



November 14, 2023

Notice of Tribal Consultation

Dear Tribal Leader:

I write to invite you to the U.S. Department of Health and Human Services' (HHS) Virtual Tribal Consultation on the regulations for the Health and Human Services Grants Regulation. On July 13, 2023, HHS's Office for Civil Rights (OCR) and the Office of the Assistant Secretary for Financial Resources (ASFR) issued a Notice of Proposed Rulemaking (NPRM) that repromulgates and revises certain regulatory provisions of the HHS Uniform Administrative Rule Requirements, Cost Principles, and Audit Requirements for HHS Awards.¹

The Department invites you to participate in a Tribal Consultation to share your views and priorities with respect to these grant requirements. Specifically, the consultation will address proposals in the NPRM to:

- Require grant recipients to comply with applicable Federal statutory nondiscrimination provisions.
- Provide that HHS complies with applicable Supreme Court decisions in administering its grant programs.
- Provide a religious exemption process for requirements from certain provisions.

In addition, the proposed rule incorporates changes needed to clarify the Department interpretation of the prohibition of discrimination on the basis of sex to include (1) discrimination on the basis of sexual orientation and (2) discrimination on the basis of gender identity, consistent with the Supreme Court's decision in *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020), and other Federal court precedent applying *Bostock's* reasoning that sex discrimination includes discrimination based on sexual orientation and gender identity.

HHS will hold a Virtual Tribal Consultation on the proposed rule on **December 19, 2023, from 3:00 p.m. to 4:30 p.m., ET**. This Tribal Consultation will provide an opportunity for HHS to inform Tribes about the proposed regulatory changes to the Health and Human Services Grants Regulation at 45 C.F.R. Part 75. Additionally, this Tribal Consultation will also provide a forum for Tribes to collectively share their views and priorities with HHS officials about the federal requirements for nondiscrimination in HHS's administration of grants.

HHS understands the importance of hearing from Tribes on national and regional issues, as well as Tribe-specific concerns. You can register for the Tribal Consultation on the Health and Human Services Grants Regulation at this [Zoom registration link](#).

¹ See [88 Fed. Reg. 44750](#).

Sincerely,

/s/ Melanie Fontes Rainer

Melanie Fontes Rainer
Director
Office for Civil Rights