



DEPARTMENT OF THE ATTORNEY GENERAL

DAVID Y. IGE
GOVERNOR

CLARE E. CONNORS
ATTORNEY GENERAL

For Immediate Release
December 20, 2019

News Release 2019-92

Hawaii Attorney General Joins Coalition Condemning New Federal Attack on LGBTQ Rights

HONOLULU – Hawaii Attorney General Clare E. Connors today announced joining a coalition of 19 attorneys general, led by California, Massachusetts, and Pennsylvania, in filing a comment letter opposing the Trump Administration’s latest effort to undermine the healthcare rights of LGBTQ individuals and families. Under a new federal proposal, the U.S. Department of Health and Human Services (HHS) is attempting to eliminate explicit anti-discrimination language used in regulations governing federal grants that guarantees equal access to programs administered across the country. The proposal would apply to a broad range of HHS grant programs, including maternal and child health grants, federally-assisted health training programs, Head Start programs, and mental health and substance abuse grants. LGBTQ families who foster and adopt children are among the most likely to be harmed by potentially being excluded from participation in federally funded child-welfare programs.

“There is no data or evidence that the proposed rules would improve the effectiveness of HHS-administered programs,” said Attorney General Connors. “To the contrary, the rules plainly target LGBTQ individuals.”

Under the proposed rule, HHS would eliminate explicit protections for “age, disability, sex, race, color, national origin, religion, gender identity, or sexual orientation” and replace them with a generic prohibition based on federal statute. However, the Trump Administration is already moving the goalposts on how it defines who is eligible for anti-discrimination protections under federal statutes. For instance, the Trump Administration is currently in the process of working to undermine Title VII of the Civil Rights Act by arguing before the U.S. Supreme Court that it does not protect against discrimination based on sexual orientation or transgender status. In the comment letter, the coalition notes that this HHS proposal is arbitrary and capricious and that the agency failed to provide any adequate explanation for the proposed rule.

Our nation has many children in need of safe, loving homes. Hundreds of thousands of children across the country are already in the foster care system, and the proposed rule will create unnecessary barriers that impede qualified LGBTQ families from caring for these vulnerable children. There are an estimated 27,000 same-sex couples raising 58,000 children through adoption and foster care across the United States. By allowing the denial of federally funded services to LGBTQ families, HHS will potentially deprive prospective LGBTQ foster and adoptive parents of the opportunity to provide a loving home to children in need.

Additionally, ensuring nondiscrimination in the provision of care and services to LGBTQ foster youth who are greatly overrepresented in the foster care system is vitally important. In 2015, almost 20 percent of youth in foster care identified as LGBTQ as compared to an estimated 8.3 percent in the general population. Leading medical experts and organizations, such as the American Psychological Association, have recognized that discrimination can have significant health consequences, including on mental health. This proposal marks only the latest step the Trump Administration has taken to deny LGBTQ individuals, youth, and families access to care and critical social services.

In submitting the comment letter, Attorney General Connors joins the attorneys general of California, Massachusetts, Pennsylvania, Colorado, Delaware, Illinois, Iowa, Maryland, Minnesota, Nevada, New Jersey, New York, North Carolina, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia.

A copy of the comment letter is available [here](#).

#

For more information, contact:

Krishna F. Jayaram
Special Assistant to the Attorney General
(808) 586-1284
Email: atg.pio@hawaii.gov
Web: <http://ag.hawaii.gov>
Twitter: @ATGHGov