JOINT RESOLUTION CALLING FOR INVESTIGATION AND DEFUNDING OF PLANNED PARENTHOOD AND OTHER ABORTION PROVIDERS

Model Legislation & Policy Guide
For the 2015 Legislative Year

AMERICANS UNITED FOR LIFE

Changing Law to Protect Human Life, State by State
INTRODUCTION

“I was forced to resign on August 8, 2012 as the conditions at Planned Parenthood continued to be unsafe and potentially life threatening for the patients despite the numerous reports I provided to Planned Parenthood Administrators [and State agencies].”

In 2012, two nurses left Planned Parenthood in Delaware, not because of a change of heart regarding abortion, but because of the abortion clinic’s deplorable safety conditions including “meat-market-style, assembly-line abortions.” In her testimony before the Delaware Senate, Jayne Mitchell-Werbrich, a registered nurse for over 26 years and a former employee at a Planned Parenthood abortion clinic, described serious health hazards that she reported to Planned Parenthood officials, but which were never addressed.

Nurse Mitchell-Werbrich, also testified about her attempt to report Planned Parenthood’s dangerous, substandard conditions to Delaware Health and Social Services.¹ Told that the department only takes complaints from patients, Nurse Mitchell-Werbrich responded that many of the patients who were victims of substandard practices at the abortion clinic where she worked were “young, poor, often minorities [who] lack knowledge of the reporting process…and that these patients generally do not have the financial means to hire legal assistance necessary to even defend themselves.” She also added that “abortion is a stigmatizing event that causes patients to feel too uncomfortable to advocate for themselves.”

Several other former Planned Parenthood employees have brought federal “whistleblower” lawsuits alleging that Planned Parenthood has committed millions of dollars in Medicaid fraud and seeking, on behalf of American taxpayers, to recover those fraudulently obtained funds. For example, Abby Johnson, a former Planned Parenthood clinic director in Texas, alleges that because audits were announced in advance and her clinic was allowed to self-identify files for their audit, the clinic was able to select “clean” files and edit patient records, so that the false claims were not discovered. In addition to Medicaid false claims, another former Planned Parenthood employee, Sue Thayer, alleges that, over her 18 years with Planned Parenthood of the Heartland, Iowa officials never performed any health and safety inspections of either of the clinics she managed.

Since 2009, over 100 abortion clinics and individual abortion providers in at least 29 states have faced investigations, criminal charges, administrative complaints, and/or civil lawsuits or been cited for violating state laws governing the operation of abortion clinics. Importantly, these

investigations and other adverse actions likely represent only the tip of the proverbial iceberg of the abortion industry’s abuses.

Whether in terms of proper use of taxpayer funds or compliance with health and safety standards, abortion providers frequently fail to comply with either the letter or the spirit of the law. In the wake of the long-overdue arrest and conviction of Kermit Gosnell and stories of other dangerous and unsafe abortion clinics and individual abortion providers operating around the country, it is critically important that lawmakers look into the regulatory and investigatory failures that have contributed to the continued operation of substandard abortion clinics, the victimization of women, and on-going and systemic financial fraud on the part of some abortion providers.

In support of efforts to investigate and defund Planned Parenthood and other abortion providers, AUL has drafted a model state resolution calling on state authorities to look into the practices of abortion providers and to freeze any state funding allocated for abortion providers, as well as voicing the state legislature’s support for similar efforts at the federal level.

For more information or drafting assistance, please contact AUL’s Legislative Coordinator at (202) 289-1478 or Legislation@AUL.org.

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JOINT RESOLUTION TO PROMOTE WOMEN’S SAFETY BY INVESTIGATING AND DEFUNDING PLANNED PARENTHOOD AND OTHER ABORTION PROVIDERS

JOINT RESOLUTION No. __________________
BY Representatives/Senators __________________

WHEREAS, at least [Insert appropriate number] states have recently or are currently investigating abortion clinics and abortion providers for offenses including failure to meet medical standards and licensing requirements, violations of health and safety codes, improper disposal of medical waste and patient records, Medicaid fraud, violations of late-term abortion restrictions, criminal battery, and criminal and civil liability for the deaths of their patients; 

WHEREAS, a January 2011 Pennsylvania grand jury report investigating abortion provider Kermit Gosnell and the Women’s Medical Society clinic in Philadelphia reveals Gosnell’s utter disregard for the law and documents a pattern of deadly behavior towards women and newborns; 

WHEREAS, the Pennsylvania grand jury report reveals that the Women’s Medical Society clinic received government funding; 

WHEREAS, the Pennsylvania grand jury report demonstrates a systemic failure to enforce laws designed to protect women’s health and safety, noting there “were several oversight agencies that stumbled upon and should have shut down Kermit Gosnell long ago”; 

WHEREAS, video footage recorded at Planned Parenthood affiliates by the organization Live Action shows Planned Parenthood employees recommending that minors patronize abortion facilities that may be willing to violate state laws; 

WHEREAS, sex-trafficking is a form of slavery and federal statutes[ including 18 U.S.C. §§ 1591, 2421, 2422, and 2423,] prohibit sex tourism and the interstate and international sex trafficking of adults and children, as well as sex trafficking within a state;

2 Legislators and others considering this resolution should contact Americans United for Life for information on ongoing investigations of and emerging claims against abortion clinics and individual abortion providers.

