

**From:** Danny Varat <DannyVarat@scstatehouse.gov>  
**To:** Gross, JoshuaJoshua.Gross@mail.house.gov  
**Date:** 5/22/2018 11:46:45 AM  
**Subject:** Re: Pro-Life Staff: New Title X Regulations Forthcoming

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Thanks very much

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From: Gross, Joshua  
Sent: Tuesday, May 22, 2018 11:13 AM  
To: Danny Varat  
Subject: RE: Pro-Life Staff: New Title X Regulations Forthcoming

Attached list from friends in the WH

JDG

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From: Danny Varat [mailto: DannyVarat@scstatehouse.gov]  
Sent: Tuesday, May 22, 2018 10:45 AM  
To: Gross, Joshua  
Subject: Re: Pro-Life Staff: New Title X Regulations Forthcoming

Where is the best site for the most updated list of President Trump's accomplishments?

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From: Gross, Joshua <Joshua.Gross@mail.house.gov>  
Sent: Friday, May 18, 2018 10:52 AM  
To: Danny Varat  
Subject: FW: Pro-Life Staff: New Title X Regulations Forthcoming

Additional info and background from the Pro-Life Caucus

JDG

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From: McCrum Gerardi, Megan  
Sent: Friday, May 18, 2018 10:51 AM  
To: Megan McCrum Gerardi <megan.mccrum@gmail.com>  
Cc: Duberstein, Rebecca <Rebecca.Duberstein@mail.house.gov>  
Subject: Pro-Life Staff: New Title X Regulations Forthcoming  
Pro-Life Staff:

Today, the Office of Management and Budget (OMB) posted a [notice](#) that it is reviewing a proposed rule governing the "statutory program integrity requirements" of the Title X family planning program. The text of the proposed rule is not yet available.

This proposed rule comes after 153 Pro-Life Members, led by Reps. Ron Estes (R-KS), Chris Smith (R-NJ), Diane Black (R-TN), and Vicky Hartzler (R-MO), [sent a letter](#) to the Department of Health and Human Services (HHS) requesting new Title X regulations on April 30. HHS also [received a similar letter](#) from 41 Senators and a letter from [86 pro-life leaders](#).

The Title X program was authorized in 1970 to provide family planning services to low income women. Both state public health agencies and private nonprofits may apply for grants under the program. The authorizing [statute](#) drew a bright line of separation between family planning and abortion, stating "None of the funds appropriated under this subchapter shall be used in programs where abortion is a method of family planning."

Under current regulations, which have been in place since the Clinton Administration, Title X grantees are required to refer pregnant women for abortion and Title X grantees may be located in the same location as an abortion clinic. Title X is Planned Parenthood's second-largest stream of federal funding. A [2018 GAO report](#) indicated that Planned Parenthood receives approximately \$56 million taxpayer dollars through Title X each year.

The House Member letter called for HHS to require federally-funded Title X service sites to be physically and financially separate from facilities that provide abortion, and it called for HHS to eliminate abortion referrals from the program. These principles were present in the 1988 Title X regulations issued by the Reagan Administration and upheld by the Supreme Court in 1991 (*Rust v. Sullivan*).

Pasted below my signature are talking points provided by the White House. Additionally staff may be interested in the following statements that have been issued so far this morning by [Susan B Anthony List](#), [March for Life](#), [National Right to Life](#), [Family Research Council](#), and [Students for Life of America](#).

Background documents provided by Susan B. Anthony List, Family Research Council, and National Right to Life are attached. An [op-ed](#) in *The Hill* by Tom McClusky of March for Life further lays out the pressing need for new regulations.

Member Opportunities:

On Monday, May 21 after 6:30 pm votes, Congressman Chris Smith will host a special order hour for Members to speak in support of the forthcoming Title X rules. Please email [Rebecca Duberstein](#) in order to sign up and request time for your boss.

Additionally if your office puts out a statement in support of the new Title X proposed rule, please feel free to flag for me and Rebecca.

