

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

MINORITY (202) 225-5051

<http://oversight.house.gov>

July 9, 2018

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to request that you issue a subpoena to compel the Department of Health and Human Services (HHS) to produce documents it is withholding regarding the harmful gag rule it has proposed for the Title X National Family Planning Program.

On June 20, 2018, all Committee Democrats wrote to the Secretary of HHS to request documents relating to the proposed gag rule.¹ Unveiled on June 1, 2018, the proposed rule would severely restrict health care providers receiving Title X funds. The rule would prevent providers from informing women about the full range of health care options available to them, from referring patients to other qualified providers for abortion services, and from ensuring women have access to all forms of acceptable and “medically approved” birth control.²

The rule also would require providers who offer abortions to maintain fully separate staff, resources, and facilities for such services should they wish to continue receiving Title X funds for the other reproductive health care services they offer. The changes made by this proposed rule would greatly impede women’s access to family planning resources and ensure that low-income women have fewer health care providers to rely upon for comprehensive, quality reproductive care.

To date, we have received no response to our request. We are deeply concerned about the impact this proposed rule would have on more than 4 million individuals who rely on the Title X Program to access comprehensive reproductive health care. For these reasons, I request that you issue a subpoena to compel HHS to produce the following documents:

¹ Letter from Ranking Member Elijah E. Cummings, et al., House Committee on Oversight and Government Reform, to Secretary Alex M. Azar, Department of Health and Human Services (June 20, 2018) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2471-Sharp%20Color%20Copier%40mail.house.gov_20180619_151309.pdf).

² Department of Health and Human Services, *Proposed Rule: Compliance with Statutory Program Integrity Requirements* (June 1, 2018) (online at www.hhs.gov/opa/sites/default/files/title-x-nprm.pdt).

- (1) all documents and communications referring or relating to the drafting of the proposed Title X rule, including documents sufficient to show all HHS employees involved in the drafting of the rule;
- (2) all communications involving employees of HHS since January 20, 2017, referring or related to providers' eligibility for Title X funding;
- (3) all documents referring or relating to any meetings between employees of HHS and any nongovernmental individual or entity since January 20, 2017, regarding the proposed rule or the eligibility of providers for Title X funding, including any calendar entry for the meeting, communications about the meeting, and documents exchanged at the meeting;
- (4) all written communications between HHS employees and any nongovernmental individual or entity referring or relating to the drafting of the proposed Title X rule; and
- (5) all communications, discussions, consultations, or briefings with career HHS staffers relating to the proposed rule, its drafting, or providers' eligibility for Title X funding.

If you decide not to issue this subpoena, then I ask that you place this matter on the agenda for our next regularly scheduled business meeting so all Committee Members will have the opportunity to debate and vote on this motion.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member