



April 14, 2011

Vote NO on H. Con. Res. 36 (defunding Planned Parenthood)

Dear Senator:

The American Civil Liberties Union (ACLU) is a non-partisan public interest organization dedicated to protecting the constitutional rights of individuals, with more than half a million members, countless additional activists and supporters, and 53 affiliates nationwide. We urge you to vote against H. Con. Res. 36, which will be before the Senate after House passage of H.R. 1473, the bill providing for continuing appropriations for fiscal year 2011.

This unfortunate and misguided resolution would block federal funding to Planned Parenthood or any of its affiliates. Planned Parenthood is a critical and effective safety-net provider and this resolution would undermine men and women's access to basic health care services and disproportionately impact low-income women and women of color.

Planned Parenthood's hundreds of health centers around the nation provide a wide array of services to women including routine examinations, HIV screenings, family planning services, cancer screenings, and immunizations. In a single year, Planned Parenthood's efforts translate to nearly one million cervical cancer screenings, 850,000 breast cancer screenings, 2.5 million patients provided contraception, and nearly four millions screenings for sexually transmitted infections.

Elimination of Planned Parenthood's access to federal funding would significantly harm those patients in rural areas or areas underserved by health care providers. Planned Parenthood increases access to care for patients in these areas and improves women's health. Furthermore, the family planning services provided by Planned Parenthood increase savings resulting from fewer unintended pregnancies. *For every public dollar invested in family planning, three dollars are saved in Medicaid costs for pregnancy and newborn care alone.*

In addition to jeopardizing a trusted source of reproductive health services for millions of women and men, H. Con. Res. 36 presents potential constitutional concerns. There can be little doubt that H. Con. Res. 36 targets Planned Parenthood simply because Planned Parenthood provides women with abortion care. The resolution does this despite the fact that Planned Parenthood *does not use a single federal dollar* for abortion care and despite the fact that Planned Parenthood is already required by federal regulations to demonstrate that any abortion-related activities are separate and distinct from its activities that are funded by federal dollars.¹

H. Con. Res. 36 thus essentially penalizes Planned Parenthood for its use of non-federal dollars. In doing so, it targets the exercise of a woman's legally protected

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¹ 65 Fed. Reg. 41276 (July 3, 2000).

right to an abortion, *regardless* of how that abortion is funded. Yet current law is clear that although Congress may condition receipt of federal funds and restrict the uses for those funds, it may not do so in a way that bans the use of *non-federal* funds to exercise a constitutionally protected right.

In *Rust v. Sullivan*, the Supreme Court held that although Congress could prohibit the use of Title X funds for abortion-related activity, it would be unconstitutional to bar a *recipient* of Title X funds, like Planned Parenthood, from engaging in abortion-related activity *in other projects* financed wholly by non-Title X funds and administered through a legally separate affiliate.² H. Con. Res. 36 raises constitutional questions because it bars Planned Parenthood from receiving federal money because of what it chooses to do with its non-federal money to assist women in exercising their constitutional right to abortion.

This resolution hurts women's access to critical health care services. Therefore, the ACLU strongly urges a vote of NO on H. Con. Res. 36. Should you have additional questions, please contact Vania Leveille at 202.715.0806 or vleveille@dcacLU.org.

Sincerely,



Laura W. Murphy
Director, Washington Legislative Office



Vania Leveille
Senior Legislative Counsel

²500 U.S. 173 (1991).