

Congress of the United States
Washington, DC 20515

February 18, 2020

The Honorable Chad Wolf
Acting Secretary
U.S. Department of Homeland Security
Washington, D.C., 20528

Dear Acting Secretary Wolf:

We write on behalf of the members of the Democratic Women's Caucus, Congressional LGBT Equality Caucus, and Congressional Freethought Caucus - representing close to 200 members from across the country - to urge you to withdraw your proposed regulations that govern the relationship between the government and faith-based social service providers. The proposed rules place the interests of government-funded organizations above those of people seeking social services. These regulations will undermine our country's social safety net by reducing people's access to critical services, with the most vulnerable in our communities facing the greatest harm.

The nine proposed rules eliminate critical religious freedom protections recommended by the previous administration's President's Advisory Council on Faith-Based and Neighborhood Partnerships for people who use government-funded social service programs. These proposed changes show a lack of respect for beneficiaries and their rights and puts the beneficiaries' rights at risk. In particular, one of the proposed regulations would remove the requirement that social service providers give beneficiaries written notice of their rights, including that the provider cannot discriminate against beneficiaries based on the provider's religion or force beneficiaries to participate in religious activities. Maintaining the requirement of notice is crucial: people cannot exercise rights they are not aware they have.

In addition, the proposed regulations would strip the requirement that providers take reasonable steps to refer beneficiaries to alternative providers if requested. This could effectively take away people's access to vital government services. A person who is uncomfortable at a faith-based provider could be forced to forgo getting the services they need because they are unable to find an alternative provider on their own.

It is not difficult to imagine the negative impact these changes could have on marginalized or vulnerable communities. A gay, homeless teen might not seek services such as housing, food, treatment, or counseling, and would lose the opportunity to find a place to live because they know the religion of the faith-based provider condemns them for being gay. A woman could be denied benefits based on a provider's religious belief that women should not work outside the home. A Jewish, Muslim, or nonreligious person might forgo counseling for substance use disorder and job training because the only program they know of is in a church adorned with



disorder and job training because the only program they know of is in a church adorned with Christian symbols. A single mother seeking parenting classes or after-school services for her children could be forced to receive those services from a faith-based provider that believes having children outside of marriage is a sin because she doesn't have the resources to find another provider.

At the same time these proposed rules would strip notice requirements and other religious freedom rights for beneficiaries, they also would add a requirement that the government provide written notice to faith-based organizations about their ability to get additional religious exemptions, including under the Religious Freedom Restoration Act (RFRA). This could pave the way for providers to refuse to provide key services and could open the door to discrimination in taxpayer-funded programs.

In another effort to placate faith-based organizations, the proposed rules would expand the already existing and problematic religious exemption that permits government-funded providers to discriminate in employment with taxpayer funds. No one should be forced to conform to a religious litmus test to keep a government-funded job. The proposed regulations could allow providers to cite religion as a pretext for discriminating against people on other protected bases. Women, LGBTQ people, religious minorities, and the nonreligious are at the greatest risk for discrimination.

The proposed rules also would strip religious freedom protections from people who use vouchers or "indirect aid programs" to access government social services. Voucher programs may contain religious content because beneficiaries are using them based on their own independent choice. The proposed regulations, however, would categorize programs as "indirect" even if they don't offer at least one secular option from which to choose, as is required by the Constitution. The proposed rules would even allow providers in indirect programs to require people to participate in religious activities. Thus, a beneficiary in a voucher program could be given only religious providers to choose from and be forced to pray, participate in Bible studies, and attend worship services in a taxpayer-funded program. This clearly denies beneficiaries' religious freedom and undercuts the existing Executive Order's explicit protections against discrimination based on a participant's religious beliefs, lack thereof, or their refusal to take part in a religious practice by requiring attendance at such a practice.

Additionally, we are troubled by the Department of Education's attempts to vastly expand the religious exemption under Title IX. Contrary to Congress' intent to limit the exemption to educational institutions that are "controlled by a religious organization" and the clear language of the statute,[1] the Department of Education is trying to expand the exemption to schools whose relationship with a religious organization is tenuous or even nonexistent.[2] For example, the proposed rule would allow an educational entity to evade liability for unlawful sex discrimination simply by claiming that it "subscribes to specific moral beliefs or practices," regardless of whether it is controlled by a religious organization or even has any religious

affiliation at all.[3] If adopted, this proposed rule could be used to allow an extremely broad range of schools—potentially including non-religious schools—to discriminate against students and employees protected under Title IX, such as women, LGBTQ people, and people who are pregnant or use reproductive services. On top of this, the proposed rule would require schools to recognize or fund religious student organizations regardless of their “membership standards,” even if those membership standards are discriminatory or don’t comply with the school’s generally applicable requirements.[4] Flouting clear Supreme Court precedent,[5] this special carve-out could force students to fund religious student organizations even if those organizations exclude, for example, students of color, LGBTQ students, women, or students with disabilities. Government-funded social services should serve everyone. No one should be turned away from getting the help they need because they cannot meet a religious test. Nor should people be denied services they are entitled to receive because the taxpayer-funded provider that voluntarily applied for a grant has a religious objection. The proposed regulations undermine the goal of providing services for all, and will damage the public’s confidence in government services. Accordingly, we urge you to reject the proposed rules.

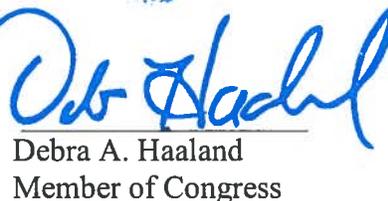
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Jared Huffman
Member of Congress



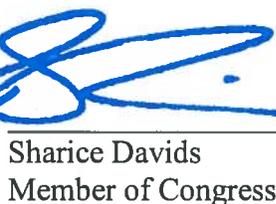
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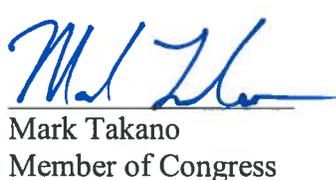
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¹ 20 U.S.C. § 1681.

