

United States Senate

WASHINGTON, DC 20510

May 17, 2021

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Becerra:

We write to provide formal comments on the Department of Health of Human Services' (HHS) notice of proposed rulemaking (NPRM), "Ensuring Access to Equitable, Affordable, Client-Centered, Quality Family Planning Services," RIN 0937-AA11. For over 50 years, the Title X program has been an invaluable tool for providing high-quality family planning and preventive health care to millions of people, many of whom earn low incomes and have extremely limited access to health care. We support HHS's prompt efforts to revoke the 2019 Title X regulations, which failed to carry out congressional intent for the Title X program. We urge you to swiftly finalize the proposed rule to ensure patients have widespread, affordable access to the comprehensive family planning services and cancer and sexually transmitted disease (STD) screenings they need from providers they trust.

The proposed rule would be a vital step in reversing the devastating loss of Title X services caused by the 2019 Title X regulations. After the 2019 Title X regulations went into effect in July 2019, one-quarter of the clinics in the Title X network were forced to withdraw from the program, which meant at least 1.6 million people lost access to the Title X-supported services that were previously available to them.^[1] Federal data shows that compared to 2018, 844,083 fewer patients received family planning and sexual health services from Title X-supported providers in 2019 than in 2018.^[2] This includes 280,000 fewer cancer screenings, 1.3 million fewer STD screenings, 278,000 fewer confidential HIV tests, and hundreds of thousands of people losing access to contraceptive care due to the rule.^[3] While data from 2020 is not yet finalized, the initial data shows millions of people lost access to Title X-supported services in 2020.^[4] This includes the loss of care for people in six states who no longer have Title X-supported providers, leaving nearly 19 million people without access to these vital services.^[5] As STD rates continue to rise and the country grapples with providing care during a pandemic, this loss of care is particularly alarming.

If finalized, the proposed rule would build on the over 50 years of bipartisan support for the Title X program, which Congress intended to make "comprehensive voluntary family planning

^[1] <https://www.guttmacher.org/article/2020/02/trump-administrations-domestic-gag-rule-has-slashed-title-x-networks-capacity-half>.

^[2] Christina Fowler et al, "Family Planning Annual Report; 2019 National Summary," Office of Population Affairs (September 2020).

^[3] *Id.*

^[4] Ensuring Access to Equitable, Affordable, Client-Centered, Quality Family Planning Services, 86 Federal Register 19812 (proposed April 15, 2021) (to be codified at 42 CFR 59).

^[5] "2020 Census Apportionment Results," U.S. Census Bureau (April 26, 2021).

services readily available to all persons desiring such services.”^[6] We support the proposed rule’s inclusion of health equity goals related to providing client-centered, culturally sensitive, linguistically appropriate, and equitable health care. Additionally, we believe the proposed rule restores the focus of the program to providing confidential, evidence-based care from trusted health care providers, which is vital to ensuring the program meets its core statutory mission of providing care.

We urge you to swiftly finalize the proposed rule to restore the key focus of the Title X program and help move the program forward to ensure patients have access to the family planning services and cancer and STD screenings they need.

Sincerely,



Patty Murray
United States Senator



Michael F. Bennet
United States Senator



Ben Ray Luján
United States Senator



Cory A. Booker
United States Senator



Jeanne Shaheen
United States Senator



Ron Wyden
United States Senator



Christopher S. Murphy
United States Senator



Kirsten Gillibrand
United States Senator



Tammy Baldwin
United States Senator

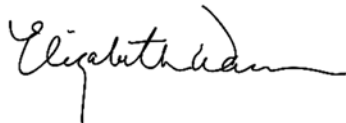


Richard Blumenthal
United States Senator

^[6] *The Family Planning Services and Population Research Act of 1970*, Public Law 91-572, *U.S. Statutes at Large* 84 (1971): 1504.



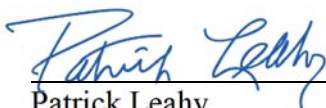
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Elizabeth Warren
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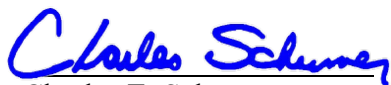
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/s/ Robert P. Casey, Jr.

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Tammy Duckworth
United States Senator



Margaret Wood Hassan
United States Senator



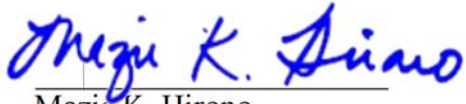
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Debbie Stabenow
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United States Senator



Christopher A. Coons
United States Senator

/s/ Thomas R. Carper

Thomas R. Carper
United States Senator

/s/ Jack Reed

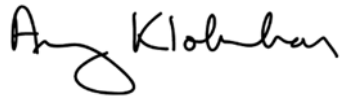
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