December 10, 2019

The Honorable Richard Shelby
Chair
Senate Committee on Appropriations
S-128, The Capitol
Washington, D.C. 20510

The Honorable Nita Lowey
Chair
House Committee on Appropriations
H-307, The Capitol
Washington, D.C. 20515

The Honorable Patrick Leahy
Vice Chairman
Senate Committee on Appropriations
S-128, The Capitol
Washington, D.C. 20510

The Honorable Kay Granger
Ranking Member
House Committee on Appropriations
H-307, The Capitol
Washington, D.C. 20515

Dear Chairman Shelby, Chairwoman Lowey, Vice Chairman Leahy and Ranking Member Granger,

As you work to negotiate Fiscal Year 2020 Appropriations bills, we write to request the inclusion of a provision on the implementation of the November 1, 2019 Department of Health and Human Services (HHS) proposed rule, RIN 0991-AC16.¹ The proposed rule rolls back the explicit non-discrimination rules that have been in place at the Department of Health and Human Services (HHS), opening the door to many types of taxpayer-funded discrimination by HHS grant recipients. The rule impacts all grants made by HHS, and we are very concerned about what this will mean for LGBT people, women, and religious minorities seeking services funded by HHS grants.

In 2016, the Obama administration finalized a rule to ensure that HHS’ grant programs are administered in a manner consistent with federal law. The rule made clear that HHS grant recipients may not discriminate on the basis of non-merit factors including sex, age, disability status, sexual orientation, gender identity and religion. The 2016 rule also required HHS grantees to recognize same-sex marriages following the Supreme Court decisions in United States v. Windsor and Obergefell v. Hodges.²³ The Trump administration’s proposed rule would remove these critical protections for LGBT people, women and religious minorities.

The potential fallout from the Trump administration’s proposed rule is significant. We have already seen HHS grant a waiver to a religious nonprofit that provides services to youth experiencing homelessness and youth in the foster care system, allowing them to discriminate based on the religious beliefs of prospective parents. It is easy to imagine myriad ways HHS grantees could discriminate under this new rule. Grantees could decline to provide HIV care to an LGBT person on the basis of their sexual orientation or gender identity. Grantees could refuse services to single or unmarried parents. Grantees could force a transgender child to undergo “conversion therapy” in order to access their services.

Given the breadth of services funded through HHS grants, it is critical that we maintain the critical non-discrimination protections put in place under the Obama administration. I urge you to prevent implementation of the Trump administration’s rule in any Fiscal Year 2020 appropriations bill.

Sincerely,

Mark Pocan  
Member of Congress

Karen Bass  
Member of Congress

Donald S. Beyer Jr.  
Member of Congress

Earl Blumenauer  
Member of Congress

Suzanne Bonamici  
Member of Congress

Anthony Brown  
Member of Congress

Julia Brownley  
Member of Congress

Salud Carbajal  
Member of Congress

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Raúl M. Grijalva  
Member of Congress

Debra Haaland  
Member of Congress

Alcee L. Hastings  
Member of Congress

Jared Huffman  
Member of Congress

Pramila Jayapal  
Member of Congress

Eddie Bernice Johnson  
Member of Congress

Joseph P. Kennedy III  
Member of Congress

Daniel T. Kildee  
Member of Congress

Ro Khanna  
Member of Congress

James R. Langevin  
Member of Congress

Al Lawson  
Member of Congress

Barbara Lee  
Member of Congress

Susie Lee  
Member of Congress

Mike Levin  
Member of Congress
Ted W. Lieu  
Member of Congress

Sean Patrick Maloney  
Member of Congress

Gregory W. Meeks  
Member of Congress

Gwen Moore  
Member of Congress

Alan Lowenthal  
Member of Congress

Doris Matsui  
Member of Congress

Grace Meng  
Member of Congress

Debbie Mucarsel-Powell  
Member of Congress

Jerrold Nadler  
Member of Congress

Grace F. Napolitano  
Member of Congress

Eleanor Holmes Norton  
Member of Congress

Jimmy Panetta  
Member of Congress

Chris Pappas  
Member of Congress

Katie Porter  
Member of Congress
Rashida Tlaib
Member of Congress

Nydia M. Velázquez
Member of Congress

Peter Welch
Member of Congress

Frederica Wilson
Member of Congress

Dina Titus
Member of Congress

Maxine Waters
Member of Congress

Susan Wild
Member of Congress