

April 27, 2022

(202) 626-8820

RE: Scorecard advisory on S.J. Res. 41, using the Congressional Review Act to overturn the Biden Administration rule related to Title X grant recipient requirements

Dear Senator:

The Senate is expected to vote on the motion to proceed to S.J.Res.41. This resolution employs the Congressional Review Act to nullify the Biden Administration's 2021 Final Rule on the Title X Family Planning Program.

***The National Right to Life Committee (NRLC) urges you to support S.J.Res.41, NRLC intends to include the roll call on S.J.Res.41 in its scorecard of key pro-life votes of the 117th Congress.***

On March 24, 2019, the Trump Administration published a final rule known as the "Protect Life Rule," which requires rigorous physical and financial separation of family planning from abortion, and prohibits the performance of, referral for, or promotion of abortion.

The Biden Administration 2021 Final Rule on Title X eliminates the requirement that Title X recipients maintain a physical and financial separation of family planning from abortion activities. This allows Title X recipients to co-locate with abortion facilities. The Biden Rule creates confusion between approved Title X activities and those that are not Title X activities, making it difficult to determine whether Title X projects are compliant with the provisions within the statute.

Permitting Title X recipients to financially integrate family planning services with their abortion facilities allows Federal support for abortion as a method of family planning. Since money is not clearly required to be separately dedicated under the Biden Rule, Title X funds may be used interchangeably to improve infrastructure and operating costs of abortion services that are plainly prohibited by the law.

Permitting shared physical space makes it extremely likely that abortion advertisements or advocacy materials may be on display in the same waiting room used by Title X clients. The same staff could provide Title X services but then later assist with non-Title X-funded abortion, further adding confusion. The Biden Rule no longer requires physical separation, which is the most effective way to ensure a clear separation between compliant and noncompliant Title X activities.

**For the above reasons, the National Right to Life Committee urges you to support S.J. Res. 41. NRLC intends to include the roll call on S.J.Res.41 in its scorecard of key pro-life votes of the 117th Congress.**

Should you have any questions, please contact us at (202) 378-8863, or via e-mail at [jpopik@nrlc.org](mailto:jpopik@nrlc.org). Thank you for your consideration of NRLC's position on this important legislation

Sincerely,



Carol Tobias  
President



David N. O'Steen, Ph.D.  
Executive Director



Jennifer Popik, J.D.  
Legislative Director