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Congress of the United States
Washington, DC 20515

February 18, 2020

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue S.W
Washington, D.C., 20201

Dear Secretary Azar:

We write on behalf of the members of the Democratic Women's Caucus, Congressional LGBT Equality Caucus, and Congressional Freethought Caucus - representing close to 200 members from across the country - to urge you to withdraw your proposed regulations that govern the relationship between the government and faith-based social service providers. The proposed rules place the interests of government-funded organizations above those of people seeking social services. These regulations will undermine our country's social safety net by reducing people's access to critical services, with the most vulnerable in our communities facing the greatest harm.

The nine proposed rules eliminate critical religious freedom protections recommended by the previous administration's President's Advisory Council on Faith-Based and Neighborhood Partnerships for people who use government-funded social service programs. These proposed changes show a lack of respect for beneficiaries and their rights and puts the beneficiaries' rights at risk. In particular, one of the proposed regulations would remove the requirement that social service providers give beneficiaries written notice of their rights, including that the provider cannot discriminate against beneficiaries based on the provider's religion or force beneficiaries to participate in religious activities. Maintaining the requirement of notice is crucial: people cannot exercise rights they are not aware they have.

In addition, the proposed regulations would strip the requirement that providers take reasonable steps to refer beneficiaries to alternative providers if requested. This could effectively take away people's access to vital government services. A person who is uncomfortable at a faith-based provider could be forced to forgo getting the services they need because they are unable to find an alternative provider on their own.

It is not difficult to imagine the negative impact these changes could have on marginalized or vulnerable communities. A gay, homeless teen might not seek services such as housing, food, treatment, or counseling, and would lose the opportunity to find a place to live because they know the religion of the faith-based provider condemns them for being gay. A woman could be denied benefits based on a provider's religious belief that women should not work outside the home. A Jewish, Muslim, or nonreligious person might forgo counseling for substance use



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At the same time these proposed rules would strip notice requirements and other religious freedom rights for beneficiaries, they also would add a requirement that the government provide written notice to faith-based organizations about their ability to get additional religious exemptions, including under the Religious Freedom Restoration Act (RFRA). This could pave the way for providers to refuse to provide key services and could open the door to discrimination in taxpayer-funded programs.

In another effort to placate faith-based organizations, the proposed rules would expand the already existing and problematic religious exemption that permits government-funded providers to discriminate in employment with taxpayer funds. No one should be forced to conform to a religious litmus test to keep a government-funded job. The proposed regulations could allow providers to cite religion as a pretext for discriminating against people on other protected bases. Women, LGBTQ people, religious minorities, and the nonreligious are at the greatest risk for discrimination.

The proposed rules also would strip religious freedom protections from people who use vouchers or "indirect aid programs" to access government social services. Voucher programs may contain religious content because beneficiaries are using them based on their own independent choice. The proposed regulations, however, would categorize programs as "indirect" even if they don't offer at least one secular option from which to choose, as is required by the Constitution. The proposed rules would even allow providers in indirect programs to require people to participate in religious activities. Thus, a beneficiary in a voucher program could be given only religious providers to choose from and be forced to pray, participate in Bible studies, and attend worship services in a taxpayer-funded program. This clearly denies beneficiaries' religious freedom and undercuts the existing Executive Order's explicit protections against discrimination based on a participant's religious beliefs, lack thereof, or their refusal to take part in a religious practice by requiring attendance at such a practice.

Additionally, we are troubled by the Department of Education's attempts to vastly expand the religious exemption under Title IX. Contrary to Congress' intent to limit the exemption to educational institutions that are "controlled by a religious organization" and the clear language of the statute,[1] the Department of Education is trying to expand the exemption to schools whose relationship with a religious organization is tenuous or even nonexistent.[2] For example, the proposed rule would allow an educational entity to evade liability for unlawful sex discrimination simply by claiming that it "subscribes to specific moral beliefs or practices," regardless of whether it is controlled by a religious organization or even has any religious

affiliation at all.[3] If adopted, this proposed rule could be used to allow an extremely broad range of schools—potentially including non-religious schools—to discriminate against students and employees protected under Title IX, such as women, LGBTQ people, and people who are pregnant or use reproductive services. On top of this, the proposed rule would require schools to recognize or fund religious student organizations regardless of their “membership standards,” even if those membership standards are discriminatory or don’t comply with the school’s generally applicable requirements.[4] Flouting clear Supreme Court precedent,[5] this special carve-out could force students to fund religious student organizations even if those organizations exclude, for example, students of color, LGBTQ students, women, or students with disabilities. Government-funded social services should serve everyone. No one should be turned away from getting the help they need because they cannot meet a religious test. Nor should people be denied services they are entitled to receive because the taxpayer-funded provider that voluntarily applied for a grant has a religious objection. The proposed regulations undermine the goal of providing services for all, and will damage the public’s confidence in government services. Accordingly, we urge you to reject the proposed rules.

Sincerely,



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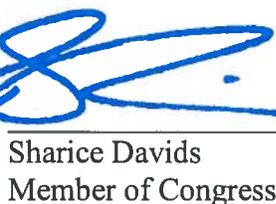
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Congress of the United States
Washington, DC 20515

February 18, 2020

The Honorable Mark Green
Administrator
U.S. Agency for International Development
1100 Wilson Boulevard
Arlington, VA 22209

Dear Administrator Green:

We write on behalf of the members of the Democratic Women's Caucus, Congressional LGBT Equality Caucus, and Congressional Freethought Caucus - representing close to 200 members from across the country - to urge you to withdraw your proposed regulations that govern the relationship between the government and faith-based social service providers. The proposed rules place the interests of government-funded organizations above those of people seeking social services. These regulations will undermine our country's social safety net by reducing people's access to critical services, with the most vulnerable in our communities facing the greatest harm.

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In addition, the proposed regulations would strip the requirement that providers take reasonable steps to refer beneficiaries to alternative providers if requested. This could effectively take away people's access to vital government services. A person who is uncomfortable at a faith-based provider could be forced to forgo getting the services they need because they are unable to find an alternative provider on their own.

