

United States Senate

WASHINGTON, DC 20510

July 25, 2018

The Honorable Richard C. Shelby
Chairman
Senate Appropriations Committee
United States Senate
Washington, DC 20510

The Honorable Patrick J. Leahy
Vice Chairman
Senate Appropriations Committee
United States Senate
Washington, DC 20510

Dear Chairman Shelby and Vice Chairman Leahy:

We are writing you today with concerns over the inclusion of language in the House FY2019 Labor, Health and Human Services, and Education Appropriations bill that would allow faith-based foster care providers to discriminate against children and families based on their religion, sexual orientation, gender identity, family structure or marital status. We strongly oppose the inclusion of such language in the Senate bill or final appropriations law. The inclusion of such language would sanction taxpayer-funded discrimination and prevent a significant share of Americans from opening their homes to foster children. Such an exemption would elevate the religious beliefs of taxpayer-funded foster care providers over the best interests of children and would be a serious threat to the safety and protection of lesbian, gay, bisexual, transgender and queer (LGBTQ) youth in foster care in particular.

It is never acceptable to use federal funds to discriminate based on religion, sexual orientation, gender identity, family structure, or marital status, but the timing of the House language is particularly egregious given the spike in foster care caseloads across the country brought on by the opioid epidemic. Children across the country are sleeping in hotels, assessment centers, and temporary shelters due to the lack of licensed foster parents. Allowing child welfare agencies to close the door to willing and fully qualified foster and adoptive parents due to a difference in religious belief opens the door to taxpayer-funded discrimination and deprives vulnerable children of safe and loving homes. It will only serve to worsen the foster care crisis.

LGBTQ youth have disproportionate representation in our child welfare system because they often experience discrimination or poor treatment at home related to their sexual orientation or gender identity. Upon entering foster care, many report experiencing further conflict or discrimination on the part of foster parents and child welfare agencies.¹ HHS-funded research has shown that LGBTQ youth are more likely to experience longer roads to permanency with higher numbers of failed foster care placements.² These large disparities in outcomes for LGBTQ

¹ Quintana, N.S., Rosenthal, J., & Krehely, J. (June 2010). On the streets: the Federal response to gay and transgender homeless youth. The Center for American Progress. Available: <https://cdn.americanprogress.org/wp-content/uploads/issues/2010/06/pdf/lgbtyouthhomelessness.pdf>

² Human Rights Campaign. LGBTQ Youth in the Foster Care System. Available: https://assets2.hrc.org/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf?_ga=2.255406984.1279621117.1528725329-49473348.1528725329

foster youth affect their mental and physical health. Lesbian, gay, and bisexual youth are almost five times more likely to attempt suicide as compared to heterosexual youth.³

LGBTQ families are especially qualified to provide safe, stable, nurturing, welcoming, and identity-affirming homes to LGBTQ youth.⁴ These children deserve to be placed by agencies that respect their identity and are guided solely by what is in the best interest of the child. Allowing agencies to put their religious beliefs ahead of the best interest of the child leads to poor placement options, further harming vulnerable children. If child welfare agencies are given a license to discriminate, more LGBTQ youth will end up in group homes rather than with families; LGBTQ youth may be placed with families or providers that subject them to conversion therapy, a harmful, medically discredited practice to change an individual's sexual orientation or gender identity; and, foster youth will be denied placements with LGBTQ kin.

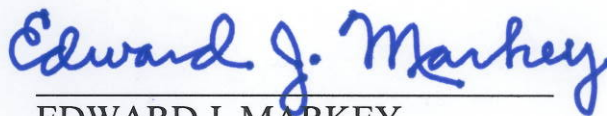
The First Amendment offers Americans the right to practice a faith (or not practice a faith) and to live free of a government-established religion. We agree that the freedom to choose and practice a religion is a foundational American value and should not be impeded by government. But these protections are not limitless, and the veil of religious freedom must be rejected when used to violate anti-discrimination laws, cause harm to protected groups, or allow federal dollars to advance a discriminatory agenda. Indeed, we appreciate the important role religiously affiliated institutions historically have played in partnership with the government to serve children in foster care. However, effective government collaboration with faith-based groups has not and does not require the sanctioning of federally funded religious discrimination.

