

Advisor, HHS Office for Civil Rights, (202) 741–8460 or (800) 537–7697 (TDD), or by email at conscience@hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On September 17, 2021, HHS OCR issued “Guidance on Nondiscrimination Protections under the Church Amendments” (2021 OCR Guidance) to remind recipients of certain federal funding of conscience protections for healthcare personnel related to abortion and sterilization. The 2021 OCR Guidance addressed the federal conscience statute known as the Church Amendments, 42 U.S.C. 300a–7, which consists of several provisions, but only focused on provision (c)(1) that protects the conscience rights of both providers who are willing to participate in abortion and providers who are unwilling to participate in abortion. The 2021 OCR Guidance stated: “The purpose of this document is to remind recipients of grants, loans, contracts, or loan guarantees under the PHS Act of their nondiscrimination obligations under section (c)(1) of the Church Amendments with regard to health care personnel who perform or assist in the performance of abortion or sterilization.”

The Church Amendment (c)(1) prohibits health care entities receiving funds under the Public Health Service Act from discriminating in employment or staff privileges against physicians or health care personnel who perform or assisted in the performance of lawful sterilization procedure or abortion, or who object to performing or assisting in the performance of a lawful sterilization procedure or abortion that would be contrary to religious beliefs or moral convictions.

The 2021 OCR Guidance addressed what a lawful abortion is in three ways. First, it stated a lawful abortion is any abortion legal under *Planned Parenthood v. Casey*, which made it illegal for a state to prohibit abortion prior to viability. See *Planned Parenthood v. Casey*, 505 U.S. 833, 879 (1992), *overruled in part by Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022). Second, it described a lawful abortion as an abortion under the Hyde Amendment provision in the Labor, Health and Human Services, and Related Agencies Appropriations Act that restricts Federal funding for abortion except in the case where the pregnancy threatens the life of the woman, or in the case that the pregnancy is the result of rape or incest. Last, it defined a lawful abortion to

include those performed to stabilize a patient when required under the Emergency Medical Treatment & Labor Act (EMTALA), 42 U.S.C. 1395dd. The 2021 OCR Guidance cited guidance from the Centers for Medicare & Medicaid Services (CMS) on EMTALA obligations and resources for filing complaints, issued on September 17, 2021 (2021 CMS EMTALA Guidance). The 2021 CMS EMTALA Guidance was updated on July 11, 2022 (2022 CMS EMTALA Guidance) and was accompanied by a letter sent the same day by HHS Secretary Becerra following the *Dobbs* decision, which was issued on June 24, 2022. The 2022 CMS EMTALA Guidance and accompanying Secretary letter was preliminarily and partially enjoined on August 23, 2022,² and it was rescinded on May 29, 2025.

II. Basis for Rescission

HHS OCR rescinds the 2021 OCR Guidance under Executive Order (“E.O.”) 14182, “Enforcing the Hyde Amendment” for several reasons.

First, Section 1 of E.O. 14182 provides that “Congress has annually enacted the Hyde Amendment and similar laws that prevent Federal funding of elective abortion.” Section 1 further provides it is the policy of the United States, consistent with the Hyde Amendment, to end the forced use of Federal taxpayer dollars to fund or to “promote elective abortion.” The 2021 OCR Guidance had the effect of promoting abortion by focusing solely on part of provision (c)(1) of the Church Amendments to remind entities receiving funds of their nondiscrimination obligations with respect to providers who perform or assist in the performance of abortion.

By focusing on one aspect of provision (c)(1) of the Church Amendments, the 2021 OCR Guidance narrowly focused on the rights of providers employed by certain federally funded health care entities who perform lawful abortions but failed to clarify the conscience rights of providers who are unwilling to perform abortion.

Second, the 2021 OCR Guidance cited various court cases to argue “decades of precedent make clear that it is unconstitutional for a state to prohibit a patient from ending pregnancy prior to fetal viability.” Those claims are no longer accurate after *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022), which overturned *Roe v. Wade*, 410 U.S. 113 (1973), and its

progeny of cases, thereby allowing state legislatures to determine the legality of abortion. The 2021 OCR Guidance predates *Dobbs* and thereby relies on case law that is now invalid or overruled.

Third, the 2021 OCR Guidance promoted a misreading of EMTALA relating to abortion, relying on guidance that has since been rescinded. On June 3, 2025, HHS and the CMS announced the rescission of the 2021 and 2022 CMS EMTALA Guidance, QSO–21–22—Hospitals, and QSO–2222—Hospitals (both rescinded on May 29, 2025) and a related letter from the then-Secretary of HHS. The CMS post-rescission announcement on June 3, 2025, stated that the rescission of this erroneous guidance will not affect its continued enforcement of EMTALA to protect “all individuals who present to a hospital emergency department seeking examination or treatment, including for identified emergency medical conditions that place the health of a pregnant woman or her unborn child in serious jeopardy.” On June 13, 2025, Secretary Kennedy sent a letter to health care providers which also made clear this commitment. CMS further clarified it would “work to rectify any perceived legal confusion and instability created by the former administration’s actions.” The 2021 OCR Guidance’s reliance on this since-rescinded guidance furthered this legal confusion and instability.

