

# U.S. Sen. Baldwin: Joined colleagues in urging Biden to declare a National and public health emergency on reproductive rights

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*WASHINGTON, D.C.* – U.S. Senator Tammy Baldwin joined her Senate Democratic colleagues in urging President Biden and Health and Human Services (HHS) Secretary Xavier Becerra to immediately declare national and public health emergencies over Americans' access to reproductive care.

“As President of the United States and Secretary of Health and Human Services, you have the authority to declare a national emergency and public health emergency over these attacks on Americans' reproductive rights. . . . These authorities have been used by the Biden-Harris Administration—and other presidential administrations—to address public health crises ranging from the COVID-19 pandemic to the opioid epidemic,” **wrote the lawmakers.**

Millions of Americans have been endangered by the Supreme Court's reckless decision to overturn *Roe v. Wade* and eliminate the constitutional right to an abortion. In state after state, Republican lawmakers have implemented extremist abortion bans and restrictions. Health care providers have already been forced to withhold lifesaving care. And the maternal mortality crisis, mental health outcomes, and economic disparities are bound to worsen, especially if rightwing extremists follow through on their public calls for a nationwide abortion ban.

The lawmakers outlined six powerful flexibilities and resources that could be unlocked by emergency declarations to safeguard and improve access to reproductive care across the country. By declaring a national and public health

emergency, the administration could:

- Allow doctors licensed in one state to provide reproductive care in other states. Using waivers of Section 1135 of the Social Security Act, the federal government could waive licensing requirements under Medicaid, Medicare, and the Children's Health Insurance Program as long as doctors have equivalent licensing in other states.
- Enable state Medicaid programs to more easily accept out-of-state patients seeking reproductive care. Disaster-Relief State Plan Amendments could enable states to expand the pool of people covered by their Medicaid programs, including out-of-state residents who leave their home states for medical reasons.
- Facilitate reproductive care for people who need emergency assistance. In support of Secretary Becerra's directive to ensure care under the Emergency Medical Treatment and Labor Act, Section 1135 waivers could facilitate the transfer of patients who need emergency lifesaving care—including abortions—for conditions such as pregnancy loss.
- Permit the deployment of federal, state, and local medical personnel. During a public health emergency, the HHS Secretary has the authority to deploy the National Disaster Medical System, the Volunteer Medical Reserve Corps, and Commissioned Corps Officers, as well as reassign federally-funded state and local public health officials to address the emergency.
- Protect patient access to medication abortion. Under the Public Readiness and Emergency Preparedness Act, the HHS Secretary can protect those involved in the administration or use of "covered countermeasures"—a term which could encompass medication abortion—from certain state restrictions, claims, and lawsuits, as the Department did during the COVID-19 pandemic.
- Expedite research, information-gathering, and demonstration projects on reproductive care. Public health emergency authority could enable HHS to more quickly gather information about the reproductive care crisis in the country (e.g., through surveys and research) and deploy Medicaid demonstration projects to respond (e.g., by enabling states to finance the travel of low-income women in anti-abortion states to access reproductive care).

"While it is impossible to immediately undo the damage inflicted by the Supreme Court's repeal of *Roe v. Wade*, the Biden-Harris Administration must use every tool within its power to fight back," **concluded the lawmakers.** "Your leadership

during this unprecedented crisis for women is more important than ever.”

The letter was led by U.S. Senators Elizabeth Warren (D-MA), Cory Booker (D-NJ), and Alex Padilla (D-CA), and also signed by Senators Richard Blumenthal (D-CT), Mazie Hirono (D-HI), Bernie Sanders (I-VT), Kirsten Gillibrand (D-NY), Ed Markey (D-MA), Chris Van Hollen (D-MD), Tina Smith (D-MN), Jeff Merkley (D-OR), Sherrod Brown (D-OH), Amy Klobuchar (D-MN), Tammy Duckworth (D-IL), Sheldon Whitehouse (D-RI), Ron Wyden (D-OR), and Dianne Feinstein (D-CA).

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