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AUTHORIZING JOINING AN AMICUS BRIEF IN SUPPORT OF AN INJUCTION PREVENTING  
THE USE OF NEW CRITERIA FOR TITLE X FAMILY PLANNING GRANTS

In February 2018, the Department of Health and Human Services (HHS) released the 2018 Funding Opportunity Announcement criteria for Title X funding. As part of the announcement, HHS revealed that new application criteria were required. These new criteria have the effect of legislative rules but that have not been subject to notice and comment rulemaking. The Department of Health and Human Services began using these supplemental and controversial criteria in scoring Title X grant applications in May 2018.

Without an injunction pending appeal, HHS is free to award grants under the new criteria at any time.

On May 2, 2018, Planned Parenthood of Wisconsin, Inc. filed a lawsuit in United States District Court of the District of Columbia, Case No. 18-cv-1035, asking for an injunction to prevent HHS from using new criteria for Title X Family Planning grants. The case is now on appeal, and the United States Court of Appeals for the District of Columbia Circuit is hearing the matter.

A group of municipalities, including the Cities of Austin, Columbus, Cincinnati, Dayton & Seattle plan to file an amici brief in support of the Court granting an emergency injunction that would prevent the use of the new criteria until the Court of Appeals can hear the appeal.

It is in the interests of Dane County's residents that an injunction is granted so that the new application criteria do not negatively impact their access to critical reproductive services.

NOW THEREFORE BE IT RESOLVED that the Dane County Board of Supervisors directs the Dane County Corporation Counsel's office to join other municipalities in filing an amici brief before the United States Court of Appeals for the District of Columbia Circuit that supports the grant of an emergency injunction until the Court of Appeals can consider the appeal.