

June 18, 2019

The Honorable Gus Bilirakis
Representative
House of Representatives
2227 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Bilirakis,

Thank you for your continued work to protect taxpayer dollars from being used to subsidize the abortion industry. With a growing movement to repeal longstanding policies that regulate federal funding for abortion, it is important to support the Department of Health and Human Services final rule titled “Compliance with Statutory Program Integrity Requirements.” The Title X statute passed in 1970 prohibits abortion from being used as a method of family planning. However, in 1993, President Bill Clinton issued regulations that co-mingle the Title X program with abortion providers and even require grantees to refer for abortions. We support the final rule issued by HHS because it ensures there will be a clear line drawn between family planning funds and the abortion industry.

Historically, the Title X regulations first implemented by President Ronald Reagan and continued by President George H.W. Bush enforced a clear separation of family planning funds and abortion by prohibiting Title X recipients from sharing a location with abortion services or from counseling or advocating for abortion.¹ The Supreme Court upheld these regulations in *Rust v. Sullivan* (1991) saying, “[I]f one thing is clear from the legislative history [of Title X], it is that Congress intended that Title X funds be kept separate and distinct from abortion-related activities.”² President Bill Clinton later rescinded these regulations, in effect allowing Title X family planning providers to be co-located with abortion facilities. Consequently, for the past 25 years, Title X has not functioned as a mere family planning program like Congress intended. Instead, Title X has effectively subsidized the abortion industry because clinics that provide abortions can receive Title X funds to offset their other costs, even if no federal dollars are specifically funding abortion.

Of the \$286.5 million appropriated to Title X, \$60 million on average is sent to Planned Parenthood, making Title X grants the abortion chain’s second largest funding stream. The new regulations address this problem by reinstating the Reagan Rule upheld in *Rust v. Sullivan* that ensures physical and financial separation between family planning clinics and abortion activities. Barring abortion clinics from sharing locations with family planning clinics will guarantee that federal funds are used in accordance with the law and not misused to support abortion.

Requiring Title X recipients to provide abortion referrals is also in direct violation of the Hyde-Weldon Amendment, which provides a conscience protection in federal law explicitly

¹ *Federal Register* 53, no. 21 (February 2, 1988): 2944-2946, accessed online June 19, 2018, <https://archive.org/stream/federalregister53aunit#page/n1694/mode/1up>.

² *Rust v. Sullivan*, 500 U.S. 173 (1991), Opinion of the Court, accessed online June 19, 2018, <https://www.law.cornell.edu/supct/html/89-1391.ZO.html>.

designed to bar the use of federal funds by federal agencies that require the performance of abortions or referral for abortions against one's conscience.³ Because of the abortion referral requirement which had been in place under previous administrations, pro-life groups and faith-based groups who have religious and moral objections to abortion could not qualify for Title X funds. Consequently, only those groups that are willing to refer for abortions had received funding. Under the new regulations issued by President Donald Trump, Title X can now be brought into accordance with conscience protections in federal law, specifically the Hyde-Weldon Amendment, by getting rid of the abortion referral requirement put in place by the Clinton administration.

It is important to note that not a single cent will be cut from the \$286.45 million Congress has appropriated for the Title X Program. Removing the abortion referral requirement will enable faith-based and pro-life groups to apply for Title X funding without compromising their beliefs on abortion, thus increasing the diversity of family planning providers from which women can choose. The rule change will also encourage states who receive Title X funds to sub-grant money to organizations whose family planning options do not include abortion services. Federally Qualified Health Centers, Rural Health Centers, and Pregnancy Resource Centers are some of the health centers that may access family planning funds despite not offering abortion services or referrals, thus creating a broader array of family planning services available to women.

The final rule will not only eliminate government subsidizing of the abortion industry via the Title X program, but it will also emphasize that abortion is not a form of family planning, as the Title X statute states. Sixty percent of American voters do not want their tax dollars entangled with the abortion industry, and the new regulations maintain the federal government's neutral position on abortion funding. The Family Research Council will continue to support the steps taken by the Department of Health and Human Services to separate taxpayer funding from abortion services.

Sincerely,

Travis Weber
Vice President of Policy
Family Research Council

³ "Background: Hyde/Weldon Conscience Protection Amendment in the Labor/HHS Appropriations Bill" *USCCB.org*, Accessed online June 20, 2018, http://www.usccb.org/cs_upload/7585_1.pdf.