It is not difficult to imagine the negative impact these changes could have on marginalized or vulnerable communities. A gay, homeless teen might not seek services such as housing, food, treatment, or counseling, and would lose the opportunity to find a place to live because they know the religion of the faith-based provider condemns them for being gay. A woman could be denied benefits based on a provider's religious belief that women should not work outside the home. A Jewish, Muslim, or nonreligious person might forgo counseling for substance use



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In another effort to placate faith-based organizations, the proposed rules would expand the already existing and problematic religious exemption that permits government-funded providers to discriminate in employment with taxpayer funds. No one should be forced to conform to a religious litmus test to keep a government-funded job. The proposed regulations could allow providers to cite religion as a pretext for discriminating against people on other protected bases. Women, LGBTQ people, religious minorities, and the nonreligious are at the greatest risk for discrimination.

The proposed rules also would strip religious freedom protections from people who use vouchers or "indirect aid programs" to access government social services. Voucher programs may contain religious content because beneficiaries are using them based on their own independent choice. The proposed regulations, however, would categorize programs as "indirect" even if they don't offer at least one secular option from which to choose, as is required by the Constitution. The proposed rules would even allow providers in indirect programs to require people to participate in religious activities. Thus, a beneficiary in a voucher program could be given only religious providers to choose from and be forced to pray, participate in Bible studies, and attend worship services in a taxpayer-funded program. This clearly denies beneficiaries' religious freedom and undercuts the existing Executive Order's explicit protections against discrimination based on a participant's religious beliefs, lack thereof, or their refusal to take part in a religious practice by requiring attendance at such a practice.

Additionally, we are troubled by the Department of Education's attempts to vastly expand the religious exemption under Title IX. Contrary to Congress' intent to limit the exemption to educational institutions that are "controlled by a religious organization" and the clear language of the statute,[1] the Department of Education is trying to expand the exemption to schools whose relationship with a religious organization is tenuous or even nonexistent.[2] For example, the proposed rule would allow an educational entity to evade liability for unlawful sex discrimination simply by claiming that it "subscribes to specific moral beliefs or practices," regardless of whether it is controlled by a religious organization or even has any religious

affiliation at all.[3] If adopted, this proposed rule could be used to allow an extremely broad range of schools—potentially including non-religious schools—to discriminate against students and employees protected under Title IX, such as women, LGBTQ people, and people who are pregnant or use reproductive services. On top of this, the proposed rule would require schools to recognize or fund religious student organizations regardless of their “membership standards,” even if those membership standards are discriminatory or don’t comply with the school’s generally applicable requirements.[4] Flouting clear Supreme Court precedent,[5] this special carve-out could force students to fund religious student organizations even if those organizations exclude, for example, students of color, LGBTQ students, women, or students with disabilities. Government-funded social services should serve everyone. No one should be turned away from getting the help they need because they cannot meet a religious test. Nor should people be denied services they are entitled to receive because the taxpayer-funded provider that voluntarily applied for a grant has a religious objection. The proposed regulations undermine the goal of providing services for all, and will damage the public’s confidence in government services. Accordingly, we urge you to reject the proposed rules.

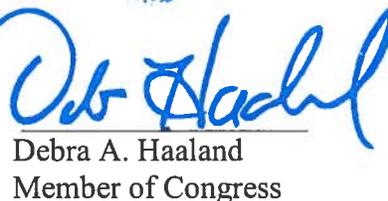
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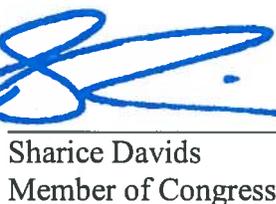
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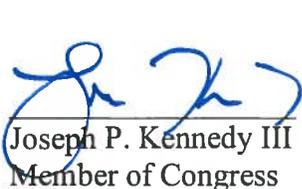
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Washington, DC 20515

February 18, 2020

The Honorable Robert Wilkie
Secretary
U.S. Department of Veterans Affairs
810 Vermont Ave NW
Washington, D.C., 20571

Dear Secretary Wilkie:

We write on behalf of the members of the Democratic Women's Caucus, Congressional LGBT Equality Caucus, and Congressional Freethought Caucus - representing close to 200 members from across the country - to urge you to withdraw your proposed regulations that govern the relationship between the government and faith-based social service providers. The proposed rules place the interests of government-funded organizations above those of people seeking social services. These regulations will undermine our country's social safety net by reducing people's access to critical services, with the most vulnerable in our communities facing the greatest harm.

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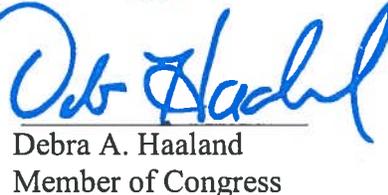
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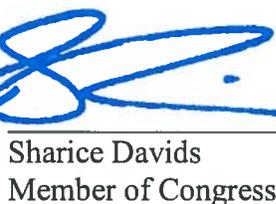
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Sharice Davids
Member of Congress



Mark Pocan
Member of Congress



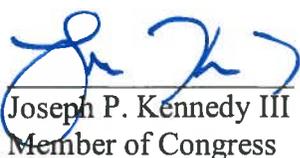
Raúl M. Grijalva
Member of Congress



Mark Takano
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Chris Pappas
Member of Congress



Joseph P. Kennedy III
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Lois Frankel
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Brenda L. Lawrence David N. Cicilline Sean Patrick Maloney

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Nydia M. Velázquez Bonnie Watson Coleman Mike Quigley

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Adam B. Schiff Suzanne Bonamici Peter Welch

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Jahana Hayes Ro Khanna Alcee L. Hastings

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Diana DeGette Grace Meng Jan Schakowsky

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Darren Soto Frank Pallone, Jr. Pramila Jayapal

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Pramila Jayapal
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Jamie Raskin Julia Brownley Karen Bass

Jamie Raskin
Member of Congress

Julia Brownley
Member of Congress

Karen Bass
Member of Congress

Rashida Tlaib

Rashida Tlaib
Member of Congress

¹ 20 U.S.C. § 1681.

¹ 85 Fed. Reg. 3190, 3206 (proposed Jan. 17, 2020) (to be codified at 2 C.F.R. pt. 3474, 34 C.F.R. pts. 75, 76, 106, 606, 607, 608, 609).

