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# Title X Explainer: Proposed Revisions to the Title X Rule

## What Recent Executive and Regulatory Action Means for Every Body Texas's Title X Project

On January 28, 2021, President Biden took executive action to begin the work of undoing the damage caused by the Title X Rule issued during the previous federal administration. Following an extensive review, the U.S. Department of Health and Human Services (HHS) issued a statement on March 18, 2021, outlining a plan for revisions to the Title X Rule—officially published in the *Federal Register* on April 15, 2021.

This explainer seeks to answer common questions about recent federal actions related to the Title X family planning program regulations.

### Title X Rule Background

On June 1, 2018, HHS officially published a [notice of proposed rulemaking](#) (NPRM) for the Title X family planning program. The proposed rule not only reintroduced the majority of a Reagan-era Title X rule known as the “domestic gag” rule, but it expanded those provisions and introduced numerous new and harmful requirements and restrictions. Every Body Texas and many of our sub-recipients submitted [comments in opposition](#) to the proposed rule during the comment period.

On March 4, 2019, HHS published the [final Title X Rule](#), and it was slated to go into effect 60 days after publication. Following a series of [legal challenges](#) that initially blocked implementation, compliance with the requirements of the Title X Rule was required effective July 15, 2019. Every Body Texas took a number of steps to ensure both continued compliance with Title X requirements and the delivery of evidence-based, client-centered care.

**As a result of the Title X Rule, pregnancy diagnosis and nondirective pregnancy counseling were excluded from Every Body Texas's Title X Project effective July 15, 2019.** Because these services were no longer funded by Title X, Every Body Texas also ended all quality assurance monitoring (including data collection) of pregnancy diagnosis and nondirective pregnancy counseling encounters. This included monitoring of referrals that may have occurred during counseling encounters.



## Executive Action

On January 28, 2021, eight days into his term, President Biden took executive action to begin the work of undoing the damage caused by the Title X Rule issued during the previous federal administration.

In his [Presidential Memorandum on Protecting Women's Health at Home and Abroad](#), President Biden affirmed his administration's support for sexual and reproductive health and rights and acknowledged that the Title X Rule caused significant harm. The Secretary of HHS was directed to "review the Title X Rule and any other regulations governing the Title X program that impose undue restrictions on the use of Federal funds or women's access to complete medical information." The Secretary also was directed to "consider, as soon as practicable, whether to suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding, those regulations, consistent with applicable law, including the Administrative Procedure Act."

## Proposed Revision of Title X Rules

On March 18, 2021, HHS announced that it completed its review and consideration of the Title X Rule pursuant to the Presidential Memorandum in an [Office of Population Affairs Statement on Proposed Revision of Title X Regulations](#) and shared a timeline for action and next steps:

- Publish a new NPRM to include revised regulations substantively similar to those issued in 2000 ([65 Fed. Reg. 41270](#)) no later than April 15, 2021;
- Review all comments submitted during the NPRM's public comment period;
- Issue a final Title X Rule in early fall; and
- Issue a fiscal year 2022 funding announcement in December 2021.

A [new NPRM](#), entitled "Ensuring access to equitable, affordable, client-centered, quality family planning services", was published on April 15, 2021. The proposed rule builds upon the regulations that governed the Title X program for nearly two decades—while also including a limited number of new proposals that demonstrate a commitment to quality and equity. [Public comments](#) will be accepted through May 17, 2021.

## Next Steps

**Every Body Texas will share template comments for submission in early May.**<sup>1</sup> Unless HHS suspends enforcement of the current Title X Rule while carrying out the NPRM process, there will be no changes to Every Body Texas's Title X Project until HHS issues a Title X Final Rule in early fall.

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<sup>1</sup> For additional information about the NPRM process, we recommend reviewing the Kaiser Family Foundation's issue brief on [Potential Scenarios for Issuing New Title X Regulations](#).