April 30, 2018

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,

The Title X Family Planning Program is in dire need of review and updated regulations that ensure program integrity with respect to elective abortion. Authorized in 1970, the program is intended to assist in “voluntary family planning projects,” offering “a broad range of acceptable and effective family planning methods and services,” and may not fund “programs where abortion is a method of family planning.”1 The regulations governing this program have been largely unchanged for nearly two decades and are sorely in need of reform.

While the authorizing statute drew a bright line between family planning and abortion, the regulations governing the Title X program have blurred that line by requiring all grantees to refer for abortion.2 This mandate has deterred program applicants who do not consider abortion to be a method of family planning. It also runs counter to the program’s statutory prohibition on funding programs “where abortion is a method of family planning.”3 New regulations should remove abortion referrals from the program.

The separation between abortion and family planning has further been weakened by permitting Title X clinics to be “co-located” within the same facility as an entity that provides abortion. In these instances, the location of the Title X service site, as listed in the 2018 Office of Population Affairs Directory, is also the location of a Planned Parenthood abortion clinic. Such an arrangement raises concerns about program integrity. Co-located centers may be vulnerable to misuse of funds in support of abortion activities and send a message that abortion is considered a method of family planning in federally funded family planning programs. To ensure that the federally funded family planning services offered by Title X grant recipients are unquestionably separate and distinct from abortion, Title X service sites should be physically, as well as financially, separate from facilities that provide abortion.

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1 42 USC, 300  
2 42 CFR 59.5  
3 42 USC, 300a-6
Our requests are not unprecedented. In 1991, the Supreme Court upheld Title X regulations issued in 1988 by the Reagan Administration to set a standard of compliance with the statutory requirement that none of the funds appropriated under Title X may be used in programs where abortion is a method of family planning.\(^4\) Those regulations required, in part, the physical separation of abortion activities from Title X service sites, and did not permit grantees to make abortion referrals.

In conclusion, we must note our deep concern over a recent GAO report, which found that, between 2013 and 2015, Planned Parenthood received $170 million from the Title X program, an average of nearly $60 million annually.\(^5\) This Congress has made multiple attempts to divest taxpayers from being forced to underwrite Planned Parenthood, the nation’s largest abortion provider. Planned Parenthood has described abortion as “a necessary service that’s as vital to our mission as birth control...”\(^6\) It is time for the Title X funding stream for Planned Parenthood to be turned off.

We urge you to move swiftly to issue regulations for the Title X program that will stop funding for programs where abortion is a method of family planning.

Sincerely,

Ron Estes
Ron Estes
Member of Congress

Vicky Hartzler
Vicky Hartzler
Member of Congress

Diane Black
Diane Black
Member of Congress

Christopher H. Smith
Christopher H. Smith
Member of Congress

\(^6\) https://twitter.com/CecileRichards/status/838870624097419270
Virginia Foxx
Member of Congress

Cathy McMorris Rogers
Member of Congress

Kristi Noem
Member of Congress

Lynn Jenkins, CPA
Member of Congress

Ann Wagner
Member of Congress

Jackie Walorski
Member of Congress

Jaime Herrera Beutler
Member of Congress

Marsha Blackburn
Member of Congress

Martha Roby
Member of Congress

Liz Cheney
Member of Congress

Mia Love
Member of Congress

Van Morgan Griffin
Member of Congress

Kevin McCarthy, Majority Leader
Member of Congress

Steve Scalise, Majority Whip
Member of Congress
Patrick McHenry, Chief Deputy Whip
Member of Congress

Bob Goodlatte
Member of Congress

Kevin Brady
Member of Congress

Bill Shuster
Member of Congress

Gregg Harper
Member of Congress

Steve Chabot
Member of Congress

Doug Lamborn
Member of Congress

Jim Banks
Member of Congress

David B. McKinley, P.E
Member of Congress

James Comer
Member of Congress

John Culberson
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Warren Davidson
Member of Congress

Steve King
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David P. Roe, M.D.
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Mike Kelly
Member of Congress

Neal Dunn, M.D.
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Joe Wilson
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Jeff Fortenberry
Member of Congress

Andy Harris
Member of Congress

Francis Rooney
Member of Congress

Tim Walberg
Member of Congress

Randy Hultgren
Member of Congress

Garret Graves
Member of Congress

Doug LaMalfa
Member of Congress
Richard Hudson  
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Steve Pearce  
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Andy Biggs  
Member of Congress

Duncan Hunter  
Member of Congress

K. Michael Conaway  
Member of Congress

Bill Huizenga  
Member of Congress

Jack Bergman  
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Ted Poe  
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Paul Mitchell  
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John Shimkus  
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Daniel W. Lipinski  
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Raúl Labrador  
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Brian Babin  
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Bill Flores  
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John Ratcliffe  
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Peter Roskam  
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Jason Smith  
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Trent Kelly  
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Mike Gallagher  
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Robert Pittenger  
Member of Congress

Bill Johnson  
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Keith Rothfus  
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Pete Olson  
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Brad Wenstrup, M.D.  
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A. Drew Ferguson, DMD  
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Alex Mooney  
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Jim Jordan  
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Sam Graves  
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Ken Buck  
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Ron DeSantis  
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Michael Turner  
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Roger Williams  
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Steve Russell
Member of Congress

Roger Marshall, M.D.
Member of Congress

Tom Graves
Member of Congress

Scott DeJarlais
Member of Congress

Earl L. "Buddy" Carter
Member of Congress

Greg Gianforte
Member of Congress

John Rutherford
Member of Congress

Kevin Cramer
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Austin Scott  
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Blaine Luetkemeyer  
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Doug Collins  
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Sam Johnson  
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Mike Bishop
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Lou Barletta
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Chris Stewart
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Rodney Davis
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Gary Palmer
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Tom McClintock
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Paul Gosar
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Jeb Hensarling
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Mike Johnson
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Walter B. Jones
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