The 2021 OCR Guidance is rescinded.

III. Collection of Information Requirements

This Notice creates no legal obligations and no legal rights. Because this Notice imposes no information collection requirements, it need not be reviewed by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: January 21, 2026.

Paula M. Stannard,

Director, Office for Civil Rights, Department of Health and Human Services.

[FR Doc. 2026–01435 Filed 1–23–26; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rescission of Office for Civil Rights Documents Under Executive Order 14192

AGENCY: Office for Civil Rights (OCR), Office of the Secretary, Department of Health and Human Services.

² *Texas v. Becerra*, 623 F. Supp. 3d 696 (N.D. Tex. 2022), judgment entered, No. 5:22–CV–185–H, 2023 WL 2467217 (N.D. Tex. Jan. 13, 2023), and *aff’d*, 89 F.4th 529 (5th Cir. 2024).

ACTION: Notice; disavowal/repudiation or rescission of guidance.

SUMMARY: The U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR) hereby disavows/repudiates or rescinds several documents in keeping with Executive Order 14192, Unleashing Prosperity through Deregulation and consistent with the principles in Executive Order 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative.

DATES: This action is effective upon publication.

FOR FURTHER INFORMATION CONTACT: David Christensen, Supervisory Policy Advisor, HHS Office for Civil Rights, (202) 741-8460 or (800) 537-7697 (TDD), or by email at conscience@hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

OCR has determined, under Executive Order 14192, Unleashing Prosperity Through Deregulation, and consistent with the principles in Executive Order 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative, concerning regulations that are based on anything other than the best reading of the underlying statutory authority or prohibition, that several documents previously issued by HHS no longer represent the views of the Department or this Administration or are otherwise no longer applicable. OCR is issuing this notice to inform the public of the views that it disavows/repudiates or rescinds the listed documents and that covered entities should not rely on these documents' statements of law and policy to the extent noted below.

Through this deregulatory action, the Office for Civil Rights is removing guidance that previously created additional compliance costs through confusion over the meaning of underlying statutory requirements. To the extent that covered entities were incurring costs as a result of these guidance documents, this announced rescission will avert those ongoing costs.

II. Basis for Disavowal/Repudiation or Rescission

Deregulation Item 1: OCR Letter to University of Vermont Medical Center

OCR disavows the legal positions stated in a July 2021 letter it sent to the University of Vermont Medical Center (UVMC) withdrawing OCR's prior

Notice of Violation letter from August 28, 2019.¹ The August 2019 Notice of Violation stated that UVMC violated the Church Amendments by discriminating against a health care professional by requiring the professional to violate their conscience and assist in an abortion.² OCR's 2021 letter took a different interpretation of the Church Amendments from that of the 2019 letter by concluding that the UVMC did not violate the Church Amendments since those provisions may need to be interpreted in light of Title VII of the Civil Rights Act of 1964. OCR's 2021 letter stated that the medical center may only have obligations to follow the Church Amendments when it does not experience an undue hardship under the framework in Title VII. The Church Amendments do not contain any undue hardship exemption. The legal views stated in OCR's 2021 letter no longer represent the views of the Department or this Administration. Therefore, consistent with Executive Order 14192, Unleashing Prosperity Through Deregulation, OCR repudiates those views.

Deregulation Item 2: 3 Letters Concerning 45 CFR 75.300, RFRA, and Foster Care

OCR disavows policies and legal conclusions found in three letters sent on November 2021 (two from OCR to Michigan³ and to Texas,⁴ and one from the Administration for Children and Families (ACF) to South Carolina⁵). These three letters in turn withdrew three other letters previously issued in March 2020 (two from OCR and one from ACF) granting religious exemptions from grants regulation in place at the time, 45 CFR 75.300(c), (d). Subsections (c) and (d) of section 75.300 extended non-discrimination principles beyond those required by statute and case law to require some grant recipients to violate their religious convictions in order to receive federal funding. The 2020 letters granted exemptions under the Religious Freedom Restoration Act (RFRA) which

allowed religious foster care agencies to operate in accordance with their faith-tradition, including, in the case of South Carolina, allowing them to work only with foster care or adoptive parents of the same religious faith.

The three November 2021 letters withdrawing the three 2020 waiver letters contained an analysis of RFRA to which HHS and the Administration no longer ascribe. The 2021 rescission letters stated that (1) granting the exemptions to the grants regulation requirements might have limited access to foster care for some children, (2) preventing these harms supported rejecting an exemption requested by these states under the RFRA compelling interest test, and (3) the waiver letters interpreted the statute too broadly by creating a class-wide exemption throughout a state. Neither the factual predicate concerning the impact of religious exemptions on foster care youth nor the legal analysis of RFRA's application to the facts contained in the 2021 withdrawal letters represents the views of the Department or this Administration. Indeed, after issuing the November 2021 letters, the previous Administration removed the underlying grants rule's civil rights policy requirements *entirely*, for secular and religious entities nationwide. Promulgating a new grants rule in 2024 that removed these policy requirements undercuts the proposition that there was a governmental compelling interest in applying them to objecting religious entities. The 2021 letters' interpretation of RFRA is no longer held by this Administration and is therefore repudiated under Executive Order 14192, Unleashing Prosperity Through Deregulation, and covered entities should not rely on it.

