

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

Planned Parenthood Federation of
America, Inc., et al.,
Plaintiffs-Appellees,

v.

Robert F. Kennedy, Jr., in the official
capacity as Secretary of the U.S.
Department of Health and Human
Services, et al.
Defendants-Appellants.

Nos. 25-1698, 25-1755

JOINT STATUS REPORT

Pursuant to this Court’s order of September 18, 2025, the parties respectfully submit the following status report. The Court directed that the status report describe “statutory implementation and any specific designations or identifications made under Section 71113.” Sept. 18 Order 2.

Government’s Position. Counsel for the Government are informed that the Department of Health and Human Services (HHS) is in the process of formulating implementation guidance and has not made any specific designations to date. Notwithstanding the recent lapse in

appropriations, the Reconciliation Act of 2025 appropriates funds “to the Administrator of the Centers for Medicare & Medicaid Services,” for fiscal year 2026 “[f]or the purposes of carrying out” Section 71113. Pub. L. No. 119-21, 139 Stat. 72, 300. Counsel for the Government are informed that the recent lapse in appropriations may nonetheless delay the development of implementation guidance for Section 71113 because many HHS employees are furloughed. If this Court requires further status updates, the appropriate course would be to require an update within five business days if HHS either (1) issues implementation guidance or (2) makes specific designations under Section 71113.

Plaintiffs’ Position. Plaintiffs have not received any guidance from the Government as to the implementation or any specific designations or identifications made under Section 71113. Because the provision is currently enforceable and HHS has not provided any clarity on the scope, Plaintiffs and Planned Parenthood Member patients continue to incur irreparable harm every day. The Court noted in its September 18 Order that it “may require further status updates thereafter.” Especially in light of the Government’s position, Plaintiffs submit that the Government should be required to promptly update the

Court and Plaintiffs no later than one day after any changes to the status the Government describes above.

Respectfully submitted,

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October 2025

CERTIFICATION OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify this motion complies with the requirements of Fed. R. App. P. 27(d) because it has been prepared in 14-point CenturyExpd BT, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A), because it contains 295 words, according to the count of Microsoft Word.

/s/ Steven H. Hazel
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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2025, I filed and served the foregoing document with the Clerk of the Court by causing a copy to be electronically filed via the appellate CM/ECF system. The participants in the case are registered CM/ECF users and will be served via the CM/ECF system.

/s/ Steven H. Hazel
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