

# Congress of the United States

Washington, DC 20515

December 09, 2019

Alex Azar  
Secretary  
U.S. Department of Health and Human  
Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Jennifer Moughalian  
Acting Assistant Secretary for Financial  
Resources and Acting Chief Financial  
Officer  
U.S. Department of Health and Human  
Services  
Office of the Assistant Secretary for  
Financial Resources  
200 Independence Avenue, S.W.  
Washington, D.C. 202

Dear Secretary Azar and Acting Assistant Secretary Moughalian,

We write to express our grave concerns about the November 1<sup>st</sup> proposed rule released by the Department of Health and Human Services (HHS), RIN 0991-AC16<sup>1</sup> removing regulations prohibiting discrimination in HHS-funded programs based on sexual orientation, gender identity, or sex under 45 CFR Part 75.300(c) and (d).<sup>2</sup> This proposed rule single-handedly removes comprehensive protections from discrimination applied to all grants administered by HHS, thus permitting discrimination in federally funded adoption and foster care agencies, elder abuse programs, and many other HHS-funded health and human service programs that serve millions of Americans. We urge you to withdraw this rule and halt a harmful disruption of services to children, adults and families in our country.

This rule states that by dismissing faith-based objections, the effectiveness of these programs will be reduced.<sup>3</sup> However no evidence exists to validate this rule or concepts that nondiscrimination protections will result in inefficiency. In 2017, HHS sought comment from faith-based organizations and other interested parties to inform HHS on how it may best identify and remove barriers for faith-based organizations to participate in HHS-funded programs. HHS received more than 12,000 submissions to that request yet only four submissions reported justifications for the proposed rule<sup>4</sup>. None of these submissions provided any evidence of organizations being denied the opportunity to compete for grants; they did, however, offer proof of these groups' opposition to LGBTQ equality.

Importantly, the 2016 rule you seek to destabilize recognized the significant health disparities, denial of services, and economic hardships reported by LGBTQ people. To address these concerns, HHS clarified that the agency's grantees were expected to comply with

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<sup>1</sup> <https://www.hhs.gov/sites/default/files/hhs-grants-regulation-nprm.pdf>

<sup>2</sup> <https://www.law.cornell.edu/cfr/text/45/75.300>

<sup>3</sup> <https://www.hhs.gov/sites/default/files/hhs-grants-regulation-nprm.pdf>, p.6

<sup>4</sup> <https://www.regulations.gov/document?D=HHS-OS-2017-0002-0001>

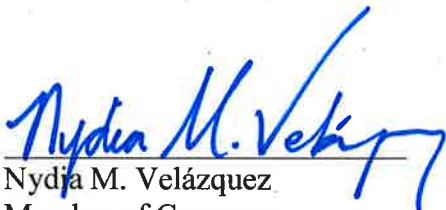
nondiscrimination protections on the basis of sexual orientation and gender identity when providing services. Reversing these protections would place a vulnerable population at a greater public-health risks.

Since 2017, your agency has reallocated significant resources away from civil rights and patient privacy in order to expand religious exemptions and undermine the nondiscrimination protections under the Affordable Care Act. This is of significant concern given your agency awards more than \$500 billion in grants each year to provide critical services. These services should be available to any eligible person in need regardless of sex, sexual orientation or gender identity. Agencies getting government grants to serve the public shouldn't get to pick and choose whom they will serve.

Additionally, this proposed rule will allow for discrimination in adoption and foster care, starving children of a loving home. Every child deserves a place to grow that is safe, and every child deserves a family. Under this proposed rule, children in foster care will have fewer homes available to them, and LGBTQ children in foster care may face additional undue harm and instability in placement.

We demand you withdraw this rule to eliminate any ambiguity as to federal grantees' responsibility to serve everyone equally.

Signed,



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Member of Congress



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Member of Congress



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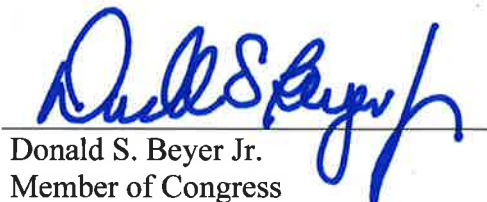
  
