



February 15, 2017

Vote “NO” on H.J. Res 43

Dear Representative:

On behalf of the American Civil Liberties Union (ACLU) and our nearly two million members and supporters, we urge you to vote no on H.J. Res 43, a resolution of disapproval which would overturn the Department of Health and Human Services (HHS) final rule regarding the Title X family planning program.¹ The rule protects access to critical healthcare services for millions of patients by reinforcing protections against ideologically driven attempts to exclude qualified reproductive health care providers from participating in the Title X program.

The Title X program provides vital family planning services such as birth control, cancer screenings, and testing for sexually transmitted infections (STIs) like HIV to over 4 million women, men, and young people every year, ensuring their access to life-saving preventive care regardless of their economic status.² In order to serve communities most effectively, Title X funding supports a diverse network of providers, including state and local health departments, Planned Parenthood health centers, federally qualified health centers (FQHCs), and other private non-profit organizations.

Safety-net providers that focus on delivering reproductive health care are optimally qualified to furnish the range of Title X-funded services according to national standards of care, and play a critical role in meeting the need for publicly funded family planning. Evidence shows that when reproductive health care providers are excluded from public health programs, health outcomes suffer, and disparities increase.³ And yet, at least 14 states have so far attempted to block trusted reproductive health providers, including those that offer abortion care with non-Title X dollars, from participating in Title X. These discriminatory policies undermine patient access and the intent of the Title X program by disadvantaging or excluding the very providers that are the most qualified and best-equipped to serve Title X

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 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/NEJMs1511902>; Kari White et al., “The Impact of Reproductive Health Legislation on Family Planning Clinic Services in Texas,” *American Journal of Public Health* 105, issue 5 (2015), available at <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2014.302515>.

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patients—many of whom are low-income, uninsured, young, and live in rural and medically underserved communities.

H.J. Res 43 would overturn an HHS rule which reinforces that qualified providers cannot be excluded from Title X for reasons unrelated to their ability to provide services. The rule helps to ensure that grantees select subrecipients based on their ability to effectively provide care to Title X patients—not based on state lawmakers’ political preferences. It also helps to deter hostile state lawmakers from advancing policy actions that discriminate against trusted reproductive health care providers and jeopardize patient health.

For these reasons, the ACLU opposes H.J. Res 43 and urges a NO vote. Should you have any questions, please contact Georgeanne Usova, Legislative Counsel, at (202) 675-2338 or gusova@aclu.org.

Sincerely,



Faiz Shakir
Director, Washington Legislative Office



Georgeanne M. Usova
Legislative Counsel