



December 21, 2023

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Ave., SW
Washington, D.C. 20201

Dear Secretary Becerra,

On behalf of The Leadership Conference on Civil and Human Rights, its Health Care Task Force that works to promote and protect the civil rights and health of all persons in the United States, and the 260 undersigned organizations, we write to urge you to quickly release the HHS Office for Civil Rights (OCR) final rule implementing Section 1557 (Sec. 1557) of the Affordable Care Act (ACA).

Given the pervasive legacy of discrimination in health systems and health policy, Sec. 1557 has represented a significant step toward rectifying centuries of policies and practices that have created worse health outcomes for communities of color, people with disabilities, women, LGBTQ+ people, Limited English Proficient (LEP) individuals, older adults and children, and other systemically marginalized groups. We are grateful that the Biden-Harris administration has demonstrated strong leadership in the development of a new rule, and many of our organizations provided robust comments on the proposed rule. However, the end of the public comment process has long since passed. It is of paramount importance to our communities that a final rule be put in place as quickly as possible. We strongly urge the administration to move expeditiously to finalize and publish the rule.

The inclusion of Sec. 1557 in the ACA was a critical step to ensure the promises of the law would redound to the benefit of everyone in the United States regardless of race, ethnicity, national origin (including language), age, sex (including sex stereotypes; sex characteristics, including intersex traits; pregnancy or related conditions, including termination of pregnancy; sexual orientation; transgender status; and gender identity), and disability. For years, many of our organizations have worked, in partnership with HHS, the White House, and others, to promote timely and strong regulations that would implement this new landmark anti-discrimination law and ensure the promises of Sec. 1557 would become reality. We are grateful to the Obama-Biden administration for finalizing long-awaited regulations implementing Sec. 1557 in 2016. Unfortunately, in 2020, the Trump administration finalized new regulations drastically rewriting the Obama-era regulations and purporting to severely limit Sec. 1557's application.

As you know, the Trump administration's attacks on civil rights in general and Sec. 1557 in particular have diminished Sec. 1557's intended impact and protections. While the statute remains in place, the



implementing regulations are critical to providing covered entities with the details of what they must do to comply. As a prime example of the Trump administration's rollback, covered entities currently do not have to provide notice of Sec. 1557's application or designate employees to ensure the entity's compliance and response to complaints. Many individuals who should benefit from Sec. 1557's protections do not even know their rights have been violated or the redress they may have. This underscores the importance of the quick release of the Biden-Harris administration's proposed rule to address these and many other important issues.

We urge you to release the final rule as quickly as possible. Its release not only will highlight the administration's commitment to health equity and nondiscrimination but also help ensure the entire regulatory process is completed expeditiously. As you know, HHS has previously experienced several challenges to the agency's important work on civil rights. We feel strongly that the Sec. 1557 regulation must be finalized as soon as possible so that this administration can lead the response to any legal challenge to the rule, and to avoid any timeline that would leave the regulation subject to the Congressional Review Act. While we hope that none of these scenarios take place, a quick release would avoid any situation that would jeopardize a rule so important to the health of our communities.

Again, we commend the administration for its comprehensive efforts toward ensuring equity for all. We look forward to actively engaging in the education, outreach, implementation, and enforcement that can occur once the Sec. 1557 rule is finalized. Thank you for your consideration of our views. For more information, please contact Leadership Conference Health Care Task Force co-chair Mara Youdelman, National Health Law Program (youdelman@healthlaw.org), or Leadership Conference Policy Counsel Peggy Ramin (ramin@civilrights.org).

