

February 18, 2020

Peter Mina  
Deputy Officer for Programs and Compliance  
Office for Civil Rights and Civil Liberties  
Department of Homeland Security  
Washington, DC 20528

Submitted online: <http://www.regulations.gov>

Re: Equal Participation of Faith-Based Organizations in DHS's Programs and Activities:  
Implementation of Executive Order 13831(Docket DHS-2019-0049)

Dear Deputy Officer Mina,

The Fenway Institute is the research arm of Fenway Health, a federally qualified health center and Ryan White Part C HIV clinic in Boston, Massachusetts that serves 32,000 patients each year. About half of our patients are LGBTQIA+, 4,000 are transgender or nonbinary, and 2,200 are people living with HIV. The Fenway Institute works to make life healthier for LGBTQIA+ people, people living with HIV, and the larger community. We do this through research and evaluation, education and training, and policy analysis.

We are writing to strongly oppose the U.S. Department of Homeland Security's proposed rule "Equal Participation of Faith-Based Organizations in DHS's Programs and Activities: Implementation of Executive Order 13831(Docket DHS-2019-0049)." We are concerned that this proposed rule would expand religious exemptions that allow for discrimination against LGBTQIA+ people across the U.S.

The proposed rule will undermine access to critical services, such as emergency preparedness training and programs, disaster recovery programs, and citizenship instructions and resources for immigrants. The rule eliminates key religious freedom protections for participants while inviting employment discrimination by the government-funded service providers that are supposed to be serving everyone.

The DHS proposed rule would unfairly favor taxpayer-funded religious organizations over the people that government programs are intended to help. No one should be forced to sacrifice their religious freedom in order to qualify for basic government-funded services.

This rule takes the concept of religious freedom and turns it on its head. True religious freedom protects an individual's right to worship—or not—and harms no one. But this rule is designed so that DHS grantees can important services to LGBTQIA+ people by claiming that providing such service would violate their religious beliefs or sincerely held principles.

The rule eliminates key religious freedom protections for participants while inviting discrimination in critical homeland security services by the government-funded service providers that are supposed to be serving everyone. No one's ability to get vital services should depend on

whether they share the religious beliefs of government-funded organizations. We strongly urge you to please withdraw this harmful rule.

Sincerely,

Jane Powers, MSW, LICSW  
Acting Chief Executive Officer  
Fenway Health

Kenneth Mayer, MD, FACP  
Co-chair and Medical Research Director, The Fenway Institute  
Director of HIV Prevention Research, Beth Israel Deaconess Medical Center  
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