

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

FAMILY PLANNING ASSOCIATION OF
MAINE, et al.,

Plaintiffs-Appellants,

v.

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES, et al.,

Defendants-Appellees.

No. 20-1781

JOINT STATUS REPORT

The parties respectfully file this status report in accordance with the Court's order dated June 7, 2021.

1. This appeal concerns a challenge to a final rule for the Title X family planning program published by the United States Department of Health and Human Services (HHS) on March 4, 2019. *See* 84 Fed. Reg. 7714. On April 15, 2021, HHS issued a notice of proposed rulemaking entitled "Ensuring access to equitable, affordable, client-centered, quality family planning services," 86 Fed. Reg. 19812, which proposed to rescind the 2019 rule at issue in this litigation and largely reinstate the rules that had been promulgated in 2000 (65 Fed. Reg. 41270). On June 7, 2021, this Court granted the parties' joint motion to hold this appeal in abeyance pending

the outcome of the agency's rulemaking and ordered the parties to provide status reports at sixty-day intervals.

2. HHS's rulemaking proceeding is ongoing. The agency is currently considering over 160,000 comments that it received during the comment period that closed on May 17, 2021. HHS expects that it will likely have any final rule in place by early fall and effective before the 2022 Title X funding announcement that will be issued in December 2021. The parties agree that this appeal should remain in abeyance pending the outcome of this rulemaking, as stated in this Court's June 7 order.

Respectfully submitted,

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AUGUST 2021

CERTIFICATE OF COMPLIANCE

I certify that this status report complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 225 words.

/s/ Joshua Dos Santos
JOSHUA DOS SANTOS

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2021, I electronically filed the foregoing status report with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system

/s/ Joshua Dos Santos
JOSHUA DOS SANTOS