



Written by [Michael Tennant](#) on July 5, 2023

## Congressman Introduces Bill to Prevent HHS From Denying Title X Funds to Pro-life States

Congressman Mark Green (R-Tenn.) introduced legislation Friday to prohibit the Department of Health and Human Services (HHS) from denying Title X healthcare funding to pro-life states.

The States Choose Life Act of 2023 states simply that the HHS secretary “shall not require, as a condition on receipt of funds under this title, that any recipient or subrecipient of such funds provide (1) referrals for pregnancy termination; or (2) information or counseling on options for pregnancy termination that are unlawful in the state where the family planning services are being provided.”



AP Images  
Mark Green

“My bill will protect Tennessee from being bullied by the federal government into propping up the abortion industry,” Green said in a [press release](#).

As [The New American](#) has previously reported, despite statutory law and its own regulations to the contrary, the Biden administration declared in 2021 that recipients of Title X family-planning funds must provide abortion referrals. After the Supreme Court’s *Dobbs v. Jackson Women’s Health Organization* decision properly returned abortion policy to the states, the administration began denying Title X funds to states that had banned not only the practice of abortion but also referrals to abortion providers in other states.

Tennessee law now requires healthcare providers to offer information to patients “regarding all options that are legal in the State of Tennessee.” Since abortion is now unlawful in the Volunteer State, doctors may thus not counsel patients regarding abortion or refer them to abortionists in states where the practice remains legal.

As a result, HHS sent a letter to Tennessee officials in March stating that “continued [Title X] funding is not in the best interest of the government.”

Last month, Green, a former emergency-room physician, fired off a [letter](#) of protest to HHS Secretary Xavier Becerra.

The HHS rule, he wrote, “is deeply troubling because the law has been unequivocally clear since its establishment in 1970: Title X funds may not be used to support abortion as a method of family planning, and any abortion activities must be ‘separate and distinct’ from Title X programs.”

“While your department may struggle to comprehend statutory law and your solemn oaths to uphold said laws,” he added, “the State of Tennessee is operating well within its constitutional and legal bounds.... Not only does the 2021 HHS rule violate Congressional intent in Title X, but it also does not reflect the *Dobbs* decision and the latitude of states to protect life.”



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Green called the revocation of Tennessee’s Title X funds “arbitrary and malicious,” telling Becerra, “Your department is targeting Tennessee because this administration believes that everyone must kowtow to the radical pro-abortion agenda.”

The administration isn’t just targeting Tennessee. HHS has also revoked Title X funds from Texas and Oklahoma because they too prohibit abortion referrals.

Oklahoma’s entire congressional delegation sent its own [letter](#) taking Becerra to task for this move.

“Abortion is not family planning; it is family destruction,” they declared. “Every abortion takes an unborn child’s life. Oklahoma’s laws protect women and unborn children from the violence of abortion in the interest of promoting families, keeping Oklahomans safe, and protecting life.”

In addition to the language of Title X, they pointed to other reasons that Becerra’s actions are unlawful. Under the 2005 Weldon Amendment, for instance, “no funds appropriated to HHS can be used to discriminate against a health care entity for not referring for abortions.” Furthermore, the Biden HHS issued a rule in 2021 expressly stating that Title X “grantees will not be required to counsel or refer for abortions.”

“HHS cannot simply will words to mean what they do not; we are a country governed by the rule of law,” they wrote.

In his press release, Green stated: “As we celebrate the one-year anniversary of the *Dobbs v. Jackson* decision, it’s important to remember that the fight for life is just beginning. Though the tyranny of *Roe* is over, it is now up to states to protect unborn babies. And states should be allowed to do so without suffering repercussions, financial or otherwise, from the federal government. No medical professional should be forced against his or her conscience to refer patients for abortions. As it stands today, Secretary Becerra is using Title X funding as a cudgel to force states to participate in abortions or risk losing funding. This is abhorrent.”

Green’s bill, of course, would have to pass both houses of Congress and be signed by Biden — or have enough votes in Congress to override his veto — to become law. The probability of that, especially with Democrats running the Senate, is fairly low. Green, however, remains undaunted.

“The Biden administration’s attack on the health care of Tennesseans is malicious,” he told [The Washington Stand](#). “But no amount of pressure will convince us to bow to this pro-abortion agenda. My message to President Biden: we won’t back down when it comes to protecting the life of the unborn.”



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