



advocacy | action | answers on aging

**National Association of  
Area Agencies on Aging**

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December 19, 2019

Division of Grants, Office of Grants Policy, Oversight, and  
Evaluation

Office of the Assistant Secretary for Financial Resources,  
U.S. Department of Health and Human Services

Re: RIN: 0991-AC16 NPRM to Repromulgate or Revise Certain  
Regulatory Provisions of the Department of Health and Human  
Services, Uniform Administrative Requirements, Cost Principles,  
and Audit Requirements for HHS Awards

To Whom it May Concern:

The National Association of Area Agencies on Aging (n4a) appreciates the opportunity to comment on the Notice of Proposed Rulemaking (NPRM) to revise certain regulatory provisions of the Department of Health and Human Services (HHS), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards. The [HHS proposed rule](#) would codify a previously released [Notice of Nonenforcement](#) stating that HHS would cease enforcement of regulations prohibiting discrimination in taxpayer-funded programs and services based on gender identity, sexual orientation, sex and, in certain instances, religion.

n4a represents the country's 622 Area Agencies on Aging (AAAs) and serves as a voice in Washington, DC for the more than 250 Title VI Native American aging programs. n4a members develop, coordinate and deliver local aging programs—including programs administered by HHS through the federal Older Americans Act (OAA)—to help millions of older Americans and their caregivers get the support they need to age successfully at home and in their communities. n4a is concerned about the potential harm that this rule change could inflict on older adults and caregivers receiving OAA services. For this reason, n4a strongly opposes this proposed rule and urges HHS to withdraw it, as well as the accompanying notice of nonenforcement.

n4a believes that all people, including older adults at the greatest economic, social, and medical risk, should have access to the services and supports that they need to remain independent. n4a is particularly concerned about the impact of the proposed rule on the Older Americans Act (OAA) and other HHS grant programs and believes that implementation of this proposed rule could exacerbate the challenges vulnerable older adults and caregivers of all backgrounds face.

Specifically, HHS administers most of its funding for the \$1.6 billion OAA program through grants to states and local entities; these grants support key services that enable older adults to age in place and live with dignity. All older adults and caregivers who need them should have access to vital OAA programs, and no one should be denied access for reasons related to their gender identity, sexual orientation, sex or religion.

n4a is concerned that weakening nondiscrimination policy could embolden additional discriminatory practices and put vulnerable older adults and caregivers at risk of losing access to essential home and community-based services under OAA and other critical HHS programs. At a minimum, we are concerned that the rule would create additional and unnecessary confusion as to what activities are permitted or prohibited and increase administrative burden for HHS grantees, which is contrary to HHS's stated goal to simplify current policy parameters.

Again, we appreciate the opportunity to comment on this proposal, and strongly urge HHS to withdraw the proposed rule and return to enforcing current prohibitions against discrimination on any basis by all HHS grantees and in all HHS programs.

Sincerely,

A handwritten signature in black ink that reads "Sandy Markwood". The signature is written in a cursive, flowing style with a long horizontal tail on the right side.

Sandy Markwood  
Chief Executive Officer