¹ *Id.* (proposed 34 C.F.R. pt. 106.12(c)(5)).

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¹ *Christian Legal Society v. Martinez*, 561 U.S. 661 (2010) (upholding a school policy requiring both religious and non-religious schools to comply with nondiscrimination requirements as a condition of official recognition).

Congress of the United States
Washington, DC 20515

February 18, 2020

The Honorable Sonny Perdue
Secretary
US Department of Agriculture
1280 Maryland Ave SW
Washington, DC 20250

Dear Secretary Perdue,

We write on behalf of the members of the Democratic Women's Caucus, Congressional LGBT Equality Caucus, and Congressional Freethought Caucus - representing close to 200 members from across the country - to urge you to withdraw your proposed regulations that govern the relationship between the government and faith-based social service providers. The proposed rules place the interests of government-funded organizations above those of people seeking social services. These regulations will undermine our country's social safety net by reducing people's access to critical services, with the most vulnerable in our communities facing the greatest harm.

The nine proposed rules eliminate critical religious freedom protections recommended by the previous administration's President's Advisory Council on Faith-Based and Neighborhood Partnerships for people who use government-funded social service programs. These proposed changes show a lack of respect for beneficiaries and their rights and puts the beneficiaries' rights at risk. In particular, one of the proposed regulations would remove the requirement that social service providers give beneficiaries written notice of their rights, including that the provider cannot discriminate against beneficiaries based on the provider's religion or force beneficiaries to participate in religious activities. Maintaining the requirement of notice is crucial: people cannot exercise rights they are not aware they have.

In addition, the proposed regulations would strip the requirement that providers take reasonable steps to refer beneficiaries to alternative providers if requested. This could effectively take away people's access to vital government services. A person who is uncomfortable at a faith-based provider could be forced to forgo getting the services they need because they are unable to find an alternative provider on their own.

It is not difficult to imagine the negative impact these changes could have on marginalized or vulnerable communities. A gay, homeless teen might not seek services such as housing, food, treatment, or counseling, and would lose the opportunity to find a place to live because they know the religion of the faith-based provider condemns them for being gay. A woman could be denied benefits based on a provider's religious belief that women should not work outside the

home. A Jewish, Muslim, or nonreligious person might forgo counseling for substance use disorder and job training because the only program they know of is in a church adorned with Christian symbols. A single mother seeking parenting classes or after-school services for her children could be forced to receive those services from a faith-based provider that believes having children outside of marriage is a sin because she doesn't have the resources to find another provider.

At the same time these proposed rules would strip notice requirements and other religious freedom rights for beneficiaries, they also would add a requirement that the government provide written notice to faith-based organizations about their ability to get additional religious exemptions, including under the Religious Freedom Restoration Act (RFRA). This could pave the way for providers to refuse to provide key services and could open the door to discrimination in taxpayer-funded programs.

In another effort to placate faith-based organizations, the proposed rules would expand the already existing and problematic religious exemption that permits government-funded providers to discriminate in employment with taxpayer funds. No one should be forced to conform to a religious litmus test to keep a government-funded job. The proposed regulations could allow providers to cite religion as a pretext for discriminating against people on other protected bases. Women, LGBTQ people, religious minorities, and the nonreligious are at the greatest risk for discrimination.

The proposed rules also would strip religious freedom protections from people who use vouchers or "indirect aid programs" to access government social services. Voucher programs may contain religious content because beneficiaries are using them based on their own independent choice. The proposed regulations, however, would categorize programs as "indirect" even if they don't offer at least one secular option from which to choose, as is required by the Constitution. The proposed rules would even allow providers in indirect programs to require people to participate in religious activities. Thus, a beneficiary in a voucher program could be given only religious providers to choose from and be forced to pray, participate in Bible studies, and attend worship services in a taxpayer-funded program. This clearly denies beneficiaries' religious freedom and undercuts the existing Executive Order's explicit protections against discrimination based on a participant's religious beliefs, lack thereof, or their refusal to take part in a religious practice by requiring attendance at such a practice.

Additionally, we are troubled by the Department of Education's attempts to vastly expand the religious exemption under Title IX. Contrary to Congress' intent to limit the exemption to educational institutions that are "controlled by a religious organization" and the clear language of the statute,[1] the Department of Education is trying to expand the exemption to schools whose relationship with a religious organization is tenuous or even nonexistent.[2] For example, the proposed rule would allow an educational entity to evade liability for unlawful sex discrimination simply by claiming that it "subscribes to specific moral beliefs or practices," regardless of whether it is controlled by a religious organization or even has any religious

affiliation at all.[3] If adopted, this proposed rule could be used to allow an extremely broad range of schools—potentially including non-religious schools—to discriminate against students and employees protected under Title IX, such as women, LGBTQ people, and people who are pregnant or use reproductive services. On top of this, the proposed rule would require schools to recognize or fund religious student organizations regardless of their “membership standards,” even if those membership standards are discriminatory or don’t comply with the school’s generally applicable requirements.[4] Flouting clear Supreme Court precedent,[5] this special carve-out could force students to fund religious student organizations even if those organizations exclude, for example, students of color, LGBTQ students, women, or students with disabilities. Government-funded social services should serve everyone. No one should be turned away from getting the help they need because they cannot meet a religious test. Nor should people be denied services they are entitled to receive because the taxpayer-funded provider that voluntarily applied for a grant has a religious objection. The proposed regulations undermine the goal of providing services for all, and will damage the public’s confidence in government services. Accordingly, we urge you to reject the proposed rules.

