

March 9, 2015

The United States Senate
Washington, DC

Dear Senators:

As leaders of faith-based organizations, religious-freedom advocates, and lawyers who work with faith-based organizations, we ask you to reject the misconceived nondiscrimination clause that S. 262, the Runaway and Homeless Youth and Trafficking Prevention Act (Sen. Leahy) would attach to every grant administered by the Administration for Children and Families in the Department of Health and Human Services. The clause will undermine the rights of faith-based social-service providers or even cause many of them to be excluded from these grants. And yet faith-based organizations are pioneers of services for runaway, homeless, and trafficked youth, provide a wide range of services also for other vulnerable people and communities, and are respected partners of government in a very large number of programs.

The undersigned have varied views on the merits of S. 262. The deep concerns of some of us extend beyond the nondiscrimination clause. But we all agree that the bill's nondiscrimination clause must not be enacted and that it was a grave mistake for the same language to be included with minimal scrutiny when the Violence Against Women Act was reauthorized in 2013. Congress should not repeat this mistake.

A current HHS regulation (45 C.F.R. Part 87—an “Equal Treatment” rule that is mirrored in other federal departments), already bans religious discrimination against beneficiaries and forbids compulsory religious activities in grant-funded programs. The Leahy clause would apply its ban on religious and other discrimination not just to the treatment of the intended beneficiaries of the government-funded services but broadly to **all** of the operations and programs—even *privately funded programs*—of **all** ACF grantees, including faith-based organizations that currently work in partnership with government to provide child-care services, refugee services, marriage and fatherhood programs, abstinence education, TANF services, adoption and foster care assistance, and much more. His clause forbids religious staffing by religious grantees, and yet Title VII of the 1964 Civil Rights Act and the Religious Freedom Restoration Act protect such mission-oriented employment decisions. And his language applies even to grantee programs that receive no government funding. Those privately funded programs could be shut down if a potential participant says that a program is discriminatory because it upholds conservative morality.

Sen. Leahy's nondiscrimination clause assumes that only grantees that do not engage in religious practices but that do affirm LGBT conduct can be trusted to serve the public with respect. This is plainly wrong. Every day, many faith-based organizations, large and small, here and overseas, serve, in partnership with the federal government, a wide range of persons and families that do not share the convictions and conduct of the organizations. They do so because of, not despite, their religious commitments. The last thing that the Senate should do is discourage their involvement in federal programs.

Please reject the Leahy language. Preserve the ability of faith-based services to serve the common good in federal programs. Runaway and homeless youth and trafficked persons need the most effective services and interventions our society can provide, including those offered by faith-based service agencies. Thank you.

Signed—

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