[DATE OF COMMENT]

Submitted via www.regulations.gov

Harvey D. Fort, Acting Director, Division of Policy and Program Development

Attention: RIN 1250-AA09

Office of Federal Contract Compliance Programs, Room C-3325,

200 Constitution Avenue NW

Washington, DC 20210

**RE: Comments in Opposition to RIN 1250-AA09, Implementing a Religious Exemption in the Equal Opportunity Clause**

To Whom It May Concern:  
  
 I am writing on behalf of [INSERT ORGANIZATION NAME] to express our strong opposition to the U.S. Department of Labor's (DOL's) Office of Federal Contract Compliance Programs (OFCCP) proposal to clarify the scope and application of the religious exemption contained in section 204(c) of Executive Order 11246 (also known as the equal opportunity clause), published in the Federal Register on August 15, 2019.

The mission of [INSERT ORGANIZATION NAME] is to [INSERT MISSION]. We provide more than $[INSERT FUNDING TOTAL] annually to support charitable organizations working to [INSERT STATEMENT ON WORK OF GRANTEES].

We believe that the proposed change will undermine our work and the work of our grantees. It unnecessarily exacerbates the economic disparities faced by lesbian, gay, bisexual, and transgender people, as well as people who have utilized or may seek out reproductive care, women, and other vulnerable populations. [ADD 4-5 SENTENCES HERE ABOUT HOW THE PROPOSED CHANGES WOULD SPECIFICALLY AFFECT YOUR FOUNDATION’S MISSION AND WORK.]

This proposed change threatens the economic livelihood of 11.3 million Americans who identify as LGBT.[[1]](#footnote-1) LGBT people are nearly twice as likely to be unemployed as non-LGBT individuals.[[2]](#footnote-2) One in four LGBT people earn less than $24,000 a year, while less than one in five non-LGBT people earn less than $24,000 a year.[[3]](#footnote-3) They lack federal workplace protections, meaning they can be unfairly fired, not hired, or discriminated against by private employers on the basis of their sexual orientation or gender identity in the 26 states that lack statewide nondiscrimination protections. And discrimination against LGBT people happens with alarming regularity. A 2017 study from Harvard University’s T.H. Chan School of Public Health found that 20 percent of LGBT adults have experienced discrimination in applying for a job and that 22 percent of LGBT adults have experienced discrimination with respect to equal pay or promotion.[[4]](#footnote-4) It is even worse for transgender people, the National Center for Transgender Equality’s 2015 U.S. Transgender Survey found that 30 percent of transgender people reported being fired, denied a promotion, or some other form of mistreatment on account of their transgender status.[[5]](#footnote-5) [ADD SENTENCE RELATING THESE CONCERNS EXPLICITLY TO YOUR FOUNDATION’S MISSION AND WORK.]

Legislation and rules that jeopardize the economic well-being of this disadvantaged community are bad for the U.S. economy and undermine the core American principles of economic opportunity for all. As such, we oppose the proposed rule to expand the scope and application of the equal opportunity clause’s religious exemption. The new rule could allow contractors to use religious beliefs as a smokescreen for discrimination, not only against LGBTQ people, but also against women and other vulnerable populations.

We are further disturbed by the creeping erosion of our fundamental American value of the separation of church and state. If the government enables employers to claim a religions exemption to anti-discrimination protections, it gives the appearance that the federal government supports religious beliefs to the detriment of those who do not share those same beliefs, which runs absolutely contrary to our nation’s founding principles, and the role of the Office of Federal Contract Compliance Programs.. The OFCCP’s mission is to “protect workers, promote diversity and enforce the law,” not to protect employers seeking to unlawfully discriminate against vulnerable populations from losing lucrative government contracts. The new rule could ultimately harm religious freedom, in the name of protecting it, by allowing people of one faith to discriminate against those of another faith. [ADD SENTENCE RELATING THESE CONCERNS EXPLICITLY TO YOUR FOUNDATION’S MISSION AND WORK.]

For all the aforementioned reasons, we believe the proposed change to the equal opportunity clause’s religious exemption is both unconstitutional and inconsistent with the original intent of equal opportunity policies. This change can and will cause real harm to individuals - including LGBTQ people, people who have utilized or may seek out reproductive care, and women. We hope you will reconsider the change to equal opportunity clause’s religious exemption in the service of securing a future where freedom and opportunity are within reach for everyone.

We thank you for your consideration.

Sincerely,

[INSERT NAME OF SIGNING EXECUTIVE]

[INSERT TITLE]

[INSERT ORGANIZATION NAME]

*[ADD ATTACHMENTS IF CITED]*

1. The Williams Institute, UCLA School of Law. (2019) Adult LGBT Population in the United States. Retrieved from Williams Institute Website https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Population-EstimatesMarch-2019.pdf [↑](#footnote-ref-1)
2. The Williams Institute, UCLA School of Law, “LGBT Data & Demographics,” accessed August 21, 2019.

   https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT#demographic [↑](#footnote-ref-2)
3. The Williams Institute, UCLA School of Law, “LGBT Data & Demographics,” accessed August 21, 2019.

   https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT#demographic [↑](#footnote-ref-3)
4. NPR, The Robert Wood Johnson Foundation, Harvard T.H. Chan School of Public Health, “Discrimination in America: Experiences and Views of LGBTQ Americans,” accessed September 5, 2019. https://www.npr.org/documents/2017/nov/npr-discrimination-lgbtq-final.pdf [↑](#footnote-ref-4)
5. James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Retrieved from the National Center for Transgender Equality’s report website: http://www.ustranssurvey.org/ [↑](#footnote-ref-5)