Sincerely,


Jared Huffman
Member of Congress


Veronica Escobar
Member of Congress


Debra A. Haaland
Member of Congress


Angie Craig
Member of Congress


Sharice Davids
Member of Congress

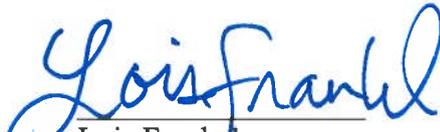

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Member of Congress


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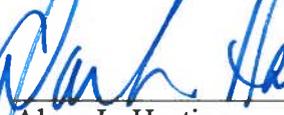

Adam B. Schiff
Member of Congress

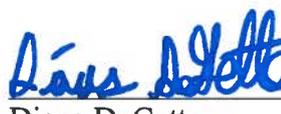

Suzanne Bonamici
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Peter Welch
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Congress of the United States
Washington, DC 20515

February 18, 2020

The Honorable Betsy DeVos
Secretary
US Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dear Secretary DeVos,

We write on behalf of the members of the Democratic Women's Caucus, Congressional LGBT Equality Caucus, and Congressional Freethought Caucus - representing close to 200 members from across the country - to urge you to withdraw your proposed regulations that govern the relationship between the government and faith-based social service providers. The proposed rules place the interests of government-funded organizations above those of people seeking social services. These regulations will undermine our country's social safety net by reducing people's access to critical services, with the most vulnerable in our communities facing the greatest harm.

The nine proposed rules eliminate critical religious freedom protections recommended by the previous administration's President's Advisory Council on Faith-Based and Neighborhood Partnerships for people who use government-funded social service programs. These proposed changes show a lack of respect for beneficiaries and their rights and puts the beneficiaries' rights at risk. In particular, one of the proposed regulations would remove the requirement that social service providers give beneficiaries written notice of their rights, including that the provider cannot discriminate against beneficiaries based on the provider's religion or force beneficiaries to participate in religious activities. Maintaining the requirement of notice is crucial: people cannot exercise rights they are not aware they have.

In addition, the proposed regulations would strip the requirement that providers take reasonable steps to refer beneficiaries to alternative providers if requested. This could effectively take away people's access to vital government services. A person who is uncomfortable at a faith-based provider could be forced to forgo getting the services they need because they are unable to find an alternative provider on their own.

It is not difficult to imagine the negative impact these changes could have on marginalized or vulnerable communities. A gay, homeless teen might not seek services such as housing, food, treatment, or counseling, and would lose the opportunity to find a place to live because they know the religion of the faith-based provider condemns them for being gay. A woman could be denied benefits based on a provider's religious belief that women should not work outside the

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At the same time these proposed rules would strip notice requirements and other religious freedom rights for beneficiaries, they also would add a requirement that the government provide written notice to faith-based organizations about their ability to get additional religious exemptions, including under the Religious Freedom Restoration Act (RFRA). This could pave the way for providers to refuse to provide key services and could open the door to discrimination in taxpayer-funded programs.

In another effort to placate faith-based organizations, the proposed rules would expand the already existing and problematic religious exemption that permits government-funded providers to discriminate in employment with taxpayer funds. No one should be forced to conform to a religious litmus test to keep a government-funded job. The proposed regulations could allow providers to cite religion as a pretext for discriminating against people on other protected bases. Women, LGBTQ people, religious minorities, and the nonreligious are at the greatest risk for discrimination.

The proposed rules also would strip religious freedom protections from people who use vouchers or "indirect aid programs" to access government social services. Voucher programs may contain religious content because beneficiaries are using them based on their own independent choice. The proposed regulations, however, would categorize programs as "indirect" even if they don't offer at least one secular option from which to choose, as is required by the Constitution. The proposed rules would even allow providers in indirect programs to require people to participate in religious activities. Thus, a beneficiary in a voucher program could be given only religious providers to choose from and be forced to pray, participate in Bible studies, and attend worship services in a taxpayer-funded program. This clearly denies beneficiaries' religious freedom and undercuts the existing Executive Order's explicit protections against discrimination based on a participant's religious beliefs, lack thereof, or their refusal to take part in a religious practice by requiring attendance at such a practice.

Additionally, we are troubled by the Department of Education's attempts to vastly expand the religious exemption under Title IX. Contrary to Congress' intent to limit the exemption to educational institutions that are "controlled by a religious organization" and the clear language of the statute,[1] the Department of Education is trying to expand the exemption to schools whose relationship with a religious organization is tenuous or even nonexistent.[2] For example, the proposed rule would allow an educational entity to evade liability for unlawful sex discrimination simply by claiming that it "subscribes to specific moral beliefs or practices," regardless of whether it is controlled by a religious organization or even has any religious

affiliation at all.[3] If adopted, this proposed rule could be used to allow an extremely broad range of schools—potentially including non-religious schools—to discriminate against students and employees protected under Title IX, such as women, LGBTQ people, and people who are pregnant or use reproductive services. On top of this, the proposed rule would require schools to recognize or fund religious student organizations regardless of their “membership standards,” even if those membership standards are discriminatory or don’t comply with the school’s generally applicable requirements.[4] Flouting clear Supreme Court precedent,[5] this special carve-out could force students to fund religious student organizations even if those organizations exclude, for example, students of color, LGBTQ students, women, or students with disabilities. Government-funded social services should serve everyone. No one should be turned away from getting the help they need because they cannot meet a religious test. Nor should people be denied services they are entitled to receive because the taxpayer-funded provider that voluntarily applied for a grant has a religious objection. The proposed regulations undermine the goal of providing services for all, and will damage the public’s confidence in government services. Accordingly, we urge you to reject the proposed rules.

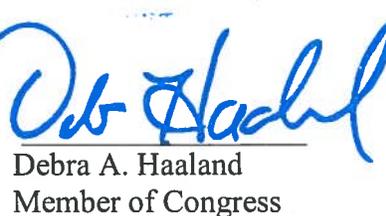
Sincerely,



Jared Huffman
Member of Congress



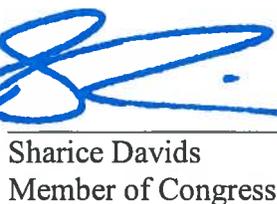
Veronica Escobar
Member of Congress



Debra A. Haaland
Member of Congress



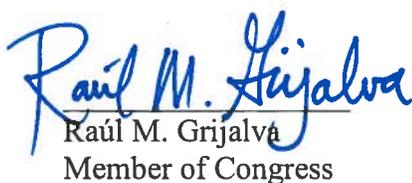
Angie Craig
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Sharice Davids
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Mark Pocan
Member of Congress



