

Congress of the United States
House of Representatives
Washington, DC 20515-1604

April 3, 2019

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

Dear Secretary Azar,

We write to express our strong support and deep thanks for the Department of Health and Human Services final rule titled, “Compliance with Statutory Program Integrity Requirements.” Created by Congress in 1970, Title X of the Public Health Service Act authorized taxpayer funds to assist “voluntary family planning projects,” and clearly prohibited federal funds from being awarded to abortion providers. The final rule fulfills both the spirit and letter of this decades-old law by once again separating abortion from family planning.

Regulations governing the Title X program had not been substantially updated since 2000. While previous regulations violated longstanding conscience laws and required all Title X recipients to refer for abortion, the final rule ensures that none of the funds appropriated for Title X may be used in programs where abortion is a method of family planning.¹ The elimination of the egregious abortion referral mandate appropriately protects the conscience rights of health care providers. Additionally, this allows providers previously unable to comply with the referral mandate to apply for Title X funding, therefore increasing the potential for diversity among providers within the program.

Furthermore, we strongly support the stipulation that Title X projects must be organized in such a way that there is complete physical and financial separation between a grantee’s Title X activities and abortion activities. This much-needed reform will finally end the practice of “colocation,” where abortions are conducted in the same facility as the Title X-funded family planning activities. This practice made federal funds vulnerable to misuse in support of abortion activities. It also implied that abortion was a method of family planning, in violation of Congressional intent.

Importantly, both elements – ending abortion referral and requiring the physical and financial separation of abortion activities within the program – were part of the regulations promulgated under President Ronald Reagan in 1988 and upheld by the Supreme Court in 1991.²

¹ 45 CFR 59.5

² Rust v. Sullivan, 500 US 173, (1991)

Additionally, we are grateful that the final rule no longer funnels taxpayer funded Title X dollars to support the work of abortion providers. Outdated rules allowed Planned Parenthood to receive \$170 million from the Title X program, between 2013 and 2015, an average of nearly \$60 million annually.³ Planned Parenthood has already indicated that it will not comply with the final rule.⁴ It has described its core mission as “providing, protecting and expanding access to abortion...,” and Planned Parenthood has made the choice to reject Title X funds so that it can continue to perform abortions.⁵ This funding can be redirected to family planning providers who do not prioritize an extreme abortion agenda over patient care. Redirecting this Title X funding stream is a significant step in continuing this administration’s principled stand for lives of the unborn.

Not only is Planned Parenthood’s unwavering support for taxpayer funded abortion our concern, but we remain concerned by a recent report that compiles several court cases, state health department reports, and testimonials from former Planned Parenthood employees, highlighting multiple instances where Planned Parenthood facilities across the country have repeatedly failed to report the suspected sexual abuse of minors in their care. The final rule addresses this issue by implementing a stronger focus on protecting women and children from being victimized by child abuse, child molestation, sexual abuse, rape, incest, intimate partner violence and trafficking through annual staff training and site-specific protocol for reporting crime. We are also pleased that the final rule meaningfully encourages parental engagement and communication in family planning decision-making, while maintaining the confidential relationship between patients and medical professionals.

Lastly, the final rule updates and expands the review and scoring criteria applicable to grant applications. By restoring states’ ability to prioritize funding according to the needs of their citizens, grantees can select clinical providers that meet the needs Title X needs of their patients.

The final rule takes great strides to restore the integrity of the Title X program by eliminating the mandate for Title X program participants to refer for abortion. We firmly disagree with using taxpayer dollars to subsidize abortion providers. Restoring a bright line of separation between family planning and abortion that is consistent with Congressional Intent to the Title X program is of vital importance to us. We will continue to support and defend the Department’s work to guarantee that programs that use abortion as a method of family planning no longer receive Title X funding.

³ <https://www.gao.gov/products/GAO-18-204R>

⁴ <https://www.pbs.org/newshour/show/why-planned-parenthood-believes-title-x-rule-change-will-compromise-patient-health>

