

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

EDEN ROGERS et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES et al.,

Defendants.

Civil Action No. 6:19-cv-01567-JD

**DEFENDANTS' NOTICE**

Defendants respectfully bring to the Court's and Plaintiffs' attention an Administration for Children and Families letter rescinding South Carolina's exception from the religious non-discrimination requirement of 45 C.F.R. § 75.300(c) (2016). Specifically, the letter states in pertinent part:

On November 19, 2019, HHS published a notification that it would exercise discretion to not enforce the 2016 Rule, including the non-discrimination provisions in § 75.300(c) and (d), due to concerns regarding whether the 2016 Rule complied with the Regulatory Flexibility Act. *See* Notification of Nonenforcement of Health and Human Services Grants Regulation, 84 Fed. Reg. 63,809 (Nov. 19, 2019) ("The provisions will not be enforced pending a repromulgation that complies with the Act."). Thus, the non-discrimination provisions in the 2016 Rule that the waiver issued to South Carolina sought to address are not currently being enforced. Accordingly, the religious exception South Carolina sought from the 2016 Rule is no longer warranted and, thus, is hereby rescinded.

Letter from Joo Yeun Chang, Principal Deputy Assistant Sec'y, Admin. for Child. & Fams., to Henry McMaster, Governor, South Carolina 1 (Nov. 18, 2021). A copy of the letter is attached.

Dated: January 7, 2022

Respectfully submitted,

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