



January 6, 2017

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor and Pensions
U.S. Senate
Washington, D.C. 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor and Pensions
U.S. Senate
Washington, D.C. 20510

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TREASURER

RE: Confirmation Hearings Should Cover the Nominees' Commitment to Banning Taxpayer Funds from Being Used to Discriminate

Dear Chairman Alexander, Ranking Member Murray, and members of the HELP Committee:

As the Committee considers the nominations of Betsy DeVos to serve as Secretary of Education, Tom Price to serve as Secretary of Health and Human Services, and Andrew Puzder to serve as Secretary of Labor over the coming weeks, the American Civil Liberties Union urges robust questioning regarding their commitment to ensuring that taxpayer dollars are never used to fund discrimination.

Freedom of religion and belief is a core American value. Religious liberty protects the right to both believe and act on religious beliefs, but it does not authorize actions that discriminate against or harm others. These three nominees, if confirmed, will oversee a wide range of programs that impact millions of Americans' education, health care, and employment, and it is critical to determine where they stand on this principle – and to emphasize to the nominees the importance of this fundamental civil rights principle.

Both Mrs. DeVos' and Mr. Price's track records raise serious concerns. Mrs. DeVos, who is being considered to oversee the nation's public education system, has a long history of advocating for the use of public dollars to support private schools, including those that engage in discrimination and lack the protections of our nation's civil rights laws. Mr. Price, who could not only set the national health policy agenda if confirmed, but also have authority to administer health care programs affecting nearly all Americans, has supported numerous policies during his congressional career that would enable discrimination against women and members of the LGBT community. In the

114th Congress, for example, he co-sponsored the so-called “First Amendment Defense Act,” legislation that could permit sweeping, taxpayer-funded discrimination against LGBT people, single mothers, and unmarried couples. He also voted for the Conscience Protection Act and co-sponsored the Health Care Conscience Rights Act, bills that would discriminate against women seeking abortion care under the guise of protecting religious liberty, and voted to block D.C.’s non-discrimination law that prohibits workplace discrimination based on employees’ personal reproductive health care decisions.

Mr. Puzder, if confirmed, would head a Department tasked with enforcing President Obama’s historic 2014 executive order to prohibit businesses that contract with the federal government from engaging in discrimination on the basis of sexual orientation and gender identity. These nondiscrimination requirements are built on protections that have been in place since the administration of President Lyndon Johnson and have been enforced by every administration – Democratic and Republican – since. Given his outspoken opposition to protections for individuals in the workplace, Mr. Puzder should be asked about his commitment to faithfully enforce these nondiscrimination protections.

The Departments of Education, Health and Human Services, and Labor all dispense significant sums in the form of federal grants and contracts. There is a bipartisan tradition in this country of prohibiting taxpayer-funded discrimination, including by recipients of federal grants and contracts. To permit the recipients of these taxpayer dollars – including those that are religiously affiliated – to engage in discrimination based on religion or religious tenets would significantly undermine our nation’s commitment to civil rights.

We urge you to robustly question these three nominees about their commitment to this civil rights principle, and make clear, if confirmed, you will hold them accountable for safeguarding policies that prohibit taxpayer-funded discrimination.

Sincerely,



Karin Johanson
Director



Ian Thompson
Legislative Representative



Georgeanne Usova
Legislative Counsel

Cc: Members of the Committee on Health, Education, Labor and Pensions