

Congress of the United States
Washington, DC 20515

September 22, 2021

Acting Director Shalanda Young
U.S. Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Acting Director Young,

We write to urge the Office of Management and Budget (OMB) to expedite the review and approval of the recently proposed regulation to reverse the so-called “Title X Gag Rule” and restore federal funds to family planning providers who were forced to withdraw from the Title X program when this harmful policy was enacted by the previous administration. As you know, the Title X Gag Rule, currently in effect, prohibits health centers that receive Title X family planning dollars from being physically connected to providers of abortion services, while also prohibiting providers in the program from giving patients full information about their health care options.

We were pleased to see the Biden administration act swiftly to reverse the Title X Gag Rule that has negatively impacted providers and patients by announcing proposed rulemaking in April. The Department of Health and Human Services subsequently submitted a request to OMB’s Office of Information and Regulatory Affairs on September 13th for final review. It is vital that the proposed rule change be approved and take effect immediately. This gag rule poses a serious threat to access to sexual and reproductive health services in New Hampshire and across the country. Until the Title X program is restored, providers who withdrew from the program are unable to access traditional Title X dollars and supplemental family planning funds designed to provide emergency relief. This is particularly problematic for providers in New Hampshire who are in immediate need of support.

On September 15th, New Hampshire’s Executive Council voted to defund four of New Hampshire’s nine family planning providers. This decision strips the impacted providers of the state-level funding they rely on to provide breast cancer screenings, cervical cancer screenings, contraception and other reproductive health services. Of the centers who were defunded by the state, three withdrew from the Title X program in 2019 due to the limitations imposed by the Title X Gag Rule and they have been operating without federal support ever since. Now, these three providers are forced to make cuts to services and increase the cost of care due to funding shortfalls that were made worse by the Executive Council’s reckless decision. The providers that were defunded collectively provide eighty-percent of the family planning services in our state that thousands of patients rely on. Low-income and rural women will be disproportionately

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impacted by the Executive Council's recent decision and we are deeply concerned by the gap in access to health care that will inevitably result without immediate federal support.

The Biden administration intends to make supplemental grants available to family planning providers by utilizing the \$50 million provided by Section 2605 of the American Rescue Plan to support family planning programs. Unfortunately, the use of these funds is required to comply with the current Title X program regulations, which include the Title X Gag Rule and prevent the three family planning providers in New Hampshire who were recently defunded by the state from accessing relief.

In order for the supplemental funds to reach the providers they are intended to support, the Biden administration's proposed Title X rule must be approved as quickly as possible. Further delay in the approval process will result in prolonged funding shortfalls for family planning providers and limited access to vital health care for Granite Staters. We urge OMB to expeditiously approve the Title X rule change to prevent further damage to the reproductive health care and family planning systems in our state.

We appreciate your urgent attention to this matter and our offices are available to answer any questions you may have about the emergent situation in New Hampshire.

Sincerely,



Jeanne Shaheen
United States Senator



Margaret Wood Hassan
United States Senator



Ann McLane Kuster
Member of Congress



Chris Pappas
Member of Congress

CC: Secretary Xavier Becerra, U.S. Department of Health and Human Services