> HHS.gov, U.S. Department of Health and Human Services, “About HHS,” accessed 3 Jan. 2018, <https://www.hhs.gov/about/index.html>.

<sup>2</sup> Diamond, Dan, *Politico*, “HHS defends withholding comments critical of abortion, transgender policy,” 18 Dec. 2017, <https://www.politico.com/story/2017/12/18/hhs-faith-based-rule-withholding-comments-236759>.

<sup>3</sup> Sun, Lena H., and Juliet Eilperin, *The Washington Post*, “CDC gets list of forbidden words: Fetus, transgender, diversity,” 15 Dec. 2017, [https://www.washingtonpost.com/national/health-science/cdc-gets-list-of-forbidden-words-fetus-transgender-diversity/2017/12/15/f503837a-e1cf-11e7-89e8-edec16379010\\_story.html](https://www.washingtonpost.com/national/health-science/cdc-gets-list-of-forbidden-words-fetus-transgender-diversity/2017/12/15/f503837a-e1cf-11e7-89e8-edec16379010_story.html).

At a baseline, in order to be qualified to run this failing agency, any secretary must first commit to removing some of the political appointees upon confirmation. The following officials must include, but are not limited to:

Scott Lloyd,<sup>4</sup> Director of the Office of Refugee Resettlement, who has instructed his department to go to extreme lengths to block young immigrant women in the care of the government from accessing abortions, including physically holding them hostage, as seen in the three legal cases of Jane Doe, Jane Roe, and Jane Poe. Although court orders forced the agency to allow these young women to obtain medical care, Lloyd continues to carry out this cruel and unconstitutional policy restricting the rights of other young women;<sup>5</sup>

Teresa Manning, who oversees the Title X program — the nation’s only federal program dedicated to family planning serving four million people — has previously stated on C-SPAN that she does not believe the federal government should run family planning programs.<sup>6</sup> The head of the Title X program should believe in the core services it is designed to provide for; and,

Charmaine Yoest, a top spokesperson at HHS who has previously touted dangerous and blatantly untrue claims that abortion causes breast cancer.<sup>7</sup> As the HHS Assistant Secretary for Public Affairs, Yoest should be held to professional standards and not spreading medically inaccurate information to the public.

Valerie Huber, is Chief of Staff in the Office of the Assistant Secretary of Health at HHS, and she is an anti-sex education activist.<sup>8</sup> She was formally the CEO of a national abstinence-only organization, and is now responsible for key programs to reduce unintended pregnancy and ensure young people’s health. As Chief of Staff she has had an instrumental role in cutting the TPPP grants and increasing national funding for abstinence-only programs.<sup>9</sup>

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<sup>4</sup> O’Connor, Ema, *BuzzFeed News*, “A Trump Official Once Suggested Women Who Get Free Contraception Should Swear They Won’t Get An Abortion,” (25 Oct. 2017), [https://www.buzzfeed.com/emaconnor/a-trump-official-once-suggested-women-who-get-free?utm\\_term=.ok6RYd3M1#.adeoLJ2Ea](https://www.buzzfeed.com/emaconnor/a-trump-official-once-suggested-women-who-get-free?utm_term=.ok6RYd3M1#.adeoLJ2Ea).

<sup>5</sup> The Editorial Board, *The New York Times*, “Abortion Ideologues Subvert a Woman’s Rights,” (20 Oct. 2017), <https://www.nytimes.com/2017/10/20/opinion/abortion-immigrant-texas.html>.

<sup>6</sup> Manning, Teresa, *C-SPAN*, “Back to the Drawing Board: The Future of the Pro-Life Movement,” (21 Jan. 2003), Accessed Dec. 28, 2017, <https://www.c-span.org/video/?160637-1/back-drawing-board-future-pro-life-movement>.

<sup>7</sup> Rubin, Rita, *Forbes*, “Trump’s New HHS Appointee Yoest Thinks Abortion Raises Breast Cancer Risk, But Where’s the Evidence?,” 30 Apr. 2017, <https://www.forbes.com/sites/ritarubin/2017/04/30/trumps-new-hhs-appointee-yoest-thinks-abortion-raises-breast-cancer-risk-but-wheres-the-evidence/#aade67d34eca>.

<sup>8</sup> Herman, Lily, *teenVOGUE*, “5 Things to Know About Valerie Huber, Trump’s Pro-Abstinence Department of Health and Human Services Pick,” 8 June 2017, <https://www.teenvogue.com/story/things-to-know-about-valerie-huber>.

<sup>9</sup> Huber, Valerie, *Ohio Public Radio, All Sides with Ann Fisher*, “...we’re hopeful that Congress will eliminate the Teen Pregnancy Prevention Program but if they choose not to then we have every intention to improve this program so that more young people are helped as a result,” 23 Aug. 2017, <http://radio.wosu.org/post/teen-pregnancy-prevention-programs-lose-funding-0#stream/0>.

If Mr. Azar is confirmed, a decision not to remove unqualified and extreme HHS staff like Lloyd, Manning, and Yoest would make him complicit in their actions and policies and undermine any other attempts by him to redirect the agency towards its public health mission.