⁵ <https://twitter.com/DrLeanaWen/status/1082660986513960966>

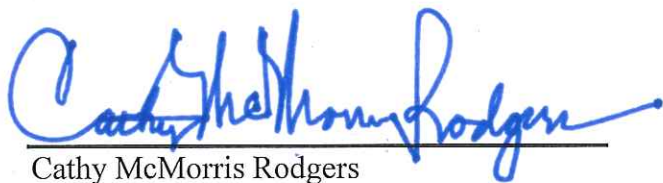
Sincerely,



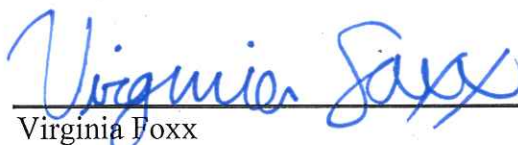
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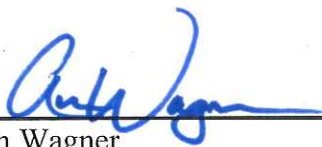
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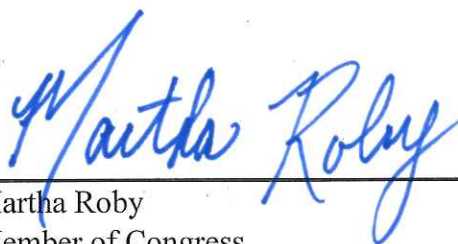
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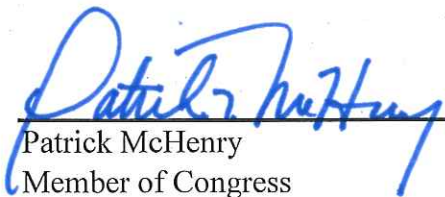
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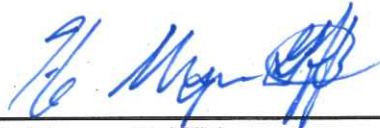
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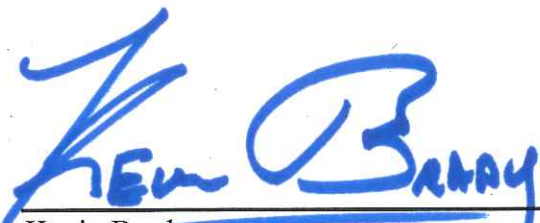
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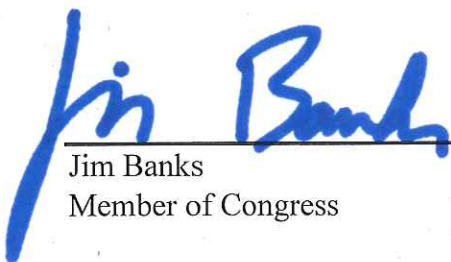
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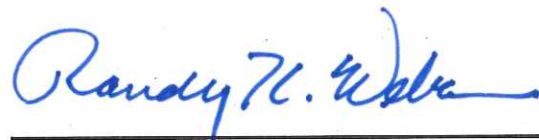

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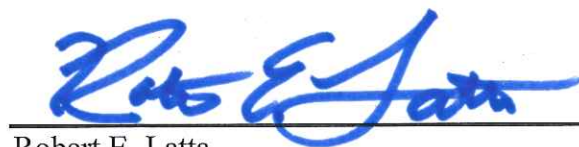

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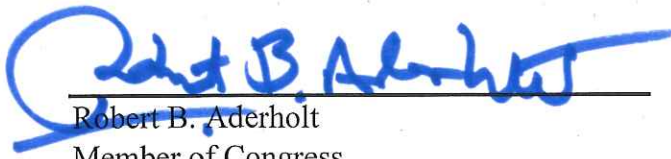