Sincerely,

The Leadership Conference on Civil and Human Rights
National Health Law Program, Health Care Task Force Co-Chair
National Partnership for Women & Families, Health Care Task Force Co-Chair
ACA Consumer Advocacy
ACCESS
Access Ready, Inc.
ACCESS REPRODUCTIVE JUSTICE
Actionable Intelligence for Social Policy (AISP)
Advocates for Youth
AFL-CIO
AIDS Foundation Chicago
AIDS United
Alabama Disabilities Advocacy Program
Allies for Independence

AltaMed Health Services
American Association of People with Disabilities
American Association on Health and Disability
American Atheists
American Cancer Society Cancer Action Network
American College of Nurse-Midwives
American Council of the Blind
American Federation of Teachers
American Friends Service Committee (AFSC)
American Humanist Association
APLA Health
APNH: A Place to Nourish your Health
Arizona Center for Law in the Public Interest
Arkansas Black Gay Men's Forum
Asian & Pacific Islander American Health Forum (APIAHF)
Asian Pacific Institute on Gender-Based Violence
Asian Resources, Inc.
Assistive Technology Law Center
Association of Asian Pacific Community Health Organizations (AAPCHO)
Association of Maternal & Child Health Programs
Association of Nurses in AIDS Care
Autism Society of America
Autistic People of Color Fund
Autistic Self Advocacy Network
Autistic Women & Nonbinary Network
Bazelon Center for Mental Health Law
Bend the Arc: Jewish Action
Birth In Color
Black Phoenix Organizing Collective
California Immigrant Policy Center
California Pan-Ethnic Health Network
Capitol Ballroom Council, inc.
Caring Across Generations
Center for Asian Americans in Action
Center for Black Equity
Center for Civil Justice
Center for Elder Law & Justice
Center for Health Progress
Center for Law and Social Policy
Center for Medicare Advocacy

Center for Reproductive Rights
Center for the Study of Social Policy
CenterLink: The Community of LGBTQ Centers
Centro Savila
Charlotte Center for Legal Advocacy
Children's Defense Fund
Chinese-American Planning Council (CPC)
Clearinghouse on Women's Issues
Clinica Monsenor Oscar A. Romero
Coalition on Human Needs
Colorado Center on Law and Policy
Colorado Consumer Health Initiative
CommunicationFIRST
Community Catalyst
Community Legal Aid Society, Inc. (Delaware)
Disability Law Center
Disability Law Center of Utah
Disability Policy Consortium
Disability Rights Arkansas
Disability Rights California
Disability Rights Connecticut
Disability Rights Education and Defense Fund (DREDF)
Disability Rights Florida
Disability Rights Michigan
Disability Rights New Jersey
Disability Rights North Carolina
Disability Rights Oregon
Disability Rights Tennessee
Disability Rights Texas
Disability Rights Washington
Doctors for America
Drug Policy Alliance
East Bay Sanctuary Covenant
Eating Disorders Coalition for Research, Policy, & Action
El Vínculo Hispano
Empowering Pacific Islander Communities
Equality California
Families USA
Family Voices
Farmworker Justice

Fast-Track Cities Institute
Feminist Majority Foundation
FFRF Action Fund
First Focus on Children
Florida Legal Services
FORGE, Inc.
Futures Without Violence
Georgetown University Center for Children and Families
Georgians for a Healthy Future
Give for a Smile
GLMA: Health Professionals Advancing LGBTQ+ Equality
GO2 for Lung Cancer
GRACE/End Child Poverty California
Guttmacher Institute
Hadassah, The Women's Zionist Organization of America
Haitian Neighborhood Center, Sant La Inc.
Health & Medicine Policy Research Group
Health Law Advocates
Hispanic Federation
HIV Medicine Association
HIV+Hepatitis Policy Institute
Houston Immigration Legal Services Collaborative
Illinois Coalition for Immigrant and Refugee Rights
Impact Fund
Indiana Disability Rights
Indiana Justice Project
interACT: Advocates for Intersex Youth
Interfaith Alliance
International Association of Providers of AIDS Care
International Community Health Services
Ipas
Japanese American Citizens League (JACL)
Jewish Family Service of Los Angeles
Jewish Women International
Justice in Aging
Kentucky Black Pride Inc.
Kentucky Equal Justice Center
Kentucky Health Justice Network
Labor Council for Latin American Advancement
Lakeshore Foundation

