October 3, 2017

Dear Representative:

On behalf of the more than 170,000 bipartisan members and supporters of the American Association of University Women (AAUW), I **urge you to oppose H.R. 36,** an unconstitutional and dangerous limitation on abortion that puts women's health and rights at risk. H.R. 36 would impose a nationwide ban on abortions at twenty weeks and includes only two inadequate and extremely narrow exceptions.

AAUW supports the right of every woman to access safe, accessible, affordable, and comprehensive family planning and reproductive health services.[1] We believe that all women should be able to make their own decisions with advice and support from those they trust the most. We know that women look to doctors, family members, and other trusted individuals, not politicians, to make important medical decisions about their health.

The ban proposed in H.R. 36 would criminalize health care that is critically-needed and constitutionally protected. Outrageously, the bill proposes imprisoning health care providers for up to five years just for providing such care to patients. Banning necessary health care interferes with and obstructs the provider-patient relationship. Politicians are not medical experts and this is not an area where politicians should be interfering.

While H.R. 36 is unconstitutional in its premise, it also contains inadequate exceptions.[2] As revised, the tradeoff H.R. 36 offers adult survivors of rape – between reporting to law enforcement or finding non-medically necessary additional counseling – places serious barriers on women's access to the full range of health care she may need. Incidents of sexual violence are atrocious and criminal, but the criminal justice system is still woefully inadequate for many survivors. Some survivors do not want to go to the police. This reporting requirement would prevent some women from coming forward at all. Also, asking survivors to see additional providers, likely in different facilities, is burdensome and not a medical necessity. These requirements deny survivors control of their own health care needs at a critical time.

In addition, H.R. 36 interferes with and obstructs the provider-patient relationship. Health care providers would be required to use an "informed consent" form that conflicts with established medical protocols, and would be required to report the abortions they perform. These provisions are designed to deter health care professionals from providing safe, medically necessary care.

Again, **I urge you to oppose H.R. 36,** an unconstitutional and dangerous limitation on abortion that puts women's health and rights at risk. Cosponsorship and votes associated with these issues may be included in the AAUW Action Fund *Congressional Voting Record*. If you need additional information, feel free to contact me at 202/785-7724.

Sincerely,

Anne Hedgepeth

Anne Hedgepeth
Interim Vice President of Public Policy and Government Relations

[1] AAUW. (June 2017). *AAUW Public Policy Program, 2017-2019*. www.aauw.org/resource/principles-and-priorities/

[2] Similar twenty-week bans have been struck down. *See, e.g., Paul A. Isaacson, M.D. et al. v. Tom Horne, Attorney General of Arizona, et al.* 716 F.3d 1213 (2013) (Arizona law); *McCormack v. Hiedeman*, 900 F. Supp. 2d 1128 (D. Idaho 2013) (Idaho law); *Lathrop, et al. v. Deal, et al.*, No. CV224423, (Sup. Ct. of Fulton Cnty., Ga., Dec. 21, 2012) (Georgia law). The U.S. Supreme Court recently refused to hear an appeal of the Arizona case, leaving in effect the ruling from the appellate court striking down the law as unconstitutional. In striking down an Arizona twenty-week ban, the United States Court of Appeals for the Ninth Circuit noted: "Since *Roe v. Wade*, 410 U.S. 113 (1973), the Supreme Court case law concerning the constitutional protection accorded women with respect to the decision whether to undergo an abortion has been unalterably clear. . . a woman has a constitutional right to choose to terminate her pregnancy before the fetus is viable. A prohibition on the exercise of that right is *per se* unconstitutional." *Isaacson v. Horne*, No. 2:12-cv-01501-JAT, slip op. at 6 (9th Cir. May 21, 2013).