

February 18, 2020

Emily Tasman, Attorney Advisor  
USDA, Office of the General Counsel, Room 107-W  
J.L. Whitten Federal Building  
1400 Independence Avenue SW  
Washington, DC 20250

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

RE: Equal Opportunity for Religious Organizations in U.S. Department of Agriculture Programs: Implementation Of Executive Order 13831

The Fenway Institute is the research arm of Fenway Health, a federally qualified health center and Ryan White Part C clinic in Boston, MA 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 USDA's proposed rule called "Equal Opportunity for Religious Organizations in U.S. Department of Agriculture Programs: Implementation Of Executive Order 13831." We believe that this rule unfairly favors taxpayer-funded religious service providers over the people that are seeking government services. The proposed rule will undermine access to critical services for youth such as school lunch programs and 4-H development and mentoring programs. The rule eliminates key protections for participants under the guise of religious freedom while inviting employment discrimination by the government-funded service providers that are supposed to be serving everyone.

Freedom of religion is an important American value, which is why it is already protected by the First Amendment of the Constitution. But as we have learned time and time again in our nation's history, we need both freedom *of* religion (free exercise) and freedom *from* religion (freedom from state-sponsored discrimination in the name of some religious beliefs and practices that are privileged over others—the Establishment Clause). Rules and regulations that allow service providers to discriminate based on religious beliefs will only exacerbate widespread anti-LGBT discrimination in employment, housing and public accommodations.<sup>1</sup> This type of discrimination can result in negative physical and mental health outcomes and contributes to health disparities that disproportionately burden LGBT communities.

This proposed rule is discriminatory and dangerous. In America, no one's access to vital services should depend on whether they share the religious beliefs of government-funded organizations. We strongly urge the UDS to withdraw this rule in its entirety.

---

<sup>1</sup> National Public Radio, Harvard T.H. Chan School of Public Health. (2017, November). "Discrimination in America: Experiences and Views of LGBTQ Americans." Funded by the Robert Wood Johnson Foundation. Available online at: <https://www.npr.org/documents/2017/nov/npr-discrimination-lgbtq-final.pdf>

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  
Professor of Medicine, Harvard Medical School

Jennifer Potter, MD  
Co-Chair and LGBT Population Health Program Director  
The Fenway Institute

Carl Sciortino, MPA  
Vice President of Government and Community relations  
Fenway Health

Sean Cahill, PhD  
Director of Health Policy Research  
The Fenway Institute

Tim Wang, MPH  
Senior Policy Analyst  
The Fenway Institute