

# United States Senate

WASHINGTON, DC 20510

April 3, 2018

The Honorable Alex M. Azar II  
Secretary  
U.S. Department of Health and Human Services  
Washington, DC 20201

Dear Secretary Azar:

We write to you to express our continued concern that key federal programs are not meeting the needs of lesbian, gay, bisexual, and transgender (LGBT) Americans. Despite repeated promises by President Trump during the 2016 campaign that he would do everything in his power to protect LGBT citizens, the Administration continues to take actions that will have adverse consequences for LGBT individuals.<sup>1</sup> We once again call on the Department of Health and Human Services (HHS) to ensure key data is collected so that LGBT Americans of all ages are able to access the federal programs best suited to address their unique needs and concerns.

Last year, many of us wrote to HHS regarding the Department's decision to eliminate sexual orientation and gender identity questions on a data collection instrument used to evaluate the effectiveness of Older Americans Act (OAA) programs. We were pleased that HHS heeded our request to restore the sexual orientation question to the National Survey of Older Americans Act Participants (NSOAAP), but continue to urge you to restore questions pertaining to gender identity. The NSOAAP provides critical data on federally-funded programs under the OAA, such as home-delivered and congregate meals, transportation, home care services, and caregiver support. The results of the survey are used to evaluate the effectiveness of OAA programs, including who is able to access the programs. By collecting data on participants' gender identity, HHS is better able to fulfill its statutory obligation to ensure OAA funds are targeted to older adults with the "greatest social need," including transgender Americans.<sup>2</sup>

The Administration's actions against LGBT individuals extend beyond older transgender Americans. We recently learned that HHS plans to delay the collection of critical foster care and adoption data needed to update the Adoption and Foster Care Analysis and Reporting System (AFCARS), as required by a 2016 rule.<sup>3</sup> The rule specifically required collecting data on a child's sexual orientation for the first time. This much-needed data is

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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>).

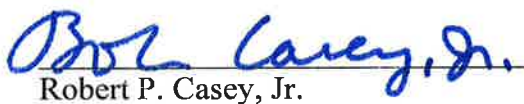
<sup>2</sup> Older Americans Act of 1965, as Amended through P.L. 114-144, 42 U.S.C. § 3001 (available at <https://legcounsel.house.gov/Comps/Older%20Americans%20Act%20Of%201965.pdf>)

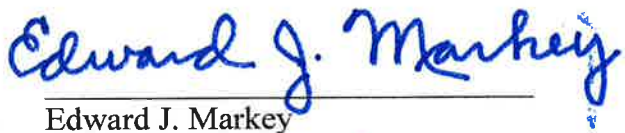
<sup>3</sup> 45 C.F.R. § 1355 2016 (available at <https://www.gpo.gov/fdsys/pkg/FR-2016-12-14/pdf/2016-29366.pdf>)

integral to providing competent and supportive care to LGBT youth in the foster care system. LGBT youth are particularly vulnerable, facing higher rates of mistreatment and homelessness.<sup>4</sup> Robust data collection is needed to ensure they are placed in homes and with families who will be able to meet their unique needs. Delaying this critical data collection by two years is yet another attempt by HHS to disenfranchise the LGBT community.

Time and time again, this Administration has demonstrated a willingness to turn its back on LGBT individuals—both youth and older Americans. Choosing not to collect essential data on the unique needs of these communities is tantamount to a choice not to serve them. By collecting data on sexual orientation and gender identity, the Administration can assess whether critical federal programs and services are able to reach the members of the LGBT community who most need them. Reducing data collection on LGBT individuals, and making decisions to no longer specifically focus on their needs, is threatening to erase the enormous gains that have been made in recent years. We refuse to allow the Administration to walk away from the LGBT population. We once again call on HHS to reverse course and ensure federal programs are meeting the needs of all LGBT Americans.

Thank you for your assistance in this matter.

  
Robert P. Casey, Jr.

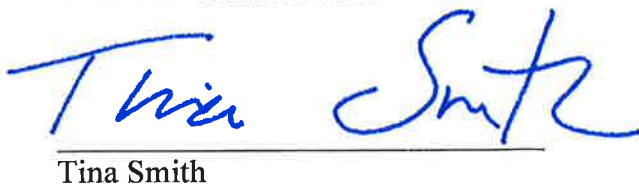
  
Edward J. Markey

  
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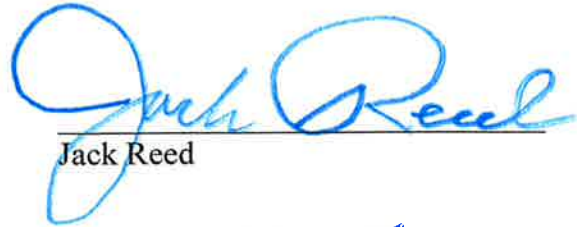
  
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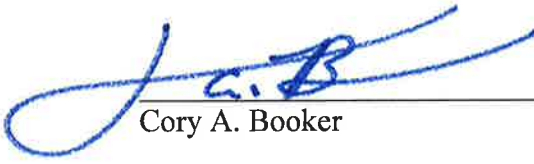
<sup>4</sup> Human Rights Campaign, “LGBTQ Youth in the Foster Care System,” (available at [https://assets2.hrc.org/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf?\\_ga=2.258766345.2079073263.1521577560-518381437.1516815376](https://assets2.hrc.org/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf?_ga=2.258766345.2079073263.1521577560-518381437.1516815376))



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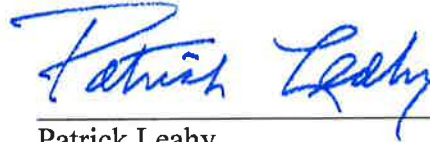
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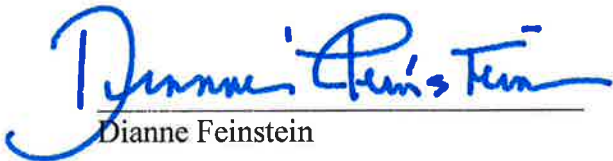
Patrick Leahy



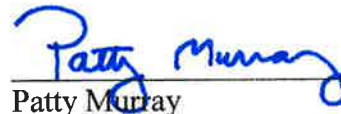
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