



January 22, 2021

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden:

As companies that proudly employ tens of thousands of workers in communities across the U.S., we applaud the Administration's day one actions to prevent and combat discrimination on the basis of gender identity or sexual orientation.

Looking ahead, we respectfully urge federal agencies to review and take all lawful steps, as instructed in the executive order, to rescind the number of harmful Trump Administration regulations that discriminate against LGBTQ+ Americans. These regulations will continue to negatively impact our current employees and future workforce, as well as their families and communities, particularly those who identify as LGBTQ+ and/or who have family members who identify as LGBTQ+.

Like you, we believe that providing the same basic protections to LGBTQ+ people as are provided to protected groups under federal law is the right thing to do – for businesses and society. Our companies take pride in the diversity of our workforces, which are comprised of individuals from a vast array of backgrounds and identities. Policies and regulations that discriminate against LGBTQ+ persons not only impair business operations and the ability of businesses to recruit and retain talent, but also harm our employees in their daily lives. Such policies are also increasingly out of step with the views of a growing number of American consumers.

Below are just a handful of the rules and regulations implemented by the Trump Administration that deserve immediate attention.

- **A Department of Labor rule** that would exempt federal contractors having a religious purpose from anti-discrimination protections, which could allow taxpayer-funded contractors to discriminate against LGBTQ workers.¹
- **A rewrite of an Obama-Biden-era regulation on Section 1557 of the Affordable Care Act** that removed protections against discrimination in health care services based on sex stereotyping and gender identity.² Jocelyn Samuels, executive director of UCLA's Williams Institute, a think tank focused on LGBTQ+ issues, and the former director of HHS' Office of Civil Rights in the Obama-Biden administration, stated that the rule "stands to inflict significant damage on vulnerable communities."³

¹ <https://www.dol.gov/newsroom/releases/ofccp/ofccp20190814>

² <https://www.hhs.gov/about/news/2020/06/12/hhs-finalizes-rule-section-1557-protecting-civil-rights-healthcare.html>

³ <https://www.nbcnews.com/feature/nbc-out/religious-freedom-rule-could-cause-significant-damage-lgbtq-health-care-n1001996>



- **The creation of a Conscience and Religious Freedom Division in the Health & Human Services (HHS) Office for Civil Rights** to enforce certain federal laws.⁴ At the time of the division's creation, Louise Melling, deputy legal director of the ACLU, called the move a prioritization of religious liberty over the health and civil rights of women, transgender people and others."⁵
- **A proposed rule** that would permit HHS grant recipients to discriminate against LGBTQ+ persons and still receive federal funding.⁶ Notably, the proposed rule would allow foster and adoption agencies nationwide to turn away same-sex parents.
- **A Department of Defense regulation** barring transgender individuals from enlisting in the military.⁷ A Defense Department-funded study published in 2020 found that 66% of active-duty military personnel support allowing transgender service members in the military.⁸
- **The elimination of Obama-Biden era Title IX guidance** clarifying that schools must treat transgender students consistent with their gender identity.⁹

We thank you for your immediate attention to address these harmful and discriminatory regulations and look forward to working with you and your Administration on these and other important issues that impact our workers and communities in the future.

Sincerely,

A handwritten signature in black ink that reads "Philippe Caradec".

Phillipe Caradec
VP Public and Government Affairs
Federal and Industry Affairs
Danone North America, PBC

A handwritten signature in black ink that reads "Brad G. Figel".

Brad G. Figel
Vice President
Public Affairs North America
Mars, Incorporated

⁴ <https://www.hhs.gov/about/news/2018/01/18/hhs-ocr-announces-new-conscience-and-religious-freedom-division.html>

⁵ <https://www.nbcnews.com/feature/nbc-out/new-religious-freedom-division-sows-fears-lgbtq-discrimination-n839256>

⁶ <https://www.hhs.gov/about/news/2019/11/01/hhs-issues-proposed-rule-to-align-grants-regulation.html>

⁷ <https://www.defense.gov/Explore/News/Article/Article/1813248/dod-official-updated-transgender-policy-based-on-treating-all-with-dignity/>

⁸ <https://www.militarytimes.com/news/your-military/2020/02/27/two-thirds-of-troops-support-allowing-transgender-service-members-in-the-military-pentagon-study-finds/>

⁹ <https://www.ed.gov/news/press-releases/us-secretary-education-betsy-devos-issues-statement-new-title-ix-guidance>



Molly Fogarty

Molly Fogarty
Senior Vice President
Corporate & Government Affairs, U.S.
Nestlé USA

Tom Langan

Tom Langan
North America Director
Sustainable Business & External Affairs
Unilever

