



December 17, 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. 20201

**RE: Revisions to the Department of Health and Human Services, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HSS Awards, RIN 0991-AC16**

To Secretary Azar and Acting Assistant Secretary Moughalian:

The Colorado Health Foundation appreciates the opportunity to provide feedback on the proposed rule released by the Department of Health and Human Services (HHS or Department), RIN 0991-AC16,<sup>1</sup> that would remove regulations prohibiting discrimination in HHS-funded programs based on sexual orientation, gender identity or sex under 45 CFR Part 75.300(c) and (d). If implemented, this proposed rule would remove comprehensive protections from discrimination applied to all grants administered by HHS, thus permitting discrimination in federally-funded health and human service programs that serve millions of Americans. We strongly oppose these changes and urge the Department to withdraw this harmful proposed rule in its entirety.

The Colorado Health Foundation is the state's largest private foundation and the third largest health foundation in the nation. Our mission is to improve the health of Coloradans. We work closely with partners in the private, public and nonprofit sectors to bring health within reach for all Coloradans, and we do everything with the intent of creating health equity.

Programs funded by HHS serve millions of families across the country and are critical to family health and well-being. The Department awards more than \$500 billion in grants each year to provide vital nutrition, health care, elder care, violence prevention, and homeless services. Publicly funded services should be available to any eligible person in need. Under this new rule, agencies and programs that receive federal HHS grant money could refuse to provide services based on religion, sex, gender identity or sexual orientation—including to religious minorities,

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<sup>1</sup> See: <https://www.federalregister.gov/documents/2019/11/19/2019-24385/office-of-the-assistant-secretary-for-financial-resources-health-and-human-services-grants>

women, transgender people, married same-sex couples, and LGBTQ children or children with same-sex parents.

A recent analysis of the proposed rule finds that LGBTQ people and their families would be disproportionately likely to experience discrimination by entities that are permitted to continue receiving HHS funding if these changes are finalized.<sup>2</sup> Potential impacts could include:

- Children of same-sex parents, or a transgender child, could be denied enrollment in Head Start.
- Community meal programs designed to support older adults could refuse to deliver food to older Americans who are LGBTQ.
- A SAMHSA PATH grantee could deny an individual assisting with repairing their home or finding new housing because they or their partner or child are LGBTQ.
- A senior services center could continue to receive government funding, while turning away LGBTQ people or treating married same-sex couples as unmarried.

The Foundation firmly opposes these proposed changes because we support protections against discrimination for all people. We advocate for policies that enable people living on low incomes, immigrants, refugees, people of color, LGBTQ Coloradans and people with disabilities to meet their health care, housing and nutrition needs.<sup>3</sup> Protecting people from discrimination is about treating others as we want to be treated. We believe that promoting fair treatment of LGBTQ people is foundational to our core value of equity, and is essential to supporting the overall health of Coloradans. The Department's proposed rule risks keeping necessary services out of reach for LGBTQ individuals and families.

Given the negative impacts outlined above, we strongly encourage the Department not to finalize this proposed rule and to withdraw it in its entirety. We urge you to preserve the protections that currently exist to prohibit discrimination on the basis of sex, sexual orientation, gender identity, and religion. We thank you for your consideration of our comments. If you have any questions, please contact Alexis Weightman, Colorado Health Foundation senior policy officer, at [aweightman@coloradohealth.org](mailto:aweightman@coloradohealth.org) or 303-953-3600.

Sincerely,



Kyle Rojas Legleiter  
Senior Director of Policy  
Colorado Health Foundation

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<sup>2</sup> See: Movement Advancement Project. What's at Stake: Analyzing a New Proposed Rule Allowing Discrimination in HHS-Funded Programs and Services. 2019 Issue brief available [here](#)

<sup>3</sup> See: Colorado Health Foundation Policy Agenda: <https://www.coloradohealth.org/how-we-work/policy-advocacy>