

February 14, 2017

The Honorable Mitch McConnell
Senate Majority Leader
S-230, U.S. Capitol Building
Washington, DC 20510

The Honorable Paul Ryan
Speaker of the House of Representatives
H-232, U.S. Capitol Building
Washington, DC 20515

The Honorable Charles Schumer
Senate Minority Leader
Representatives
S-221, U.S. Capitol Building
Washington, DC 20510

The Honorable Nancy Pelosi
Minority Leader, House of
H- 204, U.S. Capitol Building
Washington, DC 20515

Dear Leader McConnell, Speaker Ryan, Leader Schumer and Leader Pelosi:

As organizations committed to improving access to health care for all people, the undersigned groups write to strongly oppose H.J.Res. 43 and S.J.Res.13, legislation to overturn the U.S. Department of Health and Human Services (HHS) final rule¹ updating the regulations governing the Title X family planning program. This critical rule clarifies and reinforces the longstanding requirement that health care providers may not be excluded from the program for reasons unrelated to their qualifications to perform Title X-funded services.

The Title X family planning program is a vital source of family planning and related preventive care for low-income, uninsured, and young people across the country. Every year, more than 4 million individuals, including LGBTQ people and people living in rural and medically underserved areas, access life-saving care such as birth control, cancer screenings, and testing for sexually transmitted infections (STIs) including HIV at Title X-funded health centers.² Title X cannot succeed unless states and other Title X grantees include providers that are optimally qualified to furnish the range of Title X-funded services according to national standards of care. This task becomes all but impossible if experienced, reputable reproductive health care providers are arbitrarily barred from fair consideration.

An increasing number of states have nevertheless tried to block trusted reproductive health care providers from participating in Title X. To date, at least 14 states have taken official action to target and exclude otherwise eligible providers from the program.³ Other states have threatened to follow suit. Mounting evidence shows that the exclusion of reproductive health care providers from publicly funded health programs harms health outcomes, widens disparities, and erects new barriers to care.⁴ When the very providers that are best suited to deliver Title X-funded

¹ Compliance With Title X Requirements by Project Recipients in Selecting Subrecipients, 81 Fed. Reg. 91852 (Dec. 19, 2016) (amending 42 C.F.R. part 59).

² Fowler et al., "Family Planning Annual Report: 2015 National Summary," RTI International, (Aug. 2016), available at <http://www.hhs.gov/opa/pdfs/title-x-fpar-2015.pdf>.

³ E.g., AZ, AR, CO, FL, IN, KS, MI, NH, NC, OH, OK, TN, TX, WI.

⁴ See, e.g., Stephenson et al., "Effect of Removal of Planned Parenthood from the Texas Women's Health Program," *New England Journal of Medicine*, (March 2016), available at <http://www.nejm.org/doi/full/10.1056/NEJMsa1511902>; Lu, Yao and Slusky, David

services are targeted for exclusion based on factors wholly unrelated to the program's objectives, federal health care resources are poorly and inefficiently distributed and care is less likely to reach individuals in need.

Ideological exclusions of trusted, highly qualified providers from federally supported health programs undermine health care access and jeopardize the health of the patients these programs serve. Title X patients deserve the opportunity to obtain high-quality family planning care from the providers that are best equipped to provide it. As such, we strongly support HHS's rule reinforcing that grantees must design their provider networks based on the ability to provide care to Title X patients in an effective manner—not based on the political preferences of state lawmakers.

We strongly urge you to oppose H.J.Res. 43 and S.J.Res.13, legislation that will overturn this important rule and embolden states to attempt to block women from getting birth control and other preventive care at highly qualified family providers.

Sincerely,

Advocates for Youth
AIDS Foundation of Chicago
AIDS United
American Association of University Women (AAUW)
American Civil Liberties Union
American Medical Student Association
American Society for Reproductive Medicine
Anti-Defamation League
Asian & Pacific Islander American Health Forum
Catholics for Choice
Center for Reproductive Rights
Feminist Majority Foundation
Hadassah, The Women's Zionist Organization of America, Inc.
Human Rights Campaign
Human Rights Watch

Jason Gershkoff, "The Impact of Family Planning Funding Cuts on Preventive Care," Princeton Center for Health and Wellbeing Working Paper, (May 20, 2014), available at <http://ssrn.com/abstract=2442148>; Texas Policy Evaluation Project, *Research Brief: Barriers to Family Planning Access in Texas*, (May 2015), available at http://www.utexas.edu/cola/orgs/txpep/files/pdf/TxPEP-ResearchBrief_Barriers-to-Family-Planning-Access-in-Texas_May2015.pdf.

Ibis Reproductive Health
In Our Own Voice: National Black Women's Reproductive Justice Agenda
Institute for Science and Human Values
The Leadership Conference on Civil and Human Rights
Methodist Federation for Social Action
NARAL Pro-Choice America
National Abortion Federation
National Asian Pacific American Women's Forum
National Center For Lesbian Rights
National Council of Jewish Women
National Family Planning & Reproductive Health Association
National Health Law Program
National Latina Institute for Reproductive Health
National LGBTQ Task Force Action Fund
National Organization for Women
National Partnership for Women & Families
National Women's Health Network
National Women's Law Center
People For the American Way
Physicians for Reproductive Health
Planned Parenthood Federation of America
Population Connection Action Fund
Positive Women's Network - USA
Raising Women's Voices for the Health Care We Need
Religious Institute
Sexuality Information and Education Council of the U.S. (SIECUS)
The Black Women's Health Imperative
The United Methodist Church, Church and Society
Unitarian Universalist Women's Federation
United Church of Christ, Justice and Witness Ministries
URGE: Unite for Reproductive & Gender Equity
Voices for Progress