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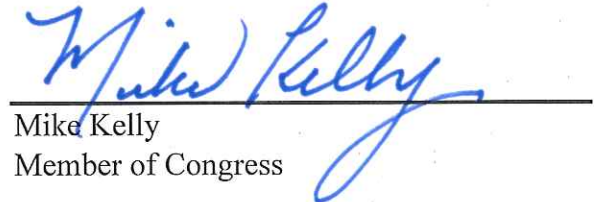
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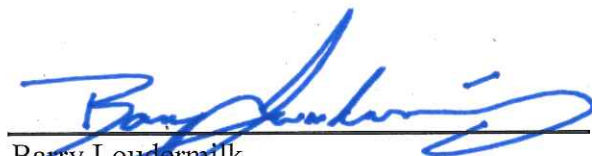
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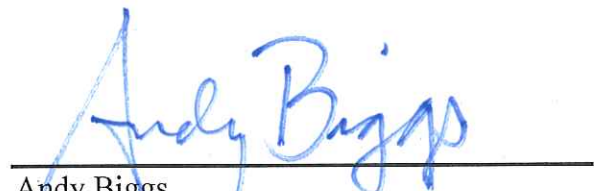
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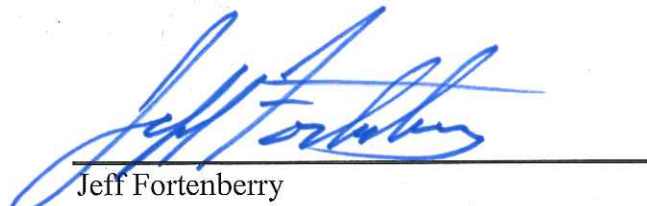
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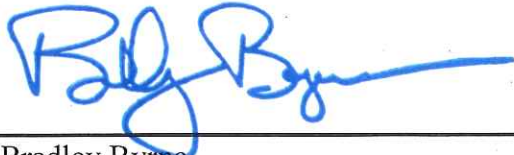
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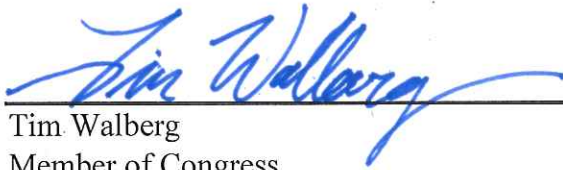
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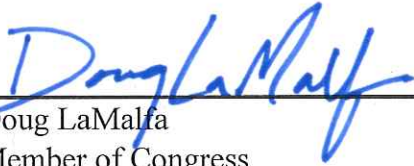
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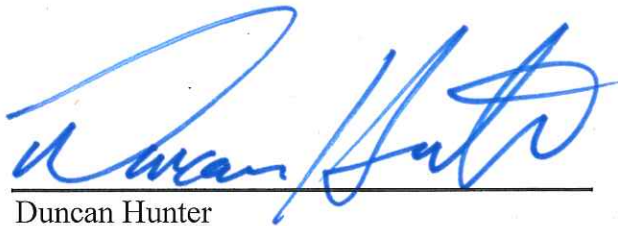
Bruce Westerman
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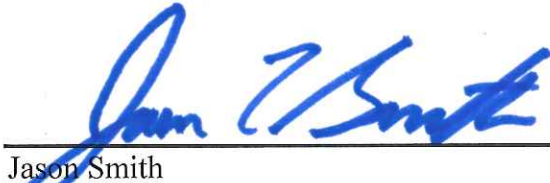
Doug LaMalfa
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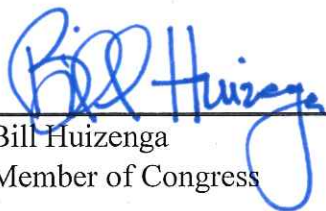
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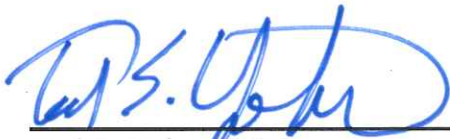
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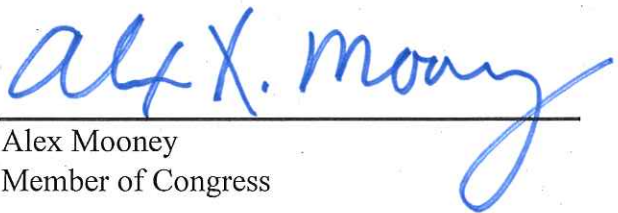
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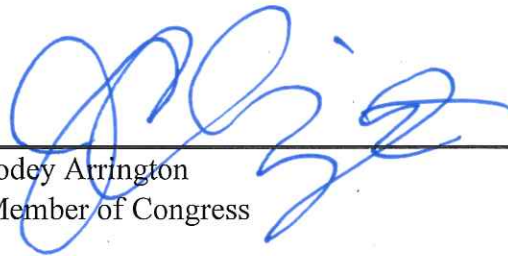
Roger Williams
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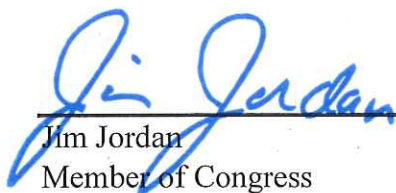
Jodey Arrington
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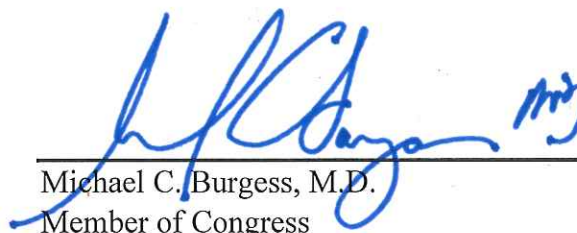
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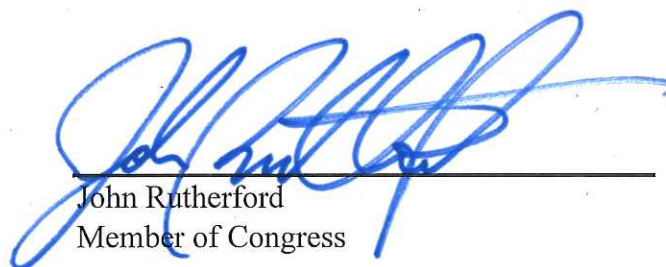
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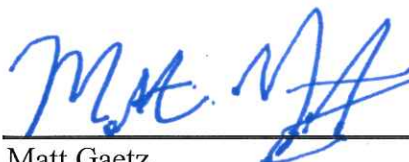
Steven Palazzo
Member of Congress



