

**United States Senate**  
WASHINGTON, DC 20510-0908

June 21, 2023

The Honorable Xavier Becerra  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

Dear Secretary Becerra:

We write to inquire why the U.S. Department of Health and Human Services (HHS) is advising health clinics to ignore federal law and deliberately leave parents in the dark when they advise children on sex, birth control use, pregnancy testing, Sexually Transmitted Diseases (STD), and other important issues.

On May 1, 2023, the Office of Population Affairs (OPA) issued a statement from Deputy Assistant Secretaries Rachel Levine and Jessica Marcella on National Adolescent Health Month. The statement touted new efforts by the Biden Administration to “expand sexual and reproductive health information and services” for teens.<sup>1</sup> Accompanying the press release, OPA launched an official webpage promoting resources and guides for family planning clinics.<sup>2</sup>

Many of these resources blatantly undermine parental rights and place vulnerable children at risk. One such resource advocates distributing birth control, and other contraceptives, to children without their parents’ knowledge.<sup>3</sup> The document praises “creative ways to deliver prescriptions and supplies,” like mailing birth control in “plain, unmarked packaging,” offering “curbside pickup” at “locations frequented by youth,” and using mobile vans to deliver birth control and contraceptives directly to teens in their neighborhoods.

Also linked is a webinar instructing clinicians to make sure teens are separated from their parents before giving them advice on sex or contraception.<sup>4</sup> The webinar suggests that teens should take virtual family planning appointments in a locked bathroom, outside, or in a parked car so parents cannot overhear their conversations. The webinar advises federally funded Title X clinics to contact children directly via their personal email after an appointment so parents are kept in the dark if their children have received birth control, STD tests, or other services.

These are the tactics of drug dealers and sexual predators, not reputable medical professionals. Healthy parental involvement is one the most powerful protections for children’s health. More important, parents have a right to oversee their children’s development and to be

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<sup>1</sup> <https://www.hhs.gov/about/news/2023/05/01/statements-assistant-secretary-health-admiral-rachel-levine-deputy-assistant-secretary-population-affairs-jessica-marcella-national-adolescent-health-month.html>

<sup>2</sup> <https://opa.hhs.gov/NAHM/resources#srh>

<sup>3</sup> <https://rhntc.org/resources/providing-family-planning-services-adolescents-during-uncertain-times-tips-and-strategies>

<sup>4</sup> <https://rhntc.org/resources/providing-family-planning-services-adolescents-during-uncertain-times-webinar>

involved in their health decisions. Violating this right is detrimental to children and, in this case, it is against the law. Federal statute requires Title X grantees to “encourage family participation” in their services. Instead, HHS is educating doctors to keep parents in the dark.

Regrettably, these actions are not surprising given your department’s history of subverting parental authority. In 2021, HHS issued regulations that clearly violated federal law by attempting to prohibit “any Title X project staff” from notifying “a parent or guardian before or after a minor has requested and/or received Title X family planning services.”<sup>5</sup> A Federal Court in Texas correctly ruled that these regulations violate parents’ constitutional right to “direct the upbringing of their children.”<sup>6</sup>

Given the disgraceful nature of your department’s actions, we request a complete response to each of the following questions by July 7, 2023:

- Were you aware that OPA’s webpage for National Adolescent Health Month advised medical professionals to go behind parents’ backs to give children birth control, contraception, and advice about sex?
- Does the Biden Administration endorse efforts to give children birth control, contraception, and advice about sex without the input and supervision of their parents?
- Does the Biden Administration believe it is safe for minors to purchase or receive over-the-counter or prescription drugs without their parents’ awareness or supervision?
- Did HHS employees, including Deputy Assistant Secretaries Levine and Marcella, solicit advice or feedback from parents while developing the resources page for National Adolescent Health Month? If so, please provide a record of all correspondence with such parents.
- Please provide a record of all correspondence between HHS employees and external organizations related to National Adolescent Health Month, including Title X clinics, Planned Parenthood, the Reproductive Health National Training Center, the Human Rights Campaign, and any other external organizations.
- Please provide a description of the Biden Administration’s current operating interpretation of statutory requirements for Title X clinics to “encourage family participation,” including the specific situations in which you believe Title X clinics *should* encourage parental involvement, and what that parental involvement should consist of.
- Please provide the legal rationale for your department’s previous attempts to issue rulemaking prohibiting Title X clinics from notifying parents when a child receives services, in light of statutory requirements for these clinics to promote family involvement.
- Please describe in detail the specific actions your department will take to ensure parents are involved and informed as their children receive services from Title X clinics.

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<sup>5</sup> <https://www.federalregister.gov/documents/2021/10/07/2021-21542/ensuring-access-to-equitable-affordable-client-centered-quality-family-planning-services>

<sup>6</sup> <https://law.justia.com/cases/federal/district-courts/texas/txndce/2:2020cv00092/330752/63/>

Millions of parents are disturbed by the Biden Administration's seeming attempt to replace them with radical activists. We hope you will delete the resources page for National Adolescent Health Month until your staff curates an appropriate list of materials that support and encourage parental involvement in their children's lives.

Thank you for your attention to this important matter.

Sincerely,



Marco Rubio  
U.S. Senator



Cindy Hyde-Smith  
U.S. Senator



James Lankford  
U.S. Senator



Roger Marshall, M.D.  
U.S. Senator



Marsha Blackburn  
U.S. Senator



Josh Hawley  
U.S. Senator