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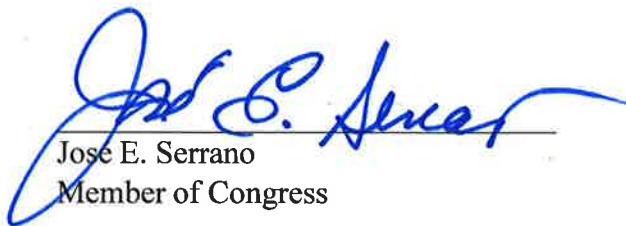
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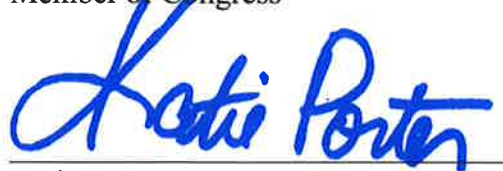
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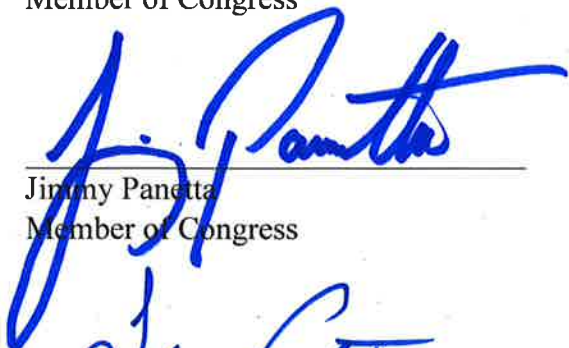
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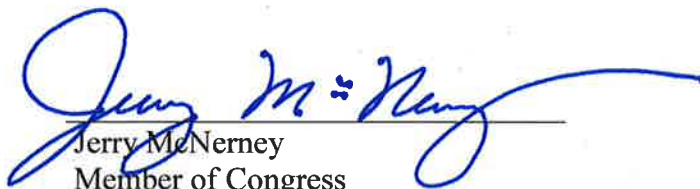
Sean Casten  
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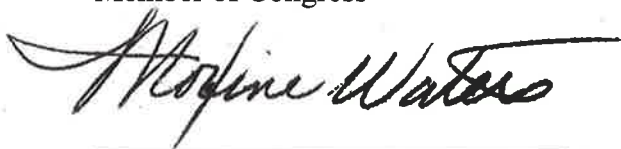
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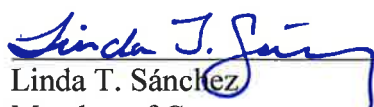
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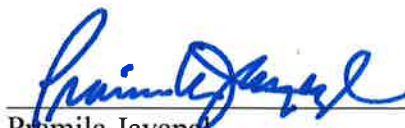
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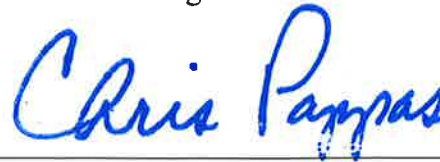
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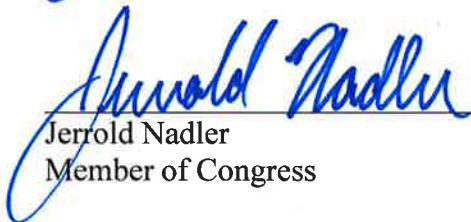
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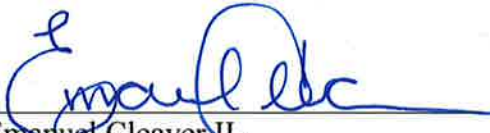
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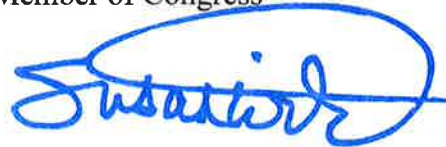
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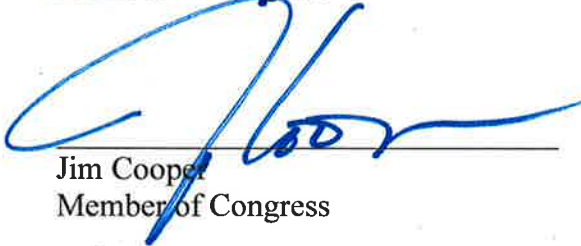
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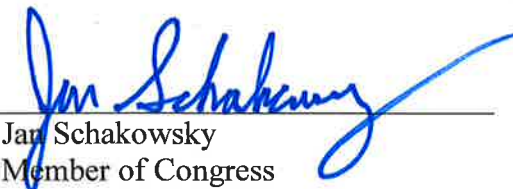
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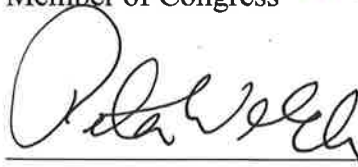
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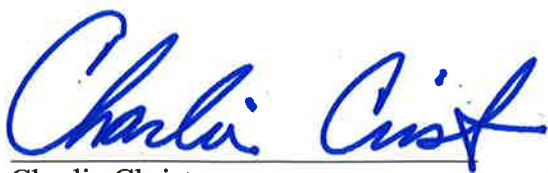


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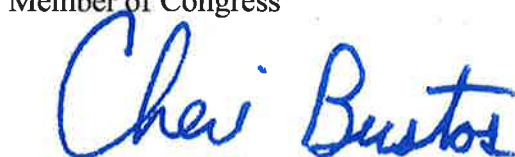
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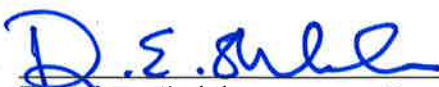
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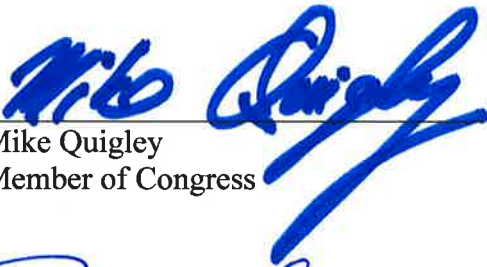
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Mike Quigley  
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