

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONEY ISLAND PREP, *et al.*,

Plaintiffs,

- against -

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

Defendants.

No. 20 Civ. 9144 (VM)

DECLARATION OF DANNY NGUYEN

I, DANNY NGUYEN, pursuant to the provisions of 28 U.S.C. § 1746, declare, under penalty of perjury, as follows:

1. I am the Deputy Office Director for Operations in the Office of Minority Health (“OMH”) at the U.S. Department of Health and Human Services (“HHS”). I serve as an advisor to the Deputy Assistant Secretary for Minority Health (“DASMH”) on OMH operational activities and act on behalf of the DASMH in meetings and other situations with respect to operational oversight for OMH.

2. I make this declaration based on my personal knowledge, information acquired by me in the course of performing my official duties, information supplied to me by federal government employees, and government records.

3. I have reviewed portions of documents filed in the above-captioned case, including the Complaint, Dkt. No. 1 (“Compl.”), and the Memorandum of Law in Support of Plaintiffs’ Motion for a Preliminary Injunction, Dkt. No. 7 (“PI Mem.”) in which Plaintiffs allege

that HHS has not met certain statutory obligations. This declaration responds to one of those allegations.

4. Plaintiffs' filings address the statutory requirement that HHS prepare and publish, in 2017 and 2019, a biennial report on the programs of OMH, as required by 42 U.S.C. § 300u-6(f). PI Mem. at 22; *see also* Compl. ¶ 46(b). By statute, this report is required to be submitted only to Congress, although it has been made publicly available in the past. 42 U.S.C. § 300u-6(f). Some members of Congress have recently inquired about the status of the 2017 and 2019 HHS Reports to Congress on Minority Health Activities, and HHS has informed them there is a delay in their submission. The HHS 2017 Report to Congress on Minority Health Activities (for Fiscal Years 2015-2016) is undergoing final revisions at OMH and is expected to be submitted to the Office of the Secretary for final clearance by December 31, 2020. The 2019 HHS Report to Congress on Minority Health Activities (for Fiscal Years 2017-2018) is under development. The development of the 2021 HHS Report to Congress on Minority Health Activities (for Fiscal Years 2019-2020) is expected to begin before the end of this calendar year. In order to help prevent such delays in the future, OMH has awarded a contract to a company to assist in compiling information for these reports. Prior reports are available online.¹

5. The 2017 and 2019 biennial reports would not have had any impact on the federal government's COVID-19 response as they concern pre-pandemic time periods.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Washington, D.C.
November 16, 2020


DANNY NGUYEN Nov 16, 2020

¹ <https://www.minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=57>