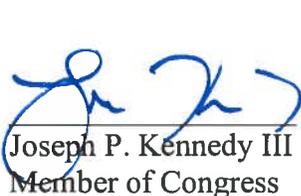
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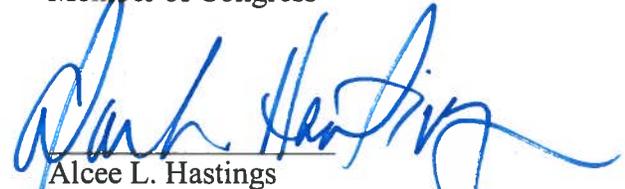

Adam B. Schiff
Member of Congress

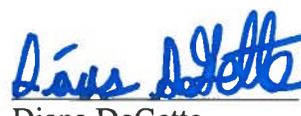

Suzanne Bonamici
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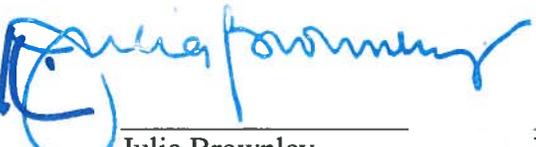

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Congress of the United States
Washington, DC 20515

February 18, 2020

The Honorable Benjamin Carson
Secretary
US Department of Housing and Urban Development
451 7th St SW
Washington, DC 20410

Dear Secretary Carson,

We write on behalf of the members of the Democratic Women's Caucus, Congressional LGBT Equality Caucus, and Congressional Freethought Caucus - representing close to 200 members from across the country - to urge you to withdraw your proposed regulations that govern the relationship between the government and faith-based social service providers. The proposed rules place the interests of government-funded organizations above those of people seeking social services. These regulations will undermine our country's social safety net by reducing people's access to critical services, with the most vulnerable in our communities facing the greatest harm.

The nine proposed rules eliminate critical religious freedom protections recommended by the previous administration's President's Advisory Council on Faith-Based and Neighborhood Partnerships for people who use government-funded social service programs. These proposed changes show a lack of respect for beneficiaries and their rights and puts the beneficiaries' rights at risk. In particular, one of the proposed regulations would remove the requirement that social service providers give beneficiaries written notice of their rights, including that the provider cannot discriminate against beneficiaries based on the provider's religion or force beneficiaries to participate in religious activities. Maintaining the requirement of notice is crucial: people cannot exercise rights they are not aware they have.

In addition, the proposed regulations would strip the requirement that providers take reasonable steps to refer beneficiaries to alternative providers if requested. This could effectively take away people's access to vital government services. A person who is uncomfortable at a faith-based provider could be forced to forgo getting the services they need because they are unable to find an alternative provider on their own.

It is not difficult to imagine the negative impact these changes could have on marginalized or vulnerable communities. A gay, homeless teen might not seek services such as housing, food, treatment, or counseling, and would lose the opportunity to find a place to live because they know the religion of the faith-based provider condemns them for being gay. A woman could be denied benefits based on a provider's religious belief that women should not work outside the

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At the same time these proposed rules would strip notice requirements and other religious freedom rights for beneficiaries, they also would add a requirement that the government provide written notice to faith-based organizations about their ability to get additional religious exemptions, including under the Religious Freedom Restoration Act (RFRA). This could pave the way for providers to refuse to provide key services and could open the door to discrimination in taxpayer-funded programs.

In another effort to placate faith-based organizations, the proposed rules would expand the already existing and problematic religious exemption that permits government-funded providers to discriminate in employment with taxpayer funds. No one should be forced to conform to a religious litmus test to keep a government-funded job. The proposed regulations could allow providers to cite religion as a pretext for discriminating against people on other protected bases. Women, LGBTQ people, religious minorities, and the nonreligious are at the greatest risk for discrimination.

The proposed rules also would strip religious freedom protections from people who use vouchers or "indirect aid programs" to access government social services. Voucher programs may contain religious content because beneficiaries are using them based on their own independent choice. The proposed regulations, however, would categorize programs as "indirect" even if they don't offer at least one secular option from which to choose, as is required by the Constitution. The proposed rules would even allow providers in indirect programs to require people to participate in religious activities. Thus, a beneficiary in a voucher program could be given only religious providers to choose from and be forced to pray, participate in Bible studies, and attend worship services in a taxpayer-funded program. This clearly denies beneficiaries' religious freedom and undercuts the existing Executive Order's explicit protections against discrimination based on a participant's religious beliefs, lack thereof, or their refusal to take part in a religious practice by requiring attendance at such a practice.

Additionally, we are troubled by the Department of Education's attempts to vastly expand the religious exemption under Title IX. Contrary to Congress' intent to limit the exemption to educational institutions that are "controlled by a religious organization" and the clear language of the statute,[1] the Department of Education is trying to expand the exemption to schools whose relationship with a religious organization is tenuous or even nonexistent.[2] For example, the proposed rule would allow an educational entity to evade liability for unlawful sex discrimination simply by claiming that it "subscribes to specific moral beliefs or practices," regardless of whether it is controlled by a religious organization or even has any religious

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Sincerely,

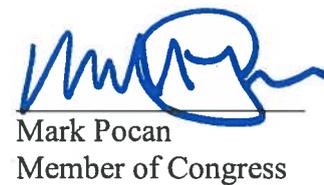

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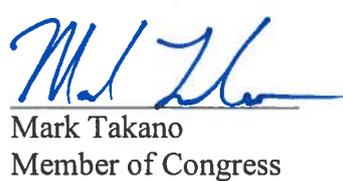

Debra A. Haaland
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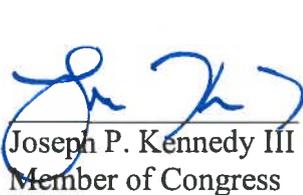

Sharice Davids
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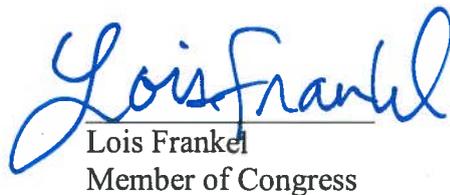

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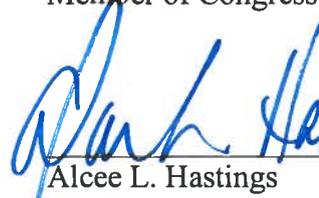

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Congress of the United States
Washington, DC 20515

February 18, 2020

The Honorable William Barr
Attorney General
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Barr,

We write on behalf of the members of the Democratic Women's Caucus, Congressional LGBT Equality Caucus, and Congressional Freethought Caucus - representing close to 200 members from across the country - to urge you to withdraw your proposed regulations that govern the relationship between the government and faith-based social service providers. The proposed rules place the interests of government-funded organizations above those of people seeking social services. These regulations will undermine our country's social safety net by reducing people's access to critical services, with the most vulnerable in our communities facing the greatest harm.