Lanai Community Health Center
Latino Community Fund (LCF Georgia)
Lawyers' Committee for Civil Rights Under Law
Lawyers for Good Government
Legal Action Center
Legal Aid Justice Center
Legal Council for Health Justice
Lurie Institute for Disability Policy, Brandeis University
Maine Equal Justice
Maine Immigrants Rights Coalition
Massachusetts Law Reform Institute
Medicare Rights Center
Metro New York Health Care for All
Michigan Immigrant Rights Center
Midwife360
Minnesota People of Color Pride Organization
Mississippi Center for Justice
Missouri Asian American Youth Foundation
Mixteco/Indigena Community Organizing Project (MICOP)
Mom Congress
Movement Advancement Project
NASTAD
National Asian American Pacific Islander Mental Health Association (NAAPIMHA)
National Asian Pacific American Women's Forum
National Association of Certified Professional Midwives
National Association of Councils on Developmental Disabilities
National Association of Pediatric Nurse Practitioners
National Association of Social Workers
National Black Justice Coalition
National Center for Lesbian Rights
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Center for Transgender Equality
National Center on Domestic Violence, Trauma, and Mental Health
National Coalition for Latinxs with Disabilities (CNLD)
National Community Action Partnership
National Council of Asian Pacific Americans
National Council of Jewish Women
National Council on Aging
National Disability Institute
National Disability Rights Network (NDRN)

National Employment Law Project
National Family Planning & Reproductive Health Association
National Health Care For the Homeless Council
National Hispanic Medical Association
National Immigration Law Center
National Institute for Reproductive Health
National Latina Institute for Reproductive Justice
National League for Nursing
National LGBT Cancer Network
National LGBTQ Task Force Action Fund
National Network for Arab American Communities (NNAAC)
National Network to End Domestic Violence
National Organization for Women
National Women's Health Network
National Women's Law Center
Native American Disability Law Center
Nebraska Appleseed
NETWORK Lobby for Catholic Social Justice
Network of Women with Disabilities
New Jersey Alliance for Immigrant Justice
New York Legal Assistance Group (NYLAG)
NM Center on Law and Poverty
North Dakota Protection and Advocacy Project
Northwest Health Law Advocates
NYC Center for Black Pride, Inc.
OCA - Asian Pacific American Advocates
Pacific Asian Counseling Services
Papa Ola Lokahi
Pennsylvania Health Law Project
People Power United
PFLAG National
Physicians for Reproductive Health
Pisgah Legal Services
PIVOT-The Progressive Vietnamese American Organization
Planned Parenthood Federation of America
Plume Health
Power to Decide
Prevention Institute
Pride & Promote of Los Angeles
Pride South Side

Protect Our Care
Public Advocacy for Kids (PAK)
Public Justice Center
Reproductive Freedom For All (formerly NARAL Pro-Choice America)
Reproductive Health Impact: The Collaborative for Equity & Justice
RootsAction.org
Safe States Alliance
Service Employees International Union (SEIU)
SIECUS: Sex Ed for Social Change
Silver State Equality
Sojourners-SojoAction
South Asian Public Health Association
South Carolina Appleseed Legal Justice Center
Southeast Asia Resource Action Center (SEARAC)
State innovation Exchange (SIX)
Sycamores
T1International, USA
Tennessee Justice Center
The AIDS Institute
The Arc of the United States
The Century Foundation's Health Equity and Reform team
The Children's Agenda
The Children's Partnership
The Coelho Center for Disability Law, Policy and Innovation
The Kansas Affiliate of the American College of Nurse-Midwives
The Legal Aid Society (New York City)
The Praxis Project
The Secular Coalition for America
The Trevor Project
The University of Baltimore's Center on Applied Feminism
The Workers Circle
THRIVE SS, Inc
Trans Formations Project
Transgender Legal Defense & Education Fund
Transhealth
U.S. Gender and Disability Justice Alliance
UnidosUS
Union for Reform Judaism
United States of Care
Virginia Affiliate of the American College of Nurse-Midwives

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We Testify
Whitman-Walker Institute
William E. Morris Institute for Justice
WV Black Pride
Yellowhammer Fund
Young Center for Immigrant Children's Rights
YWCA USA

cc:

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Merrick Garland, Attorney General of the United States, Department of Justice
Shalanda Young, Director, Office of Management and Budget
Melanie Fontes Rainer, Director, Office for Civil Rights, Department of Health and Human Services