

Congress of the United States
Washington, DC 20515

July 20, 2022

Lance Mangum
Staff Vice President, Government Affairs
FedEx Corporation
101 Constitution Ave NW, Suite 801E
Washington, DC 20001

Dear Mr. Mangum,

We write to express our concern about the potential misuse of private data concerning the delivery of FDA-approved abortion medication delivered via common carrier. In light of the recent U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health*, which overturns *Roe v. Wade* and *Planned Parenthood v. Casey*, access to FDA-approved abortion medication is vitally important in ensuring access to reproductive care for millions of women and gender diverse people. Unfortunately, certain state and local law enforcement entities may attempt to prevent access to this safe, effective, and legal medication by seizing deliveries of this medication while in transit. Similarly, data recording deliveries from certain pharmacies could be used by state and local law enforcement in court to establish circumstantial evidence that an individual terminated a pregnancy. We therefore respectfully request a closed briefing on what your company is doing to ensure individuals' rights to privacy and protections against unreasonable search and seizure are upheld.

In the wake of the latest Supreme Court decision, states across the country have banned abortion entirely, with more bans scheduled to take effect over the next month. Nineteen states have bans that specifically prohibit the use of telemedicine to provide medication abortion, seeking to prevent women and gender diverse individuals from accessing abortion medication.^{1,2} However, while these state laws may prevent the dispensation of abortion medication, abortion medication is not an illicit substance and individuals are under no obligation to turn over this medication to law enforcement.

In the event that state or local law enforcement request to search packages in your company's possession for abortion medication, we urge you to uphold your customers' constitutional protections against unreasonable search and seizure by requiring that law enforcement provide a search warrant before giving officers access to company premises or property. Moreover, in the event that your employees become aware that a package in their possession contains abortion medication, they are under no obligation to alert law enforcement, as this medication is FDA-approved and therefore legal.

¹Politico, "Abortion laws by state: Where abortions are illegal after Roe v. Wade overturned." (June 24, 2022) (Online at <https://www.politico.com/news/2022/06/24/abortion-laws-by-state-roe-v-wade-00037695>)

² Guttmacher Institute, "Medication Abortion." (July 11, 2022) (Online at <https://www.guttmacher.org/state-policy/explore/medication-abortion>)

Similarly, state or local law enforcement may attempt to use a variety of data to build circumstantial evidence that an individual terminated a pregnancy or a health care provider dispensed medication for the purposes of ending a pregnancy. One possible source of data may be the delivery of packages from a pharmacy that dispenses abortion medication. To protect individuals' right to privacy and to protect their access to safe, effective, FDA-approved medication, we urge you to delete this data in an expeditious manner, not to store such data longer than is absolutely necessary, and to limit the collection of certain sensitive data that would raise privacy concerns, such as the specific medication being shipped.

We commend you and your company for your essential role in delivering vitally necessary medications to Americans across the country, and in the interest of continuing this important service, we respectfully request a closed briefing on how your company plans to uphold individuals' rights to privacy and protections against unreasonable search and seizure as those individuals seek necessary reproductive care.

Sincerely,



Raja Krishnamoorthi
Member of Congress



Dean Phillips
Member of Congress



Ayanna S. Pressley
Member of Congress



Katie Porter
Member of Congress



Cori Bush
Member of Congress