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In addition, the proposed regulations would strip the requirement that providers take reasonable steps to refer beneficiaries to alternative providers if requested. This could effectively take away people's access to vital government services. A person who is uncomfortable at a faith-based provider could be forced to forgo getting the services they need because they are unable to find an alternative provider on their own.

It is not difficult to imagine the negative impact these changes could have on marginalized or vulnerable communities. A gay, homeless teen might not seek services such as housing, food, treatment, or counseling, and would lose the opportunity to find a place to live because they know the religion of the faith-based provider condemns them for being gay. A woman could be denied benefits based on a provider's religious belief that women should not work outside the

home. A Jewish, Muslim, or nonreligious person might forgo counseling for substance use disorder and job training because the only program they know of is in a church adorned with Christian symbols. A single mother seeking parenting classes or after-school services for her children could be forced to receive those services from a faith-based provider that believes having children outside of marriage is a sin because she doesn't have the resources to find another provider.

At the same time these proposed rules would strip notice requirements and other religious freedom rights for beneficiaries, they also would add a requirement that the government provide written notice to faith-based organizations about their ability to get additional religious exemptions, including under the Religious Freedom Restoration Act (RFRA). This could pave the way for providers to refuse to provide key services and could open the door to discrimination in taxpayer-funded programs.

In another effort to placate faith-based organizations, the proposed rules would expand the already existing and problematic religious exemption that permits government-funded providers to discriminate in employment with taxpayer funds. No one should be forced to conform to a religious litmus test to keep a government-funded job. The proposed regulations could allow providers to cite religion as a pretext for discriminating against people on other protected bases. Women, LGBTQ people, religious minorities, and the nonreligious are at the greatest risk for discrimination.

The proposed rules also would strip religious freedom protections from people who use vouchers or "indirect aid programs" to access government social services. Voucher programs may contain religious content because beneficiaries are using them based on their own independent choice. The proposed regulations, however, would categorize programs as "indirect" even if they don't offer at least one secular option from which to choose, as is required by the Constitution. The proposed rules would even allow providers in indirect programs to require people to participate in religious activities. Thus, a beneficiary in a voucher program could be given only religious providers to choose from and be forced to pray, participate in Bible studies, and attend worship services in a taxpayer-funded program. This clearly denies beneficiaries' religious freedom and undercuts the existing Executive Order's explicit protections against discrimination based on a participant's religious beliefs, lack thereof, or their refusal to take part in a religious practice by requiring attendance at such a practice.

Additionally, we are troubled by the Department of Education's attempts to vastly expand the religious exemption under Title IX. Contrary to Congress' intent to limit the exemption to educational institutions that are "controlled by a religious organization" and the clear language of the statute,[1] the Department of Education is trying to expand the exemption to schools whose relationship with a religious organization is tenuous or even nonexistent.[2] For example, the proposed rule would allow an educational entity to evade liability for unlawful sex discrimination simply by claiming that it "subscribes to specific moral beliefs or practices," regardless of whether it is controlled by a religious organization or even has any religious

affiliation at all.[3] If adopted, this proposed rule could be used to allow an extremely broad range of schools—potentially including non-religious schools—to discriminate against students and employees protected under Title IX, such as women, LGBTQ people, and people who are pregnant or use reproductive services. On top of this, the proposed rule would require schools to recognize or fund religious student organizations regardless of their “membership standards,” even if those membership standards are discriminatory or don’t comply with the school’s generally applicable requirements.[4] Flouting clear Supreme Court precedent,[5] this special carve-out could force students to fund religious student organizations even if those organizations exclude, for example, students of color, LGBTQ students, women, or students with disabilities. Government-funded social services should serve everyone. No one should be turned away from getting the help they need because they cannot meet a religious test. Nor should people be denied services they are entitled to receive because the taxpayer-funded provider that voluntarily applied for a grant has a religious objection. The proposed regulations undermine the goal of providing services for all, and will damage the public’s confidence in government services. Accordingly, we urge you to reject the proposed rules.

Sincerely,


Jared Huffman
Member of Congress


Veronica Escobar
Member of Congress


Debra A. Haaland
Member of Congress


Angie Craig
Member of Congress


Sharice Davids
Member of Congress


Mark Pocan
Member of Congress


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Adam B. Schiff
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Suzanne Bonamici
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Peter Welch
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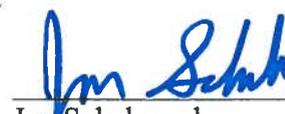

Jahana Hayes
Member of Congress


Ro Khanna
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Alcee L. Hastings
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Diana DeGette
Member of Congress


Grace Meng
Member Congress


Jan Schakowsky
Member of Congress


Darren Soto
Member of Congress


Frank Pallone, Jr.
Member of Congress


Pramila Jayapal
Member of Congress


Jamie Raskin
Member of Congress


Julia Brownley
Member of Congress


Karen Bass
Member of Congress



Rashida Tlaib
Member of Congress

¹ 20 U.S.C. § 1681.

¹ 85 Fed. Reg. 3190, 3206 (proposed Jan. 17, 2020) (to be codified at 2 C.F.R. pt. 3474, 34 C.F.R. pts. 75, 76, 106, 606, 607, 608, 609).

¹ *Id.* (proposed 34 C.F.R. pt. 106.12(c)(5)).

¹ *Id.* at 3200.

¹ *Christian Legal Society v. Martinez*, 561 U.S. 661 (2010) (upholding a school policy requiring both religious and non-religious schools to comply with nondiscrimination requirements as a condition of official recognition).

