

United States Senate

WASHINGTON, DC 20510

June 25, 2021

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

Dear Secretary Becerra:

I write to draw your attention to critical funding shortfalls that are likely to face family planning health centers in New Hampshire in the months ahead and to request that the United States Department of Health and Human Services (HHS) take action to support these centers through any available means. I applaud the Department's recent proposed regulation to reverse the so-called "Title X Gag Rule," which 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.

Specifically, the rule eliminated the prior longstanding program requirement that patients be provided with nondirective options, counseling and referrals upon request for the full range of pregnancy options, including prenatal care and delivery; infant care, foster care, or adoption; and abortion.¹ This gag rule poses a serious threat to access to sexual and reproductive health services in New Hampshire and across the country. I am relieved that the Biden administration is taking steps to reverse it. However, until the Biden administration's actions are finalized there will be many health centers in New Hampshire who will be without much-needed grant resources, after being forced to withdraw from the Title X program due to the gag rule.

In 2019, seven of the ten Title X grantees in New Hampshire had no choice but to exit the program due to the Title X Gag Rule. To help cover the loss of federal dollars, the New Hampshire legislature negotiated provisions in the state budget to provide an additional \$3.2 million in state-level grant funding to support the program over a two-year period. This state-level funding has been critical in filling gaps resulting from the Title X Gag Rule. However, the New Hampshire legislature has just passed a state budget that grossly underfunds the entire program by not taking into account the lapse of federal funding. It also contains new restrictions on funding for the Family Planning Program, which includes unnecessary and time consuming audits that could result in providers pulling out of the NH Family Planning Program entirely.

Even if HHS operated under a swift timeline and finalized regulations to reverse the Title X Gag Rule with an effective date prior to Labor Day, the Department would need to then complete a

¹ 42 C.F.R. § 59.5(a)(5).

months-long request for proposals process before it could disburse Title X grant funding to providers that are returning to the program. In New Hampshire, this would create a gap of several months between the reduction in state-level funding and the restoration of federal Title X grant funding for the providers. Such a gap in funding would impose financial stress on the affected health centers and endanger access to health care for the more than 16,000 women in New Hampshire who rely on these providers for contraception, cervical cancer screenings, breast cancer screenings and reproductive health services.

To help overcome this funding gap and protect access to care for Granite Staters, I strongly urge you to work with me and the affected providers in my state to help find an interim funding solution. Such approaches could include awards of supplemental Title X funding on an expedited basis immediately upon rescission of the gag rule, or ensuring that the affected centers are eligible for other forms of financial support from other HHS programs outside of the Title X family planning program. I stand ready to work with you in identifying potential options and sources for this vital interim funding.

I am hopeful that together we can work to ensure that these clinics in New Hampshire have the financial support they need to bridge the gap until they are able to rejoin the Title X family planning program following the reversal of the Title X Gag Rule. Should your staff have any questions regarding this request, please do not hesitate to contact [REDACTED]. Thank you for your attention to this issue.

Sincerely,



Jeanne Shaheen
United States Senator