



April 10, 2025

The Honorable Robert F. Kennedy, Jr.  
Secretary, U.S. Department of Health  
and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Anthony Archeval  
Acting Director for Office for Civil Rights  
U.S. Department of Health and  
Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Administrator Thomas J. Engels  
Health Resources and Services  
Administration  
U.S. Department of Health and  
Human Services  
5600 Fishers Lane  
Rockville, MD 20852

**RE: Cutting Unnecessary and Wasteful HHS Funding to the  
American College of Obstetricians & Gynecologists (ACOG)**

Dear Secretary Kennedy, Administrator Engels, and Acting Director Archeval,

We write to provide information supporting your effort to realign HHS with the core mission Secretary Kennedy has championed: to Make America Healthy Again.<sup>1</sup> As your office has highlighted, a key part of this effort is to reduce wasteful spending so that you can ensure every taxpayer dollar is used efficiently to improve public health. In particular, we respectfully suggest that you end funding to an organization that has become a radicalized opponent of health and of your agenda: the American College of Obstetricians & Gynecologists (ACOG) and its related entities, including the ACOG Foundation. We also recommend that you open a civil compliance investigation into whether ACOG improperly used HHS cooperative agreements to promote DEI in violation of applicable law.

For far too long, previous administrations have weaponized HHS for political purposes. They advanced dangerous gender ideology, racial discrimination in the form of DEI, and mandates that promote abortions and violate conscience. Key to this radical agenda has been HHS funding to ACOG. The Biden and Obama administrations tried to tie the hands of President Trump's HHS by entering multi-year funding agreements with ACOG and other radical organizations spanning

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<sup>1</sup> <https://www.youtube.com/watch?v=O8qQxLYTyV8>

much of President Trump's terms in office. Their goal was essentially to pay ACOG to attack President Trump's agenda at HHS, including in a recent statement calling your actions at HHS an "attack on public health."<sup>2</sup> ACOG's funding must end.

We would like to highlight two funding streams that demonstrate that HHS should end its funding arrangements with ACOG. Both instruments are paying ACOG to spend taxpayer dollars inconsistent with this administration's policies on the biological basis for sex, ending racial discrimination and "equity" programs, and preventing taxpayer funding for the promotion of abortion. President Trump has issued several executive orders asking agencies to protect taxpayer dollars from improper and wasteful spending. See "Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government," 90 FR 8615 (Jan 30, 2025) ("Agencies shall remove all statements, policies, regulations, forms, communications, or other internal and external messages that promote or otherwise inculcate gender ideology"); "Ending Radical and Wasteful Government DEI Programs and Preferencing," 90 FR 8339 (Jan. 19, 2025) (each agency shall "terminate, to the maximum extent allowed by law, all 'equity action plans,' 'equity' actions, initiatives, or programs, 'equity-related' grants or contracts"); "Enforcing the Hyde Amendment," 90 FR 8751 (Jan 31, 2025) ("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 promote elective abortion.").

These two grants are not the only troubling funding from HHS to ACOG. ACOG also took millions of dollars from HHS to promote the COVID vaccine among pregnant women.<sup>3</sup> To protect taxpayers HHS should end all funding to ACOG.

### **End HRSA's Grant to ACOG that Twists Maternal and Infant Care into Promotion of DEI, Gender Ideology, and Abortion**

In the final January days of the Biden administration, HRSA's Maternal and Child Health Bureau extended a major funding source for ACOG. It pays ACOG to create online content and podcasts advocating DEI, gender ideology, and abortion advocacy.<sup>4</sup> This program has allocated ACOG over \$15 million<sup>5</sup> and needs to be ended promptly to prevent the continued waste of taxpayer funds.

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<sup>2</sup> <https://www.acog.org/news/news-releases/2025/03/acog-hhs-staff-are-critical-to-the-well-being-of-our-entire-population>

<sup>3</sup> <https://www.theepochtimes.com/health/government-gave-millions-to-american-college-of-obstetricians-and-gynecologists-to-promote-covid-19-vaccines-to-pregnant-women-5486432>

<sup>4</sup> [https://taggs.hhs.gov/Detail/AwardDetail?arg\\_AwardNum=UC428042&arg\\_ProgOfficeCode=192](https://taggs.hhs.gov/Detail/AwardDetail?arg_AwardNum=UC428042&arg_ProgOfficeCode=192)

<sup>5</sup> *Id.* See also [https://www.usaspending.gov/award/ASST\\_NON\\_UC428042\\_7526](https://www.usaspending.gov/award/ASST_NON_UC428042_7526)

