

Congress of the United States
Washington, DC 20515

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 prohibition 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.

¹ "HHS Issues Proposed Rule to Align Grants Regulation with New Legislation, Nondiscrimination Laws, and Supreme Court Decisions." November 1, 2019. <https://www.hhs.gov/about/news/2019/11/01/hhs-issues-proposed-rule-to-align-grants-regulation.html>.

² <https://www.federalregister.gov/documents/2016/12/12/2016-29752/health-and-human-services-grants-regulation>

³ <https://www.americanprogress.org/issues/lgbt/news/2019/11/05/476854/hhs-proposal-puts-millions-americans-risk-discrimination-accessing-federally-funded-services/>

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.⁴ 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.

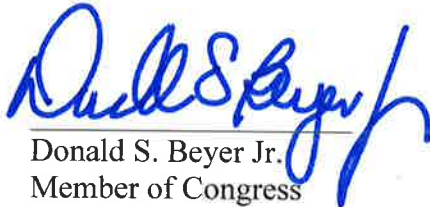
Sincerely,



Mark Pocan
Member of Congress



Karen Bass
Member of Congress



Donald S. Beyer Jr.
Member of Congress



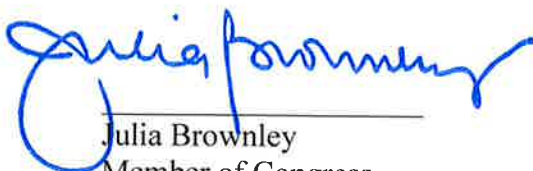
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Suzanne Bonamici
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Anthony Brown
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Julia Brownley
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Salud Carbajal
Member of Congress

⁴ <https://www.npr.org/2019/11/05/776496146/trump-administration-plans-to-roll-back-anti-discrimination-rules-tied-to-hhs-fu>



Tony Cardenas
Member of Congress



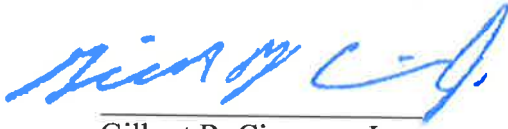
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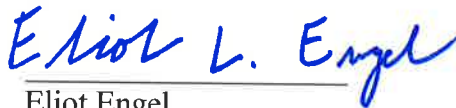
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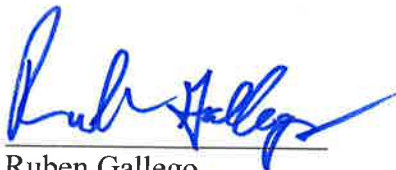
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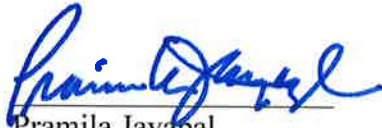
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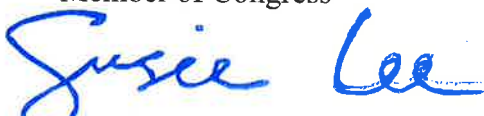

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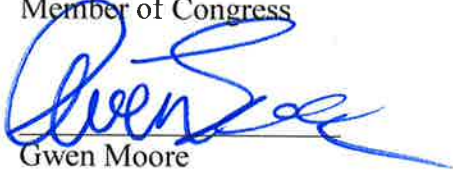
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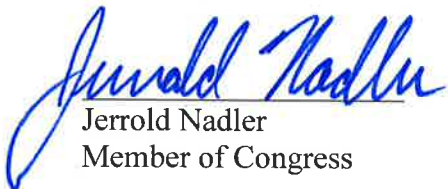
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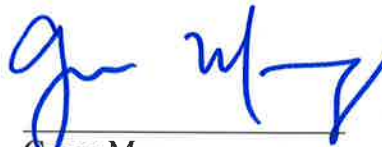
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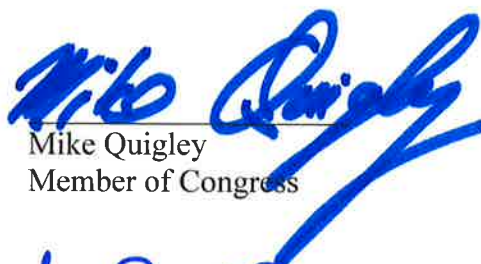
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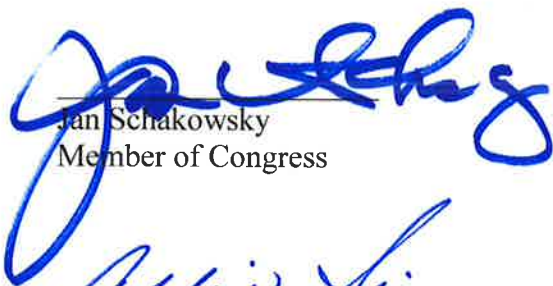
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