

United States Senate

WASHINGTON, DC 20510

June 11, 2020

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

Dear Secretary Azar:

We write to you today to express our outrage that the Department of Health and Human Services (HHS or the Department) is going forward with the finalization of a proposed rule (RIN 0991-AC16) to remove nondiscrimination protections from HHS-funded grant awards (45 CFR 75.300 (c) and (d)), which would allow sweeping taxpayer-funded discrimination based on sex (including sexual orientation and gender identity) and, in the case of foster and adoptive parents, religion. HHS has the stated mission of working “to enhance and protect the health and well-being of all Americans.” This shameful action on the part of the Department would allow discrimination against LGBTQIA+ communities and religious minorities across the country, and would make it even more difficult for vulnerable populations to benefit from the programs and receive the services they need to remain safe and healthy during the COVID-19 public health emergency. We demand the Department immediately withdraw this harmful rule, and instead use Departmental resources to expand health care services and access during this critical time.

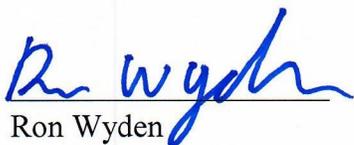
HHS administers over \$500 billion in taxpayer-funded grants and contracts annually. These grants and contracts provide essential health and social services to the public including for public health, older adults, people with disabilities, early childhood education, youth homelessness, federally funded foster care and adoption and much more. The new rule would allow service providers, including faith-based agencies, to access taxpayer-funded grants, including grant programs established through the recently appropriated COVID-19 funding, while openly discriminating against those who do not align with the grantee’s personal beliefs, potentially denying services to eligible LGBTQIA+ individuals and those from different faith communities.

The dangers of this rule cannot be overstated. It will have dire consequences for the vulnerable children and families within the child welfare system. For example, under the new rule, a faith-based provider will be empowered to turn away LGBTQIA+ foster alumni experiencing homelessness from housing services, or reject a couple from becoming a foster family on the

basis of their religious affiliation. This government-sanctioned discrimination will prevent vulnerable youth from accessing essential services, and from finding loving foster families who might be best equipped to provide them the care they deserve. Additionally, the need for qualified and willing foster parents is a growing concern as families making the decision to foster and adopt face challenges and additional obstacles due to COVID-19 concerns. The rule could allow domestic violence and child welfare service providers and child care providers to refuse to serve LGBTQIA+ people and their children or to turn away those in need based on their faith. It is unconscionable the Department is pushing forward a rule that could potentially shrink the availability of resources for vulnerable children and families at any time, but particularly during the pandemic.

At a time when protecting communities from the COVID-19 pandemic is paramount, your Department and the Trump Administration are knowingly putting the health and wellbeing of vulnerable individuals and children at risk, while blatantly promoting discrimination against LGBTQIA+ communities and religious minorities by pursuing the finalization of this proposed rule. Congress has repeatedly acted to expand and protect the rights of vulnerable Americans to fair and equal services, and we call on the Trump Administration to do the same. Now is the time, more than ever, to be coming together as a country to support vulnerable individuals and families in an equitable way. In order to do that, you must start with enforcing existing nondiscrimination protections and withdraw this proposed rule that could exacerbate disparities in our country.

Sincerely,



Ron Wyden
United States Senator



Patty Murray
United States Senator