

## **National Right to Life Supports Ensuring that the Title X Program Does Not Directly or Indirectly Promote Abortion**

### **Background:**

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Congress created Title X in 1970 as a preventative family planning program. In order to ensure that the program did not directly or indirectly promote abortion Congress wrote strong anti-abortion language into the statute.

Unfortunately, after *Roe v. Wade*, this language gradually became a dead letter. Title X grantees were first permitted, then required, to routinely refer all pregnant woman regarding abortion as a "pregnancy management option." For all practical purposes, Title X grantees treated abortion as "a method of family planning," despite the statutory prohibition.

During the Reagan Administration, pro-life regulations were issued, with National Right to Life's strong support, to restore the original character of Title X by prohibiting referral for abortion except in life endangering circumstances. Additionally, abortion facilities could not generally share the same location with a Title X site. In *Rust v. Sullivan*, 500 U.S. 173, (1991) the U.S. Supreme Court found similar regulations permissible.

However, these pro-life regulations confirming that abortion is not family planning were ultimately reversed by the Clinton Administration.

In early May, 2018, nearly 200 Members of Congress and numerous prolife groups, including National Right to Life, urged the Trump administration to reinstate pro-life policy regarding Title X regulations, separating abortion services and referrals from the Title X Program.

### **Key Points:**

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- The proposed rule to restore Title X protections directs that abortion facilities could not be in the same location as where family planning services are delivered. The rule also states that Title X grantees may not refer for elective abortion.
- The proposed rule to restore Title X does not cut one dime of funding for family planning, but merely ensures that funding goes to health facilities that do not perform or promote abortion as family planning.
  - Title X funds would be directed to health facilities willing to comply with the restored regulations. (Of note, nationwide, of the roughly 4,000 Title X service locations, less than 443 are Planned Parenthood clinics).

- There is widespread availability of facilities that do not provide abortion onsite.
  - Clinics that receive Title X funds (hospitals, Federally Qualified Health Centers, state public health departments, and others) already provide care to [well over half](#) the patients served by Title X. Since it appears that few such grantees are co-located with abortion clinics, they should have little difficulty complying with the new regulations.
- The proposed regulations will not "gag doctors" nor "interfere with the doctor-patient relationship." This argument is intended to divert attention from the real issue-- the routine referral for elective abortion by federally funded agents.