

Congress of the United States
Washington, D.C. 20515

March 8, 2021

The Honorable Norris Cochran
Secretary (Acting)
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Dear Secretary Cochran:

We write to encourage you to swiftly complete your review of the current regulations (42 CFR Part 59) for the Title X family planning program, as directed by President Biden in his January 28, 2021 Presidential Memorandum on Protecting Women’s Health at Home and Abroad. As you know, the memorandum directs HHS to “consider, as soon as practicable, whether to suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding, those regulations, consistent with applicable law, including the Administrative Procedure Act.”¹ We believe that this review will make clear that the changes made to the Title X program resulted in numerous harms to patients and community health, and that the COVID-19 pandemic necessitates immediate rescission of the current rule. We urge you to complete the rescission no later than March 29, 60 days after the president issued the presidential memorandum.

Title X is the nation’s only dedicated source of federal funding for family planning services, and it is essential we restore the capacity of this vital program. The Trump administration pushed forward the 2019 rule over the objections of many major medical and public health organizations, 218 members of Congress, and tens of thousands of members of the public.² Experts in medicine, law, public health, and reproductive health, rights, and justice argued that the rule was both unlawful and one of the greatest threats to access to family planning in the United States in a generation. Unfortunately, the predictions of curtailed access to critical family planning and sexual health services have proven correct: more than 1,000 health centers withdrew from the program following the rule’s implementation; 844,083 fewer patients

¹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/28/memorandum-on-protecting-womens-health-at-home-and-abroad/>

² <https://www.regulations.gov/docket?D=HHS-OS-2018-0008>

received Title X-funded services in 2019 than did in 2018;³ six states have no Title X-funded health centers; and providers and community members across the country have struggled to maintain access to care under the onerous terms of the rule. Every day that the rule remains in effect is another day that access to family planning services for people with low or no incomes is under threat.

The rule's rescission is particularly urgent in light of the challenges that the COVID-19 pandemic has placed on the public health safety net, of which Title X providers are a key part. The Title X program disproportionately serves communities of color and people with low incomes,⁴ and failure to act will only serve to compound the devastating impact the pandemic is having on these communities. In addition, a 2020 study found that the pandemic has led many women to want to delay or prevent pregnancy even as it has made it more difficult for people to access family planning and sexual health care, including contraception. Both of these findings were strongest for women of color and women with low incomes.⁵ Rebuilding the Title X program, which cannot begin until the rule is rescinded, is one of the most important ways that the Biden administration can support access to family planning and other essential health care services during this challenging time for our country.

Finally, we know that President Biden stands firmly behind efforts to rescind the rule. During the presidential campaign, he pledged to undo the Trump administration's rule,⁶ and he prioritized this issue as one to address during his first ten days in office.

We urge you to work with all possible speed to complete your review of the program and move to quickly rescind the rule and reinstate the previous regulations that governed the program. We look forward to remaining updated on your progress in the weeks to come.

Sincerely,

Senator Margaret Wood Hassan
Representative Judy Chu
Senator Elizabeth Warren
Representative Diana DeGette
Representative Barbara Lee
Representative Alma Adams
Representative Colin Allred
Representative Jake Auchincloss

³ <https://opa.hhs.gov/sites/default/files/2020-09/title-x-fpar-2019-national-summary.pdf>

⁴ Ibid.

⁵ <https://www.guttmacher.org/report/early-impacts-covid-19-pandemic-findings-2020-guttmacher-survey-reproductive-health>.

⁶ <https://www.newsweek.com/joe-biden-plans-restore-federal-funding-planned-parenthood-1520768>

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