



HUMAN
RIGHTS
CAMPAIGN®

The Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Elijah Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

July 8, 2016

Dear Chairman Chaffetz and Ranking Member Cummings,

On behalf of the Human Rights Campaign's 1.5 million members and supporters nationwide I write to express deep concern regarding the First Amendment Defense Act (FADA, H.R. 2802/S. 1598). Despite its purported protection of one of our nation's dearest and founding principles, FADA is nothing more than a veiled attempt to allow discrimination against lesbian, gay, bisexual, and transgender people with U.S. tax dollars. This disingenuous attempt to reframe federally sanctioned discrimination as essential free exercise is truly un-American and threatens to tarnish the spirit of the First Amendment. We write today in defense of the principles of freedom behind the Bill of Rights and of the people who need them the most.

FADA seeks to foster state sanctioned discrimination under the guise of religious liberty. The bill's broad, overreaching language would not only prevent the federal government from combatting harmful discrimination, but could mandate it. Under this bill, organizations and businesses contracting with the federal government or receiving federal grants could circumvent federal protections designed to protect same-sex couples and their families. For example, despite clear nondiscrimination policies, this bill would require the federal government to continue to contract with a business with a record of discriminatory employment practices against married gays and lesbians if that employer cited their objection to same-sex marriage as a the reason for the discrimination.

FADA would undoubtedly limit access to federal lifeline programs and protections for those who need them the most. Although same-sex couples are protected under federal regulation, under FADA a hospital could state that allowing a husband or wife to visit an ill or dying same-sex spouse would be a violation of their religious liberty. An organization receiving funding from

the Department of Housing and Urban Development to operate an emergency homeless shelter could cite this Act and provide their religious conviction against same-sex marriage as a reason to put a same-sex couple and their children back on the street. It would also empower federal civilian employees who personally object to same-sex marriage to refuse to fully perform their jobs. For example, an employee at the Department of Veterans Affairs could refuse to process survivor benefits for the same-sex spouse of a servicemember killed in action.

The right to religious belief and free exercise is fundamental. This freedom to worship – or not – without fear of government intrusion or compulsion is a core American value. The U.S. Constitution and federal courts provide strong protections for both individuals and religious organizations to practice their religion and to freely share their beliefs. Nothing in federal law, including the right to receive tax exempt status, a federal grant or contract, or any other federal benefit can be denied on the basis of a sincerely held religious belief. FADA ignores these existing Constitutional protections and threatens to tip the delicate balance of individual rights and religious liberties that the founders so artfully designed— undermining decades of civil rights protections and leaving some of the most vulnerable members of our society open to unmediated discrimination.

The federal government cannot mandate compassion, but it must not mandate discrimination.

Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in cursive script that reads "David Stacy".

David C. Stacy
Government Affairs Director