In the past year, HHS has also taken alarming steps to diminish health care access for millions of people, with access to birth control being a primary target. The Trump-Pence administration and HHS have attempted to erase progress by issuing illegal and discriminatory interim final rules to roll back the Affordable Care Act's (ACA) birth control benefit. The popular benefit requires insurance coverage for all FDA-approved birth control methods for women without cost-sharing with over 62 million women eligible for this coverage.<sup>10,11</sup> Access to affordable birth control is critical to the continued efforts to reduce unintended pregnancies, including teen pregnancies, across the country.<sup>12</sup> The Administration seeks to undermine these positive trends by allowing employers and universities to deny insurance coverage of contraception for any religious or moral objection. The next HHS secretary must reverse these actions and commit to protecting and expanding insurance coverage of and access to birth control.

Mr. Azar made it clear during his nomination hearing with the Senate Health, Education, Labor, and Pensions committee, that he supports the administration's decision to allow religious and moral objections to insurance coverage of basic health care saying, "we have to balance a woman's choice of insurance with the conscience of their [employer's choice]."<sup>13</sup> This offensive belief would allow employers to discriminate against women by denying them insurance coverage of birth control and take these women back to a time in which one in three women reported difficulty in affording contraception.<sup>14</sup>

The attempt by the administration to deny contraceptive coverage is already being challenged in the courts and is currently subject to two nationwide injunctions. If confirmed, Mr. Azar should immediately rescind these rules.<sup>15</sup>

Efforts to block patients from health care programs and providers or preventing public health work that is based in science may lead to fatal consequences for millions of people across the

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<sup>10</sup> PerryUndem Research/Communication, *Publitas*, "Results from a National Survey on Voters. Views on Birth Control. On Federal Policy around Contraceptives," 1 Dec. 2017, <https://view.publitas.com/perryundem-research-communication/views-on-birth-control-report-pdf/page/14>.

<sup>10</sup> PerryUndem Research/Communication, *Publitas*, "Results from a National Survey on Voters. Views on Birth Control. On Federal Policy around Contraceptives," 1 Dec. 2017, <https://view.publitas.com/perryundem-research-communication/views-on-birth-control-report-pdf/page/14>.

<sup>11</sup> NAT'L WOMEN'S LAW CTR., *New Data Estimate 62.4 Million Women Have Coverage of Birth Control without Out-of-Pocket Costs*, (Sept. 2017). <https://nwlc.org/resources/new-data-estimate-62-4-million-women-have-coverage-of-birth-control-without-out-of-pocket-costs/>

<sup>12</sup> Richards, Cecile, *The New England Journal of Medicine*, "Protecting and Expanding Access to Birth Control," 3 Mar 2016, <http://www.nejm.org/doi/full/10.1056/NEJMp1601150#t=article>.

<sup>13</sup> Solis, Marie, *Newsweek*, "Women can be Blocked from Birth Control Coverage by Employers, says Trump Nominee," 29 Nov. 2017, <http://www.newsweek.com/women-can-be-blocked-birth-control-coverage-employers-says-trump-nominee-725993>.

<sup>14</sup> Phadke, Shilpa; Jamila Taylor; and Nikita Mhatre, Center for American Progress, "Rhetoric vs. Reality: Why Access to Contraception Matters to Women," 15 Nov. 2017, <https://www.americanprogress.org/issues/women/reports/2017/11/15/442808/rhetoric-vs-reality-access-contraception-matters-women/>.

<sup>15</sup> Colliver, Victoria, *Politico*, "Second federal judge halts Trump's birth control rule," 21 Dec. 2017, <https://www.politico.com/story/2017/12/21/second-federal-judge-halts-trumps-birth-control-rule-312405>.

country. Any nominee for secretary must commit to reversing course on these new policies and ensuring that health care access is at the center of all policy considerations.

We strongly urge that Mr. Azar is questioned extensively about these actions and asked if he will commit to the HHS mandate to ensure individuals have the ability to live healthy lives, which includes access to reproductive healthcare.

On behalf of the millions of individuals we represent, we continue to be gravely concerned about the actions coming out of HHS and Mr. Azar's ability to implement better policies. We appreciate your committee thoroughly reviewing these qualifications as part of Mr. Azar's nomination hearings.

Sincerely,

Advocates for Youth  
American Bridge 21st Century  
Black Women's Health Imperative  
Catholics for Choice  
Feminist Majority Foundation  
In Our Own Voice: The Black Women's Reproductive Justice Agenda  
Keep Birth Control Copay Free Campaign  
NARAL Pro-Choice America  
National Abortion Federation  
National Asian Pacific American Women's Forum (NAPAWF)  
National Council of Jewish Women  
National Institute for Reproductive Health (NIRH)  
National Latina Institute for Reproductive Health  
National Network of Abortion Funds  
National Organization for Women  
National Women's Health Network  
People For the American Way  
Physicians for Reproductive Health  
Planned Parenthood Federation of America  
Population Connection Action Fund  
Sexuality Information and Education Council of the United States (SIECUS)  
UltraViolet  
URGE: Unite for Reproductive & Gender Equity