Congress of the United States
Washington, DC 20515

February 18, 2020

The Honorable Eugene Scalia
Secretary
US Department of Labor
200 Constitution Ave NW
Washington, DC 20210

Dear Secretary Scalia,

We write on behalf of the members of the Democratic Women's Caucus, Congressional LGBT Equality Caucus, and Congressional Freethought Caucus - representing close to 200 members from across the country - to urge you to withdraw your proposed regulations that govern the relationship between the government and faith-based social service providers. The proposed rules place the interests of government-funded organizations above those of people seeking social services. These regulations will undermine our country's social safety net by reducing people's access to critical services, with the most vulnerable in our communities facing the greatest harm.

The nine proposed rules eliminate critical religious freedom protections recommended by the previous administration's President's Advisory Council on Faith-Based and Neighborhood Partnerships for people who use government-funded social service programs. These proposed changes show a lack of respect for beneficiaries and their rights and puts the beneficiaries' rights at risk. In particular, one of the proposed regulations would remove the requirement that social service providers give beneficiaries written notice of their rights, including that the provider cannot discriminate against beneficiaries based on the provider's religion or force beneficiaries to participate in religious activities. Maintaining the requirement of notice is crucial: people cannot exercise rights they are not aware they have.

In addition, the proposed regulations would strip the requirement that providers take reasonable steps to refer beneficiaries to alternative providers if requested. This could effectively take away people's access to vital government services. A person who is uncomfortable at a faith-based provider could be forced to forgo getting the services they need because they are unable to find an alternative provider on their own.

It is not difficult to imagine the negative impact these changes could have on marginalized or vulnerable communities. A gay, homeless teen might not seek services such as housing, food, treatment, or counseling, and would lose the opportunity to find a place to live because they know the religion of the faith-based provider condemns them for being gay. A woman could be denied benefits based on a provider's religious belief that women should not work outside the

home. A Jewish, Muslim, or nonreligious person might forgo counseling for substance use disorder and job training because the only program they know of is in a church adorned with Christian symbols. A single mother seeking parenting classes or after-school services for her children could be forced to receive those services from a faith-based provider that believes having children outside of marriage is a sin because she doesn't have the resources to find another provider.

At the same time these proposed rules would strip notice requirements and other religious freedom rights for beneficiaries, they also would add a requirement that the government provide written notice to faith-based organizations about their ability to get additional religious exemptions, including under the Religious Freedom Restoration Act (RFRA). This could pave the way for providers to refuse to provide key services and could open the door to discrimination in taxpayer-funded programs.

In another effort to placate faith-based organizations, the proposed rules would expand the already existing and problematic religious exemption that permits government-funded providers to discriminate in employment with taxpayer funds. No one should be forced to conform to a religious litmus test to keep a government-funded job. The proposed regulations could allow providers to cite religion as a pretext for discriminating against people on other protected bases. Women, LGBTQ people, religious minorities, and the nonreligious are at the greatest risk for discrimination.

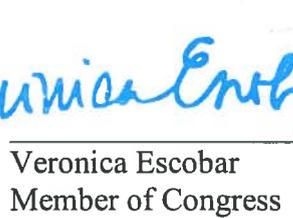
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Additionally, we are troubled by the Department of Education's attempts to vastly expand the religious exemption under Title IX. Contrary to Congress' intent to limit the exemption to educational institutions that are "controlled by a religious organization" and the clear language of the statute,[1] the Department of Education is trying to expand the exemption to schools whose relationship with a religious organization is tenuous or even nonexistent.[2] For example, the proposed rule would allow an educational entity to evade liability for unlawful sex discrimination simply by claiming that it "subscribes to specific moral beliefs or practices," regardless of whether it is controlled by a religious organization or even has any religious

affiliation at all.[3] If adopted, this proposed rule could be used to allow an extremely broad range of schools—potentially including non-religious schools—to discriminate against students and employees protected under Title IX, such as women, LGBTQ people, and people who are pregnant or use reproductive services. On top of this, the proposed rule would require schools to recognize or fund religious student organizations regardless of their “membership standards,” even if those membership standards are discriminatory or don’t comply with the school’s generally applicable requirements.[4] Flouting clear Supreme Court precedent,[5] this special carve-out could force students to fund religious student organizations even if those organizations exclude, for example, students of color, LGBTQ students, women, or students with disabilities. Government-funded social services should serve everyone. No one should be turned away from getting the help they need because they cannot meet a religious test. Nor should people be denied services they are entitled to receive because the taxpayer-funded provider that voluntarily applied for a grant has a religious objection. The proposed regulations undermine the goal of providing services for all, and will damage the public’s confidence in government services. Accordingly, we urge you to reject the proposed rules.

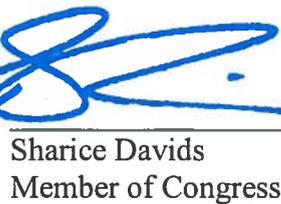
Sincerely,


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Member of Congress


Veronica Escobar
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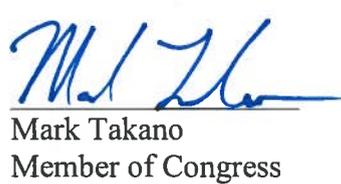

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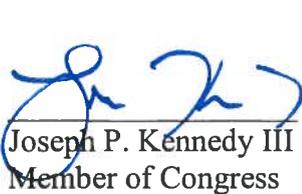

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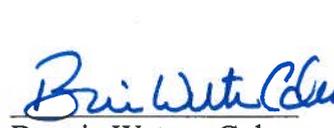

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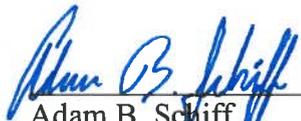

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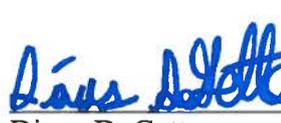

Suzanne Bonamici
Member of Congress

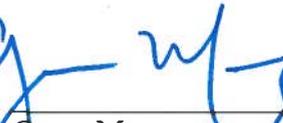

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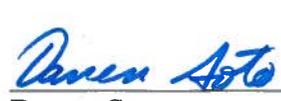

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