

HHS Takes Action to Prevent Discrimination and Strengthen Civil Rights



November 18, 2021

Today, the Department of Health and Human Services (HHS) through the Administration for Children and Families (ACF) and Office for Civil Rights (OCR), announced actions to further civil rights and equal opportunity for all people, irrespective of their sexual orientation, gender identity, and religion. HHS through OCR and ACF reestablished its commitment to furthering nondiscrimination and upholding the law by rescinding inappropriate, overly broad waivers issued by the prior Administration.

Through these waivers, States and child welfare agencies — including States and organizations that did not make such requests - were granted exemptions from program nondiscrimination requirements in a rule that was not in effect. In taking today's actions, HHS is reestablishing its long-standing Department practice of evaluation of religious exemptions and modifications of program requirements on a case-by-case basis, as needed, and as is required by law—which was unprecedentedly changed in 2017 by the previous Administration. Today, HHS reaffirms its important commitment to core American values: HHS will not condone the blanket use of religious exemptions against any person or blank checks to allow discrimination against any persons, importantly including LGBTQ+ persons in taxpayer-funded programs.

"Today's action supports the bedrock American principle and a core mission of our Department - to ensure Americans have access to quality health and human services. Our action ensures we are best prepared to protect every American's right to be free of discrimination. With the large number of discrimination claims before us, we owe it to all who come forward to act, whether to review, investigate or take appropriate measures to protect their rights. At HHS, we treat any violation of civil rights or religious freedoms seriously." - **HHS Secretary Xavier Becerra.**

Under the prior Administration, HHS through ACF and OCR issued letters to three States - South Carolina, Texas, and Michigan - along with certain child welfare agencies in those States, waiving nondiscrimination requirements based on religious objections. The Department has determined that these actions were inappropriate and unnecessary, given that the prior Administration did not enforce civil rights protections in the first instance in grants and instead issued a [Notice of Nonenforcement for the 2016 Grants Rule](#). The waivers are inconsistent with the Department's critical goal of combating discrimination based on religion, sexual orientation, and gender identity.

With today's actions, the Department is returning to its longstanding practice of a case-by-case evaluation of requests for religious exemptions, waivers and modifications of program requirements across its components, which is demanded by the Religious Freedom and Restoration Act (RFRA). As HHS has continued to make clear, RFRA is an important federal law with which all federal agencies must comply. In restoring proper application of RFRA - ensuring religious liberty is protected and protecting and advancing civil rights - OCR and ACF issued letters to these States, rescinding the prior Administration's inappropriate waivers. As part of this return to regular order, the Department also announced a change in the OCR delegations of authority to effectuate this legal and policy shift. The Department will continue to evaluate RFRA and other religious conscience laws as these requests come forward.

For more information about complying with civil rights laws enforced by the Office for Civil Rights at HHS see:

- [For Providers of Health Care and Social Services](#)
- [Civil Rights for Individuals and Advocates](#) :
- If you believe that a covered entity violated your civil rights, [you may file a complaint](#) .

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Quotes

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— - *HHS Secretary Xavier Becerra*

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