Under HRSA’s “Alliance for Innovation on Maternal and Child Health,” ACOG spearheads the website [saferbirth.org](http://saferbirth.org), which says it is “part of an award totaling \$3,000,000 and is 100% funded by HRSA.” But the website is far more radical than its URL suggests. For example, its “AIM for Safer Birth” podcast promotes<sup>6</sup> critical race theory and intersectional politics, including such titles as “Me and White Supremacy,” “How to be an Antiracist,” “Code Switch Race in Your Face,” “The Urgency of Intersectionality,” and “How Structural Racism is Magnifying the Public Health Crisis.” Nor is this a tangential interest by ACOG: the website insists that *in order to promote patient safety*, “[e]quity considerations should be foundational to every step of planning and action to address quality and safety in care, including bundle design and implementation.”<sup>7</sup> “AIM recognizes that work towards equity must be executed despite structural and institutional obstacles that hinder progress and reinforce inequitable foundations.”<sup>8</sup> The website’s “Obstetric Emergency Readiness Resource Kit” is replete with the demand that programs “prioritize health equity [and] antiracism.”<sup>9</sup>

The site similarly promotes dangerous gender ideology that directly contradicts President Trump’s policy directive to protect children and recognize biological reality. It advocates content such as: “How to Close the LGBT Health Disparities Gap,” which urges HHS to spend money enshrining an Office of LGBT Health; and “The Imperative for Transgender and Nonbinary Inclusion,” which promotes abortions and gender transitions.<sup>10</sup>

The site further promotes radical abortion advocacy literature such as the multi-volume work *Reproductive Justice*.<sup>11</sup> And it spent HRSA’s funding to publish a “consensus” article asserting that “Reproductive planning may also include access to abortion care.”<sup>12</sup> This is inconsistent with President Trump’s commitment to enforce the Hyde Amendment and similar laws so that American taxpayers are not forced to fund the promotion of abortion.

Not only should HRSA immediately end this grant, but HHS’s Office for Civil Rights should also open a civil compliance investigation into whether ACOG used

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<sup>6</sup> <https://saferbirth.org/wp-content/uploads/R1-Saferbirth.org-Podcast-Resource-List-1.pdf>

<sup>7</sup> <https://saferbirth.org/patient-safety-bundles/>

<sup>8</sup> [https://saferbirth.org/wp-content/uploads/2021\\_10\\_21-Statement-on-Measurement-of-Respectful-Care-in-AIM\\_-1.pdf](https://saferbirth.org/wp-content/uploads/2021_10_21-Statement-on-Measurement-of-Respectful-Care-in-AIM_-1.pdf)

<sup>9</sup> [https://saferbirth.org/wp-content/uploads/FINAL\\_AIM\\_OERRK.pdf](https://saferbirth.org/wp-content/uploads/FINAL_AIM_OERRK.pdf)

<sup>10</sup> <https://saferbirth.org/wp-content/uploads/R1-Saferbirth.org-Podcast-Resource-List-1.pdf>; <https://saferbirth.org/wp-content/uploads/Hypertension-Change-Package-Updated-May-2024.pdf>

<sup>11</sup> <https://saferbirth.org/wp-content/uploads/R1-Saferbirth.org-Podcast-Resource-List-1.pdf>

<sup>12</sup> <https://saferbirth.org/wp-content/uploads/CCOC-Consensus.pdf>

the grant to promote DEI and equity in violation of applicable civil rights laws. HHS should further consider instituting procedures to suspend and debar ACOG and the ACOG Foundation and require them to disgorge HHS funds. This would be consistent with other investigations OCR has recently undertaken.<sup>13</sup>

### **End HRSA’s Cooperative Agreement with ACOG that Radicalized the Women’s Preventive Services Mandate under Obamacare**

As explained on HRSA’s website, HRSA has given the ACOG Foundation millions of dollars in multi-year agreements to perform a basic duty that HRSA staff could perform in-house: to periodically update the women’s preventive services insurance coverage requirement under the Affordable Care Act.<sup>14</sup> 42 U.S.C. § 300gg-13(a)(4). During this time, ACOG has radically expanded the mandate beyond HHS’s legal authority, has generated unnecessary and harmful lawsuits, and has attacked the Trump administration merely for respecting conscience—all the while raking in over \$7 million in taxpayer funds.<sup>15</sup>

This mandate has included a coverage requirement for contraception, including some items that can prevent the implantation of embryos after conception. The failure to offer robust religious and moral exemptions to that mandate led to years of litigation and repeated trips to the U.S. Supreme Court.<sup>16</sup> But when the Trump administration finally created those exemptions during President Trump’s first term, ACOG—while being funded by HHS to advise on these guidelines—attacked HHS simply for respecting conscience on this question.<sup>17</sup>

That is not all. This is a *women’s* preventive services mandate, and even under the Obama administration HHS acknowledged that the statute does not encompass men’s items such as male condoms.<sup>18</sup> But as part of its continued

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<sup>13</sup> <https://www.hhs.gov/press-room/ocr-investigates-medical-school-discriminatory-admissions.html>; <https://www.hhs.gov/press-room/restoring-merit-based-opportunity.html>

<sup>14</sup> <https://www.hrsa.gov/womens-guidelines> (“[I]n 2016, [HRSA] awarded a five-year cooperative agreement, the Women’s Preventive Services Initiative (WPSI), to the American College of Obstetricians and Gynecologists (ACOG) ... to develop recommendations for updated Guidelines.... In March 2021, ACOG was awarded a subsequent cooperative agreement to review and recommend updates to the Guidelines.”); *See also* 86 FR 46856, 46856 (Aug. 20, 2021).

