

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

June 20, 2018

The Honorable Alex M. Azar II
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Mr. Secretary:

We are writing to request documents relating to the harmful gag rule you recently proposed for the Title X National Family Planning Program, which is the Trump Administration's latest effort to prevent women from obtaining critical information about their health care and to damage and degrade their access to comprehensive and quality medical care.

On June 1, 2018, the Department of Health and Human Services unveiled a proposed rule that would severely restrict the activities of health care providers receiving Title X funds.¹

The proposed rule would prevent providers from fully informing women about their health care options or referring them to other qualified healthcare providers for abortion services. Although current law already prohibits federal funds from being used for abortion services, the proposed rule would require providers who offer abortions to have fully separate staff, resources, and facilities for their abortion services if they want to receive any Title X funds for other reproductive health services. The proposed rule would eliminate the requirement that Title X health care providers offer all forms of acceptable birth control as long as they are "medically approved," instead prioritizing "natural" family planning methods.

The proposed rule would impede women's access to family planning resources and open the door to unproven and ineffective methods of birth control. It would ensure that women have fewer health care providers to rely on for comprehensive reproductive health care, it would result in fewer providers receiving funding to provide care for low-income Title X patients, and it would limit the information providers are able to provide their patients about the medical options available to them.

The Title X National Family Planning Program was created in 1970 to provide low-income individuals with the information and assistance necessary to make informed decisions

¹ Department of Health and Human Services, *Proposed Rule: Compliance with Statutory Program Integrity Requirements* (June 1, 2018) (online at www.hhs.gov/opa/sites/default/files/title-x-nprm.pdf).

about their reproductive health. Title X funds provide patients with access to comprehensive counseling, treatment, and, where necessary, referrals for other services. In 2016, Title X programs provided critical health care services, including breast cancer screenings and HIV testing, to more than 4 million individuals, 55% of whom were uninsured.²

The Trump Administration has claimed that this rule is necessary to “ensure that taxpayers do not indirectly fund abortions,” but public programs, including under Title X, are already prohibited from using federal funds for abortion services.³

This is not the first time the Trump Administration has sought to curtail the reproductive rights of women and their access to information. On February 12, 2018, Ranking Member Cummings wrote to Deputy Secretary Hargan regarding documents from a whistleblower indicating that an extreme right-wing anti-choice group called Alliance Defending Freedom was behind an effort to allow states to terminate family planning providers, such as Planned Parenthood providers, from their Medicaid programs.⁴ In addition, on April 6, 2018, Ranking Member Cummings wrote to you regarding the decision to scrub information about breast cancer, preventative services guaranteed by the Affordable Care Act, and LGBTQ health issues from the website of the Office of Women’s Health.⁵

For these reasons, we request that you produce the following documents by July 4, 2018:

- (1) all documents and communications referring or relating to the drafting of the proposed Title X rule, including documents sufficient to show all HHS employees involved in the drafting of the rule;
- (2) all communications involving employees of HHS since January 20, 2017, referring or related to providers’ eligibility for Title X funding;
- (3) all documents referring or relating to any meetings between employees of HHS and any nongovernmental individual or entity since January 20, 2017, regarding the proposed rule or the eligibility of providers for Title X funding, including any

² Department of Health and Human Services, Office of Population Affairs, *Title X Family Planning Annual Report: 2016 National Summary* (Aug. 2017) (online at www.hhs.gov/opa/sites/default/files/title-x-fpar-2016-national.pdf).

³ *Statement from the Press Secretary Regarding the Proposed Title X Family Planning Program Rule from the Department of Health and Human Services*, The White House (May 18, 2018) (online at www.whitehouse.gov/briefings-statements/statement-press-secretary-regarding-proposed-title-x-family-planning-program-rule-department-health-human-services/).

⁴ Letter from Elijah E. Cummings, Ranking Member, House Committee on Oversight and Government Reform, to Eric D. Hagan, Deputy Secretary, Department of Health and Human Services (Feb. 12, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2017-02-12.EEC%20to%20HHS%20re.Planned%20Parenthood.pdf>).

⁵ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Secretary Alex M. Azar, Department of Health and Human Services (Apr. 6, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-04-06.EEC%20to%20HHS%20re.website%20for%20the%20Office%20of%20Womens%20Health.pdf>).

calendar entry for the meeting, communications about the meeting, and documents exchanged at the meeting;

- (4) all written communications between HHS employees and any nongovernmental individual or entity referring or relating to the drafting of the proposed Title X rule; and
- (5) all communications, discussions, consultations, or briefings with career HHS staffers relating to the proposed rule, its drafting, or providers' eligibility for Title X funding.

Thank you for your prompt attention to this request.

Sincerely,

Eligh E. Cummings

Pete Welch

John P. Luber

Steve D. [unclear]

Wm Jay Cley

Paul E. Zomly

Carolyn B. [unclear]

Richard [unclear]

Jimmy Ganger

Brenda Laurence

Bonnie Watson Coleman

[unclear]

Matthew A. Coughlin

Stacy E. Plaskett

Mark T. Delli

Raja Krishnamoorthi

Jamie Raski

W. H. A.