

# United States Senate

WASHINGTON, DC 20510

November 7, 2017

The Honorable Eric D. Hargan  
Acting Secretary  
U.S. Department of Health and Human Services  
Washington, DC 20201

Dear Acting Secretary Hargan:

During the campaign, President Trump said that he would “do everything in [his] power to protect LGBTQ citizens.”<sup>1</sup> We write to you because the Administration is not living up to the President’s promise and continues to take actions to reduce data collection about the well-being of, and rollback protections for, lesbian, gay, bisexual, transgender, and queer (LGBTQ) individuals. We urge you to reverse course on actions that will make it more challenging for programs you oversee to serve LGBTQ Americans.

In April, many of us wrote to then-Secretary Price regarding the U.S. Department of Health and Human Services’ (HHS) decision to eliminate sexual orientation and gender identity questions on two data collection instruments used to evaluate the effectiveness of Older Americans Act programs and programs designed to serve people with disabilities. We were pleased that HHS heeded our request to restore the sexual orientation question to the National Survey of Older Americans Act Participants (NSOAAP).<sup>2</sup> However, we remain concerned that HHS has not yet restored the gender identity question to the survey. Further, HHS staff recently indicated that it would not be collecting data on sexual orientation and gender identity on this year’s Centers for Independent Living Annual Program Performance Report (CIL PPR). In order to ensure that key programs for older adults and people with disabilities are meeting the needs of the entire LGBTQ community, we once again reiterate our call for HHS to restore the gender identity question to the NSOAAP and to collect information on sexual orientation and gender identity on the CIL PPR.

Rather than heed the strong opposition from the LGBTQ community, the public, and elected officials, we are deeply disappointed the Administration has taken additional actions that will likely have adverse consequences for LGBTQ Americans. In October, HHS withdrew a proposed rule that would have ensured that same-sex spouses were recognized and afforded equal rights in long-term care facilities that receive Medicare and Medicaid funds.<sup>3</sup>

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<sup>1</sup> Donald Trump Address at the Republican National Convention (July 21, 2016) (available at <https://www.c-span.org/video/?c4612805/donald-trump-addresses-republican-national-convention>).

<sup>2</sup> See Federal Register Notice (June 22, 2017) (available at <https://www.federalregister.gov/documents/2017/06/22/2017-13030/agency-information-collection-activities-submission-for-omb-review-comment-request-revision-of-a>).

<sup>3</sup> See Federal Register Notice (October 4, 2017) (available at <https://www.federalregister.gov/documents/2017/10/04/2017-21419/medicare-and-medicaid-programs-revisions-to-certain-patients-rights-conditions-for-participation-and>).

Furthermore, starting this year, two federal grant programs designed to serve homeless youth and children who are the victims of commercial sexual exploitation and sex trafficking will no longer specifically focus on the needs of LGBTQ youth. As LGBTQ youth are at a higher risk for running away and becoming homeless compared to their peers, and therefore more likely to be victimized, we are concerned about the effect these Administration decisions would have on these vulnerable youth.

HHS's Street Outreach Program, administered by HHS's Administration for Children and Families, supports organizations around the country that work with homeless, runaway, and street youth to help them find stable housing and services. The program's ultimate goal is to prevent the sexual abuse or exploitation of young people living on the streets or in unstable housing and prepare them for independence. While previous funding announcements specifically stated that grantees were required to address the unique needs of LGBTQ youth,<sup>4</sup> this year's announcement removed that requirement as well as all mentions of LGBTQ youth.<sup>5</sup> Furthermore, in previous years, applicants were also required to submit an "LGBTQ Accessibility Policy" assurance, which stated that the needs of LGBTQ individuals would be taken into consideration and that the applicant would establish policies prohibiting harassment.<sup>6</sup> According to this year's funding announcement, applicants are no longer required to submit this assurance.

HHS's decision to eliminate LGBTQ youth as a focus of the program runs counter to its own findings and recommendations and could have serious repercussions on the lives of at-risk LGBTQ youth. According to a study released by HHS last year, while 3 to 5 percent of youth in this country self-identify as LGBT, one-third of youth served by the Street Outreach Program reported being lesbian, gay, or bisexual.<sup>7</sup> The number of youth in the program who identified as transgender was three times that of a recent national estimate of transgender homeless youth.<sup>8</sup> Alarmingly, HHS's own study also found that LGBT youth served by the program "were significantly more likely to have experienced victimization on the streets (including being beaten up, robbed, sexually assaulted or raped, threatened with a weapon, or assaulted with a weapon) than their heterosexual counterparts."<sup>9</sup> HHS found that LGBT youth supported by the program

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<sup>4</sup> See Street Outreach Program Funding Opportunity Announcement (HHS-2016-ACF-ACYF-YO-1124) (available at [https://ami.grantsolutions.gov/files/HHS-2016-ACF-ACYF-YO-1124\\_0.pdf](https://ami.grantsolutions.gov/files/HHS-2016-ACF-ACYF-YO-1124_0.pdf)).

