

**Congress of the United States**  
**Washington, DC 20515**

July 13, 2021

The Honorable Xavier Becerra  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Ave. SW  
Washington, D.C. 20201

Dear Secretary Becerra:

The Department of Health and Human Services' (HHS) proposed rule to permit Title X grants to be awarded to providers who include abortion as a method of family planning violates federal law and should be withdrawn immediately.

The Title X Family Planning Program was first enacted in 1970 as Title X of the Public Health Service Act. The program was designed to provide a broad range of voluntary family planning services at reduced or no cost for individuals, with priority being given to persons from low-income families.<sup>1</sup> A specific provision of the Act has remained unchanged for more than 50 years since the Title X program was established and states that: "None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning."<sup>2</sup>

In 2019, HHS issued the Compliance With Statutory Program Integrity Requirements rule (Protect Life Rule) that strengthened compliance with the plain text of the law. The Protect Life Rule ensured that there was "clear physical and financial separation" between a Title X program and the requirement that Title X funding not support programs where abortion is a method of family planning.<sup>3</sup> The Protect Life Rule required that providers receiving Title X funding maintain a physical and financial separation from locations that provide abortion services.

The successes of the Protect Life Rule in ensuring compliance with the requirements of Title X were easy to see. In August 2019, Planned Parenthood announced that it had decided to prioritize its abortion services over women's health and would leave the Title X Family Planning Program.<sup>4</sup> Planned Parenthood's decision to forego federal funding illustrated a simple fact that Americans have known for decades, that Planned Parenthood will always choose abortion access over women's healthcare needs.

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<sup>1</sup> Office of the Assistant Secretary for Health, Office of Population Affairs, *Title X Program Funding History*, <https://opa.hhs.gov/grant-programs/archive/title-x-program-funding-history>.

<sup>2</sup> 42 U.S.C. § 300a-6.

<sup>3</sup> Compliance With Statutory Program Integrity Requirements, 84 Fed. Reg. 7,714 (Mar. 4, 2019) (to be codified at 42 C.F.R. pt. 59).

<sup>4</sup> Sarah McCammon, *Planned Parenthood Withdraws From Title X Program Over Trump Abortion Rule*, NPR, Aug. 19, 2019, <https://www.npr.org/2019/08/19/752438119/planned-parenthood-out-of-title-x-over-trump-rule>.

The Protect Life Rule also expanded the pool of possible grantees by removing a requirement put in place by President Clinton that providers receiving Title X funding offer referrals for abortion. Prior to President Trump's Protect Life Rule, pro-life and faith-based organizations had often declined to apply for Title X funding because they could not, in good conscience, refer a patient for abortion.<sup>5</sup> By removing the referral requirement, the Protect Life Rule ensured that pro-life and faith-based providers could receive federal funding that would allow them to serve low-income families without violating their sincere religious beliefs.

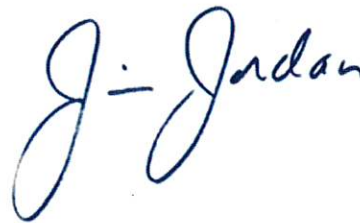
Your decision to undo the progress made under the Protect Life Rule and disregard the plain language of the statute represents a serious lapse in judgment from your Department. The Protect Life Rule has a demonstrated track record of ensuring that the federal government complies with requirements of the Title X Family Planning Program that taxpayer dollars not fund abortion activities.

You must ensure that HHS complies with its statutory obligations under Title X and never allow taxpayer funding to be used in connection with abortion activities. We urge you to withdraw the Department's April 15, 2021, proposed rule eliminating the requirement for physical and financial separation of abortion activities.

Sincerely,



Andy Biggs  
Member of Congress



Jim Jordan  
Member of Congress



Michael Cloud  
Member of Congress



Bob Good  
Member of Congress

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<sup>5</sup> Connor Semelsberger & Patrina Mosley, *Title X Rule Changes Protect the Unborn and Increase Health Care Options*, Issue Brief, Family Research Council, <https://downloads.frc.org/EF/EF19C22.pdf>.



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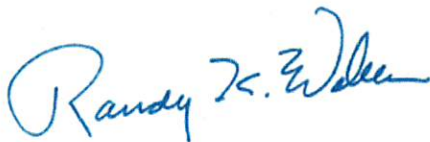
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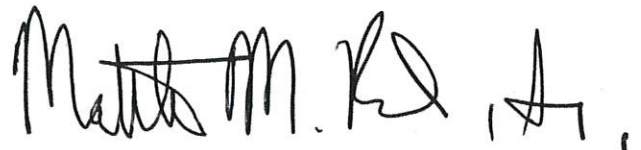
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