<sup>15</sup> [https://tags.hhs.gov/Detail/AwardDetail?arg\\_AwardNum=UH029440&arg\\_ProgOfficeCode=192](https://tags.hhs.gov/Detail/AwardDetail?arg_AwardNum=UH029440&arg_ProgOfficeCode=192)

<sup>16</sup> *See, for example, Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014), *Little Sisters of the Poor Saints Peter and Paul Home v. Pennsylvania*, 140 S. Ct. 2367 (2020).

<sup>17</sup> <https://www.acog.org/news/news-releases/2017/10/nations-ob-gyns-denounce-trump-administrations-attack-on-contraception>

<sup>18</sup> *See, for example,* “Coverage of Certain Preventive Services Under the Affordable Care Act,” 78 FR 39870, 39870 n.1 (July 2, 2013).

radicalization and rejection of biological reality, ACOG advised exceeding HHS's clear statutory limitation, and in 2021 added *male* condoms to the *women's* preventive services mandate.<sup>19</sup>

In the same 2021 requirements, ACOG silently *removed* language that had guaranteed women fertility-awareness based methods of family planning as part of the preventive services coverage requirements. That change dragged HHS into court again, and eventually resulted in a ruling that HRSA had violated the Administrative Procedure Act (APA) by handing off its responsibilities to ACOG instead of updating the guidelines itself.<sup>20</sup>

HRSA had essentially used this cooperative agreement to farm out its legal responsibilities to ACOG, including HRSA's obligations to receive public comments on any changes and to respond to significant comments. Instead, HRSA rubber-stamped ACOG's recommendations and then argued in court that it had no further duty: HRSA "argued that the 2021 Guidelines are well supported because HRSA relied on [ACOG's] clinical recommendations."<sup>21</sup> The court rejected that argument as failing to satisfy the agency's legal duties. *Id.* The statute gives HRSA, not any private group, the responsibility to issue guidelines that mandate coverage in private health plans. And even though an objecting comment was submitted, "nothing in the record indicates that [HRSA] considered the comment—or any comment by anyone for that matter."<sup>22</sup> HRSA had told the public to send comments to ACOG *instead of* to HRSA,<sup>23</sup> and apparently HRSA did not even read them. HRSA should update these guidelines itself, if needed, and stop wasting taxpayer dollars paying ACOG to do HRSA's job.

In the meantime, as noted above, while continuing to collect millions of dollars from HHS, ACOG is directly attacking Secretary Kennedy's agenda, calling it an "attack on public health."<sup>24</sup> ACOG cannot carry out cooperative agreements—

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<sup>19</sup> "ACOG, through the WPSI/[Multidisciplinary Steering Committee], made updates to the clinical recommendation statement to clarify the terminology from contraceptive methods to contraceptives. The Committee has also removed the term "female-controlled contraceptives" to allow women to purchase male condoms." 86 FR 59741, 59742 (Oct. 28, 2021).

<sup>20</sup> *Tice-Harouff v. Johnson*, No. 6:22-CV-201-JDK, 2022 WL 3350375 (E.D. Tex. Aug. 12, 2022).

<sup>21</sup> *Id.* 2022 WL 3350375, at \*11 (cleaned up).

<sup>22</sup> *Id.* 2022 WL 3350375, at \*10.

<sup>23</sup> See 86 FR 46856 ("All comments received ... will be reviewed and considered by the WPSI Multidisciplinary Steering Committee. Members of the public interested in providing comments on the draft recommendation statements can do so by accessing the initiative's web page at <https://www.womenspreventivehealth.org/>.")

<sup>24</sup> <https://www.acog.org/news/news-releases/2025/03/acog-hhs-staff-are-critical-to-the-well-being-of-our-entire-population>

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under which it is supposed to be implementing HHS's agenda—when it denounces HHS's agenda in the strongest terms.

To save taxpayers millions of dollars and redirect HHS's efforts to making America healthy again, we strongly urge you to end HHS's funding arrangements with ACOG and its related entities. We would be happy to meet to discuss this issue and learn how we can be of further assistance.

Respectfully Submitted,

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