Sincerely,

Megan McCrum Gerardi

*Congressional Pro-Life Caucus*

*2373 Rayburn*

*202-225-7669*

## TITLE X | TALKING POINTS

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- Donald Trump ran as a pro-life candidate, and has governed as a pro-life President—another promise made and kept.
- He continues working to protect the lives of the unborn, and ensure the abortion industry is no longer supported by taxpayers.
- Today, President Trump's Department of Health and Human Services is filing a proposal to protect life in the Title X Family Planning Grant Program.
- HHS will file with the Office of Management and Budget (OMB) a proposal to update the regulations governing the Title X program to ensure compliance with the program's statutory prohibition on taxpayer funding of programs where abortion is a method of family planning, as well as the other statutory program integrity provisions governing the program.
- The proposal is based off of (though not identical to) the Reagan-era framework, which was upheld by the Supreme Court in *Rust v. Sullivan*.
  - o The proposal would require a bright line of physical as well as financial separation between Title X programs and any program (or facility) where abortion is performed, supported, or referred for as a method of family planning.
  - o Unlike the Reagan regulation, the proposal will not prohibit counseling for clients about abortion, but neither will it include the current, potentially illegal mandate that projects must counsel and refer for abortion.
  - o One of the key purposes of the new proposal is to establish better transparency about the activities of grantees and their subrecipients so as to support program integrity, including monitoring and enforcing compliance with the statutory and regulatory rules of the road.
  - o In addition, the new regulation will also better protect victims of sexual assault, incest and rape by requiring that Title X projects document their compliance with state reporting laws if they encounter potential victims in their program activities.
- The Title X prohibition on funding programs where abortion is a method of family planning reflects the fact that American taxpayers want out of the abortion business. Six in ten Americans oppose taxpayer

funding of abortion.

- Women and girls get the most robust care at non-abortion centers like community and rural healthcare centers. These community sites outnumber Planned Parenthood abortion centers by more than 20 to 1 nationwide.
- The statute makes clear that Title X is for family planning services, and that abortion is not family planning.
- The proposal will not cut funding for family planning services by one penny.
- This proposal does not necessarily defund Planned Parenthood, as long as they're willing to disentangle taxpayer funds from abortion as a method of family planning, which is required by the Title X law. Any grantees that perform, support, or refer for abortion have a choice – disentangle themselves from abortion or fund their activities with privately raised funds.

#### Background on Title X:

- Congress approves \$286 million a year to grantees to provide family planning (education, counseling, health screenings, healthcare) services to help Americans determine the number and spacing of their children.
- The statute prohibits this money from being used to support abortion as a method of family planning.
- Different administrations define “support” differently.
  - o President Reagan issued a regulation, which was successfully defended at the Supreme Court, that required physical and financial segregation of Title X funds from the performance of, counseling about and referral for abortion. This framework effectively prevented abortion providers from receiving Title X funds.
  - o President Clinton reversed that regulation. President Bush, to the great disappointment of the pro-life community, never reinstated the Reagan framework and continued funding the abortion industry.
  - o President Obama made it even worse, by outright prohibiting states from defunding or deprioritizing abortion businesses in issuing subgrants with their Title X money.

#### Additional Background on Actions from President Trump and his Administration:

- Strongly supported both the House and Senate Obamacare repeal bills that shifted taxpayer dollars away from the abortion industry, including Planned Parenthood, doubled the savings and directed them to comprehensive community health centers that treat the whole woman and her children.
- Signed the Congressional Review Act bill that nullified the Obama regulation that prohibited states from prioritizing funding from their federal family planning grants for health care providers that don't also perform abortions.
- Expanded the Mexico City Policy to prevent global health assistance from being used to fund the international abortion industry.
- Nominated pro-life Constitutionalist Neil Gorsuch to the Supreme Court.
- Defunded the United Nations Population Fund for colluding with China's program of forced abortions and sterilization.
- Published HHS guidance promising to strictly enforce Obamacare's explicit requirements that taxpayer dollars not support abortion coverage in health exchange plans, which went largely unenforced under the previous administration.
- Fought to provide the parents of Charlie Gard in the United Kingdom with medical options to potentially save Charlie's life.
- Signed a Presidential Executive Order on Promoting Free Speech and Religious Liberty, which protects the religious liberties and conscience rights of pro-life people and groups, such as the Little Sisters of the Poor.
- Ensured that Obama's regulatory preventive services mandate provided protection for employers and others in the healthcare system with deeply-held religious beliefs or moral convictions.
- Published DOJ guidance on implementing the Executive Order on Promoting Free Speech and Religious Liberty, which addresses many threats to religious liberty in the public sphere.

- Signed an Executive Order on the Establishment of a White House Faith and Opportunity Initiative

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