Joint Resolution – Investigating and Defunding Abortion Providers  4 Americans United for Life
WHEREAS, in 2003, the U.S. State Department estimated that 800,000 to 900,000 human beings are bought, sold, or forced across international borders each year;

WHEREAS, a 2001 report released by the University of Pennsylvania estimated that approximately 293,000 American youth are currently at risk of becoming victims of commercial sexual exploitation;

WHEREAS, the average age at which girls first become victims of prostitution is 12 to 14 years of age;

WHEREAS, video footage recorded at Planned Parenthood affiliates in several states and the District of Columbia shows a willingness by Planned Parenthood employees to aid a man who claims that he is involved in the sex-trafficking of girls as young as 14 years of age;

WHEREAS, video footage recorded at Planned Parenthood affiliates in several states and the District of Columbia shows a willingness by Planned Parenthood employees to circumvent state parental involvement laws concerning abortion;

WHEREAS, numerous allegations have surfaced concerning the failure of Planned Parenthood affiliates to report the suspected sexual abuse of young girls;

WHEREAS, Planned Parenthood affiliates in a number of states have disregarded state abortion-related laws including parental involvement and informed consent laws and faced adverse administrative actions for those violations;

WHEREAS, some Planned Parenthood clinics have violated state law by performing abortions without a license;

WHEREAS, Planned Parenthood affiliates nationwide admittedly dispense the dangerous abortion drug RU-486 in direct violation of the U.S. Food and Drug Administration (FDA) protocol for the drug as well as the drug’s label, endangering women’s lives and health;

WHEREAS, audit reports demonstrate that some Planned Parenthood affiliates have overbilled state and federal government healthcare and family planning programs;

WHEREAS, the Planned Parenthood Federation of America (the national parent organization with over 700 affiliated centers across the nation) and its affiliates received $540,600,000 in government grants and reimbursements for the fiscal year ending in June 2013;
[WHEREAS, Planned Parenthood affiliates in [Insert name of State] receive[d] [Insert appropriate information about source and amount of state grants to or contracts with Planned Parenthood]]; 

WHEREAS, Planned Parenthood affiliates have performed a significant percentage of the over 50 million abortions performed in the United States since 1973 when Roe v. Wade was decided, including [327,166 abortions from October 1, 2011 to September 30, 2012]; 

WHEREAS, as government funding of Planned Parenthood has doubled, Planned Parenthood has doubled its abortion business; 

WHEREAS, Planned Parenthood Federation of America has made clear the centrality of abortion to its mission by recently mandating that every Planned Parenthood affiliate must have at least one clinic performing abortions; 

WHEREAS, the decision not to fund abortion places no governmental obstacle in the path of a woman who chooses to terminate her pregnancy. Rust v. Sullivan, 500 U.S. 173, 201 (1991); 

WHEREAS, when the federal or a state government appropriates public funds to establish a program, it is entitled to define the limits of that program. Rust v. Sullivan, 500 U.S. 173, 194 (1991); 

[WHEREAS, the established policy of [Insert name of State] provides [Insert appropriate description of and references to any state policies against public funding for abortion and/or abortion providers]]; 

WHEREAS, the federal Congress’ power of inquiry is “an essential and appropriate auxiliary to the legislative function.” McGrain v. Daugherty, 272 U.S. 135, 174 (1927); 

WHEREAS, the Congress’ issuance of a subpoena pursuant to an authorized investigation is “an indispensable ingredient of lawmaking.” Eastland v. United States Servicemen’s Fund, 421 U.S. 491, 505 (1975); and 

WHEREAS, [Insert name of State] also has the authority under [Insert appropriate statutory or other reference(s)] to investigate recipients of state funding [including state family planning funding].
NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF [INSERT NAME OF STATE]:

Section 1. That the [Legislature] immediately freeze any currently allocated state funding for abortion providers, in particular Planned Parenthood.

Section 2. That the [Legislature] calls on Congress to freeze any currently allocated federal funding for abortion providers, in particular the Planned Parenthood Federation of America (PPFA) and its affiliates.

Section 3. That the [Legislature] calls on the [Insert name of appropriate state authority] to conduct a full-scale investigation of abortion providers, including Planned Parenthood, for potential violations of state laws, including health and safety code violations, misuse of government funding, and [Insert appropriate reference(s) to other state law(s)].

Section 4. That the [Legislature] calls on Congress to conduct a full-scale investigation of abortion providers, including Planned Parenthood, for potential violations of federal laws including aiding and abetting sex-trafficking, misuse of federal funding, and [Insert appropriate reference(s) to other federal law(s)] and urges Congress to use its subpoena power to obtain all business, medical, and other records necessary for a thorough and complete investigation.

Section 5. That the [Legislature] strongly supports the federal [“No Taxpayer Funding of Abortion Act” or similar legislation] to ensure consistency with longstanding federal law and policy [and the laws and policies of this State] prohibiting government funding of abortion.

Section 6. That the [Legislature] strongly supports the federal [“Title X Abortion Provider Prohibition Act” or similar legislation] to ensure that federal family-planning funding does not subsidize the abortion industry by, for example, paying for shared overhead and operational costs.

Section 7. That the Secretary of State of [Insert name of State] transmit a copy of this resolution to the Governor; to the President of the United States; to the President of the Senate and the Speaker of the House of Representatives of the United States Congress; and to each individual member of [Insert name of State]’s Congressional delegation.
More detailed information about the need and justification for investigations into the potentially illegal and substandard practices of Planned Parenthood and other abortion providers, as well as the need to ensure that such entities do not receive government funding can be found in AUL’s annual publication *Defending Life* and at AUL.org.

*Defending Life 2014* is available online at AUL.org.

For further information regarding this or other AUL policy guides, please contact:

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