

Opposing the Federal Administration’s Sanctioned Discrimination by Health and Human Services Grantees

On November 19, 2019, the Federal Administration released a proposed rule, which would strip protections against discrimination in grant programs funded by the United States Department of Health and Human Services (HHS). Although HHS is tasked with ensuring the well-being of all Americans, this proposed rule would curtail the ability of people to access critical programs based on the beliefs of HHS grantees. Specifically, the proposal would eliminate existing regulations prohibiting discrimination in HHS grant-funded programs based on religion, sex, sexual orientation, and gender identity.

The proposed rule, titled the *Office of the Assistant Secretary for Financial Resources’ Health and Human Services Grant Regulation*, states that “no person otherwise eligible will be excluded from participation in, denied the benefits of, or subjected to discrimination in the administration of HHS programs and services, to the extent doing so is prohibited by federal statute.” The proposed rule, however, fails to acknowledge that protections guaranteed by federal statute do not extend to all people.

MOTION

SOLIS	_____
RIDLEY-THOMAS	_____
KUEHL	_____
BARGER	_____
HAHN	_____

If the proposed rule goes into effect, it would remove protections codified by the Obama Administration recognizing disparities in health and the need to serve people based on their individualized needs, beliefs, and backgrounds. The proposed rule would apply to public health grants, health education, and prekindergarten programs as well as grants for sexually transmitted diseases and HIV prevention.

The Federal Administration's proposed rule applies to community-based services intended to help older adults remain independent in their homes, such as senior meals, caregiver support programs, and supportive services. According to the ACLU, Meals on Wheels and other HHS-funded community meal programs could deny delivery of food to older Americans who are Jewish, Muslim, or LGBTQ+. Americans who are Jewish, Muslim, or LGBTQ+ falling under the category of older adults, people with disabilities, and caregivers could also be denied services.

Notably, the proposed rule sanctions discrimination against LGBTQ+ individuals as well. This proposed rule goes one step further in rejecting the United States Supreme Court's recognition that all marriages should be treated equally. According to recent reports, the immediate impact would be felt on the child welfare system. This means that foster care and adoption agencies would receive taxpayer funding even if they discriminate against LGBTQ+ families and children. This would hinder the goal of ensuring that all children seeking a permanent family find a loving home they deserve.

By excluding protections provided by Supreme Court rulings on constitutional rights and existing federal regulations, this proposed rule would permit discrimination against LGBTQ+, Jewish, and Muslim people at a time when hate crimes against these

groups is ongoing and/or growing. The 2018 annual report on hate crime in Los Angeles County revealed a 20% increase in hate crimes targeting people who are LGBTQ+ and LGBTQ+ organizations compared to the previous year. In 2018, anti-Jewish crimes rose 14% and constituted 83% of religion-motivated crimes.

In short, the Federal Administration is sanctioning discrimination and rolling back protections that all Americans should be guaranteed. In stark contrast, Los Angeles County will continue to provide services to all individuals and expects the same of its contractors.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Direct the Chief Executive Officer, in consultation with relevant departments, to send a 5-signature letter to the Secretary of the U.S. Department of Health and Human Services and the Los Angeles County Congressional Delegation declaring the County's opposition to the proposed rule which would eliminate protections against discrimination based on several factors, including sexual orientation and gender identity among others, in programs funded by grants from the U.S. Department of Health and Human Services;
2. Instruct County Counsel to analyze the proposed rule, in collaboration with impacted departments, and monitor any legal action aimed at challenging the proposed rule from taking effect, and present recommendations to the Board of Supervisors to file and/or join as amicus or plaintiff in litigation, as deemed appropriate by County Counsel; and
3. Direct County Counsel, in coordination with the Chief Executive Office, Department of Health Services, Department of Public Social Services,

Department of Children and Family Services, Workforce Development, Aging and Community Services and other impacted departments, to draft and submit a comprehensive County response during the public comment period opposing the proposed rule.

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