<sup>5</sup> See Street Outreach Program Funding Opportunity Announcement (HHS-2017-ACF-ACYF-YO-1241) (available at [https://ami.grantsolutions.gov/files/HHS-2017-ACF-ACYF-YO-1241\\_0.pdf](https://ami.grantsolutions.gov/files/HHS-2017-ACF-ACYF-YO-1241_0.pdf)).

<sup>6</sup> *Ibid.*

<sup>7</sup> Data Collection Study Final Report, Administration for Children and Families, Family and Youth Services Bureau, Street Outreach Program (April 2016) (available at [https://www.acf.hhs.gov/sites/default/files/fysb/data\\_collection\\_study\\_final\\_report\\_street\\_outreach\\_program.pdf](https://www.acf.hhs.gov/sites/default/files/fysb/data_collection_study_final_report_street_outreach_program.pdf)).

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*


faced barriers accessing services, including the lack of LGBT-friendly policies and staff.<sup>10</sup> Because of these barriers, HHS concluded that programs and services funded by the Street Outreach Program would need to be especially sensitive to LGBT youth and that additional information about the particular needs of LGBT youth, as well as more effort, was needed to better serve these individuals.<sup>11</sup> HHS's decision to remove requirements to address the unique needs of LGBTQ youth leave the Department in contradiction of its own recommendations.

While HHS was making the decision to eliminate LGBTQ youth as a focus of the Street Outreach Program, the U.S. Department of Justice (DOJ) made a similar decision when it decided to eliminate LGBTQ youth as a focus of its Mentoring for Child Victims of Commercial Sexual Exploitation and Domestic Sex Trafficking Initiative. This program, which supports the capacity of organizations to respond to the needs of child victims of commercial sex exploitation and domestic sex trafficking, removed a requirement this year that grantees were required to focus on the needs of LGBTQ youth<sup>12</sup> as well as all mentions of LGBTQ youth in its Funding Opportunity Announcement.<sup>13</sup> Taken together, these decisions by HHS and DOJ further imperil an already vulnerable population.

In order to ensure that key programs meet the needs of the LGBTQ population, we urge you to continue to emphasize that LGBTQ youth are a primary focus of the Street Outreach Program and restore the gender identity question to the NSOAP and to collect data on sexual orientation and gender identity on the CIL PPR. We also request a staff briefing on the decision to eliminate mention of LGBTQ youth in this year's Street Outreach Program funding announcement and how HHS plans to ensure that the needs of LGBTQ youth are being met through this program.

Thank you for your assistance in this matter.

Sincerely,



Robert P. Casey, Jr.  
United States Senator



Tammy Baldwin  
United States Senator

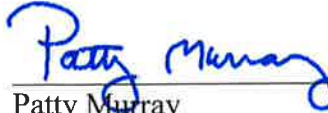
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<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> OJJDP FY 2016 Mentoring for Child Victims of Commercial Sexual Exploitation and Domestic Sex Trafficking Initiative Funding Opportunity Announcement (OJJDP-2016-9143) (available at <https://www.ojjdp.gov/grants/solicitations/FY2016/MentoringCSEDST.pdf>).

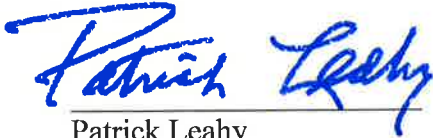
<sup>13</sup> OJJDP FY 2017 Mentoring for Child Victims of Commercial Sexual Exploitation and Domestic Sex Trafficking Initiative Funding Opportunity Announcement (OJJDP-2017-10985) (available at <https://www.ojjdp.gov/grants/solicitations/FY2017/CVCSEDSMent.pdf>).



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United States Senator



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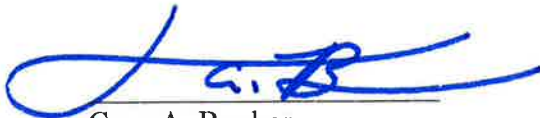
Al Franken  
United States Senator



Richard Blumenthal  
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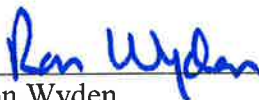
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United States Senator



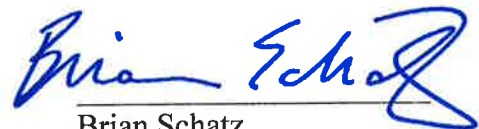
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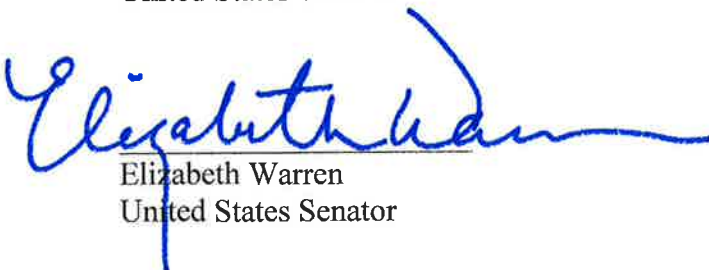
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