Deregulation Item 3: Guidance on Equitable Administration of COVID Vaccines

OCR disavows views contained in the December 2021 guidance⁶ regarding the equitable administration of vaccines. This Guidance relies on Executive Order 13995, *Ensuring an Equitable Pandemic Response and Recovery*, which was rescinded on January 20, 2025, by Executive Order 14148, *Initial Rescissions of Harmful Executive Orders and Actions*. Additionally, policies stated in this guidance no longer represent the views of the Department or this Administration, and the public health emergency for the COVID

¹ A similar letter was sent to the attorney for the complainant on the same day.

² <https://www.hhs.gov/conscience/conscience-protections/uvmc-letter/index.html>.

³ <https://web.archive.org/web/20240927035740/https://www.hhs.gov/conscience/religious-freedom/state-letter-to-michigan-withdrawing-exception-from-non-discrimination-requirements/index.html>.

⁴ <https://web.archive.org/web/20250131145323/https://www.hhs.gov/conscience/religious-freedom/state-letter-to-texas-withdrawing-exception-from-non-discrimination-requirements/index.html>.

⁵ <https://acf.gov/sites/default/files/documents/withdrawal-of-exception-from-part-75.300-south-carolina-11-18-2021.pdf>.

⁶ <https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/guidance-federal-legal-standards-covid-19-vaccination-programs/index.html>.

pandemic is over. Therefore, OCR repudiates this guidance effective immediately under Executive Order 14192, Unleashing Prosperity Through Deregulation, and covered entities should not rely on it.

Deregulation Item 4: Letter Rescinding a Notice of Violation Letter Concerning California's Violation of the Weldon Amendment Conscience Protection

OCR disavows legal positions stated in an August 2021 letter⁷ that OCR sent to the Attorney General of California, which withdrew a January 24, 2020 Notice of Violation letter issued to the Attorney General of California. The January 2020 Notice of Violation stated that the State of California violated the Weldon Amendment by mandating insurance coverage of abortion. The Weldon Amendment is a provision in the annual Department of Labor, Health and Human Services Act appropriations statute that restricts funds under the act to a federal agency or program, or to a state or local government, if it "subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions." The Weldon Amendment defines "health care entity" to include "a health maintenance organization, a health insurance plan, or any other kind of health care . . . plan."

The January 2020 Notice of Violation stated that California violated the Weldon Amendment by discriminating against health care plans that limited or excluded abortion coverage. OCR's August 2021 withdrawal letter determined that the finding of a violation could not be sustained because (1) health plan sponsors or employers, including the complainants, do not meet the definition of "health care entity" under the Weldon Amendment; (2) the relevant health insurers that were subject to the California mandate are protected "health care entities" under the Weldon Amendment, but they did not object to amending their plans to provide abortion coverage or claim they had been subject to discrimination under the Weldon Amendment; and (3) the complainants did not otherwise file their complaints on behalf of an entity that would have met the definition of a "health care entity" under the Weldon Amendment. OCR disavows these legal positions stated in OCR's 2021 withdrawal letter, which do not represent the views of the Department

or this Administration. Covered entities should not rely on this letter.

III. Collection of Information Requirements

This Notice creates no legal obligations and no legal rights. Because this Notice imposes no information collection requirements, it need not be reviewed by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: January 21, 2026.

Paula M. Stannard,

Director, Office for Civil Rights, Department of Health and Human Services.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Clinical Care and Interventions for Substance Use Disorder, Prevention, and Treatment of Addiction.

Date: February 25–26, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Cristina Lyn Reitz-Krueger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-480-2060, cristina.reitz-krueger@nih.gov.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Emerging Imaging Technologies and Applications Study Section.

Date: February 27, 2026.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Zheng Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-594-3385, zheng.li3@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Transition to Independence.

Date: March 5, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Delia Tang, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 240-479-8238, tangd@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; U2C-TL1 Institutional Network Applications for Promoting Kidney, Urologic, and Hematologic Research Training.

Date: March 11, 2026.

Time: 9:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jason D. Hoffert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-496-9010, jason.hoffert@nih.gov.

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Cellular and Molecular Technologies Study Section.

Date: March 11–12, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Tatiana V. Cohen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-455-2364, tatiana.cohen@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Exploratory Research in Cancer Prevention and Therapeutics (R21).

Date: March 11, 2026.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

⁷ <https://www.hhs.gov/conscience/conscience-protections/ca-letter/index.html>.