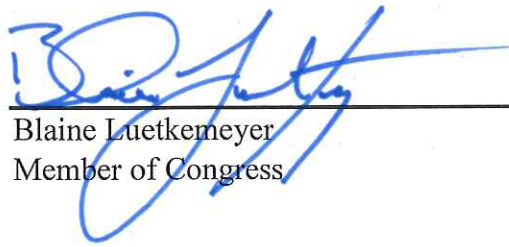
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Jody Hice
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Matt Gaetz
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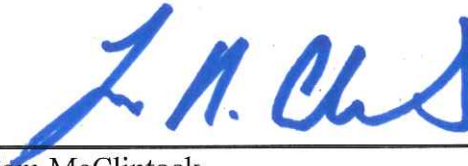
Blaine Luetkemeyer
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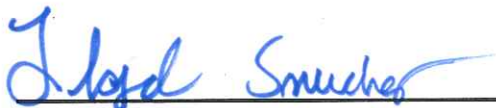
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Lloyd Smucker
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Rob Bishop
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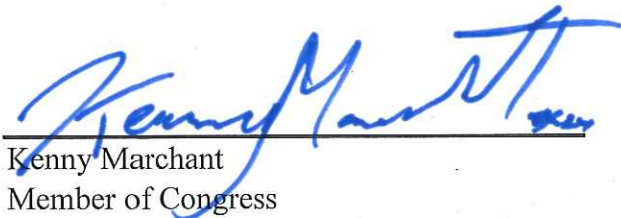
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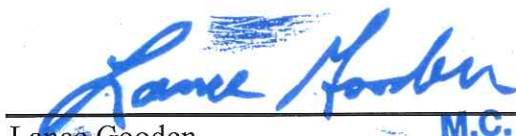
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Kenny Marchant
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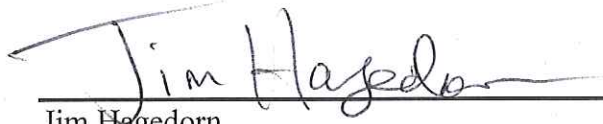


Russ Fulcher
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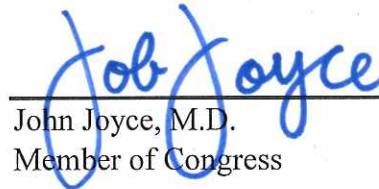

Lance Gooden
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Mark Green
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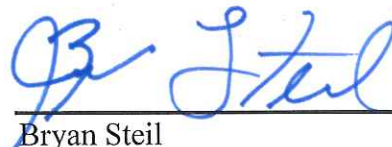

Michael Guest
Member of Congress

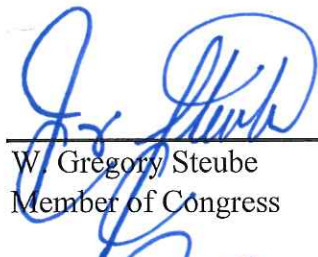

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Kevin Hern
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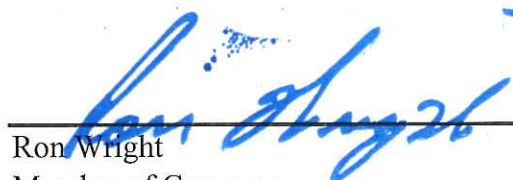

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Bryan Steil
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W. Gregory Steube
Member of Congress


William R. Timmons, IV
Member of Congress


Steve Watkins
Member of Congress


Ron Wright
Member of Congress

A handwritten signature in blue ink, reading "Dan Newhouse", is positioned above a horizontal line.

Dan Newhouse
Member of Congress