If the Senate appropriations bill includes this language, it will open the door to widespread discrimination against LGBTQ youth and prospective foster parents who are LGBTQ, of a different faith, religiously unaffiliated, or unmarried. We strongly encourage you to reject this language and instead, support federal laws and regulations barring discrimination, and protect the rights of all qualified parents who answer the call to foster and adopt children in foster care. These children deserve the welcoming and loving homes that so many parents of diverse backgrounds are yearning to provide.

Sincerely,



RON WYDEN
United States Senator



EDWARD J. MARKEY
United States Senator

³ CDC. (2016). Sexual Identity, Sex of Sexual Contacts, and Health-Risk Behaviors Among Students in Grades 9-12: Youth Risk Behavior Surveillance. Atlanta, GA: U.S. Department of Health and Human Services.

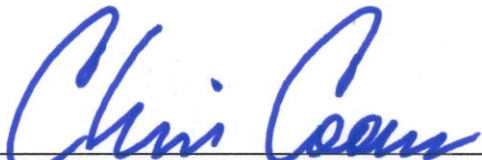
⁴ Paige, R. U. (2005). Proceedings of the American Psychological Association, Incorporated, for the legislative year 2004: Minutes of the annual meeting of the Council of Representatives. American Psychologist, 60, 436-511. Available: <http://www.apa.org/about/policy/parenting.pdf>



MAZIE K. HIRONO
United States Senator



THOMAS R. CARPER
United States Senator




CHRISTOPHER A. COONS
United States Senator



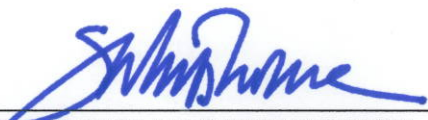
MARGARET WOOD HASSAN
United States Senator



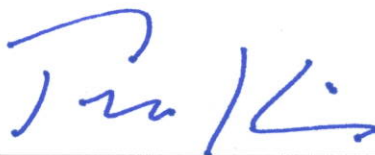
KIRSTEN GILLIBRAND
United States Senator



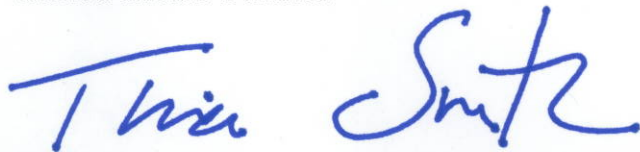
DIANNE FEINSTEIN
United States Senator



SHELDON WHITEHOUSE
United States Senator



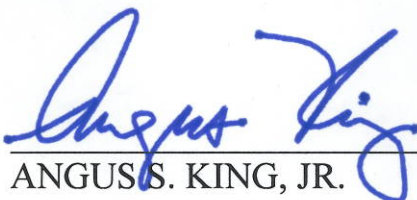
TIM KAINE
United States Senator



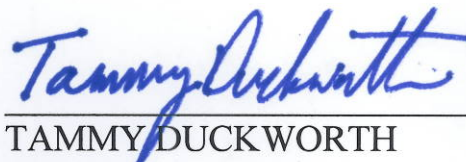
TINA SMITH
United States Senator



RICHARD J. DURBIN
United States Senator



ANGUS S. KING, JR.
United States Senator



TAMMY DUCKWORTH
United States Senator



KAMALA D. HARRIS
United States Senator



RICHARD BLUMENTHAL
United States Senator



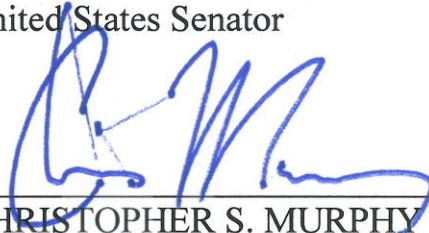
BERNARD SANDERS
United States Senator



SHERROD BROWN
United States Senator



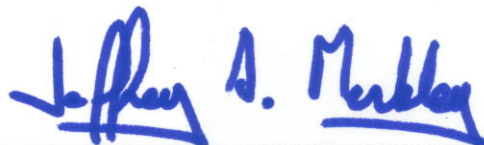
MICHAEL F. BENNET
United States Senator



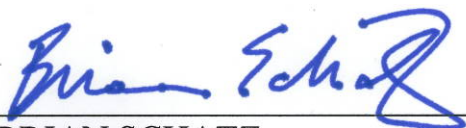
CHRISTOPHER S. MURPHY
United States Senator



JACK REED
United States Senator



JEFFREY A. MERKLEY
United States Senator



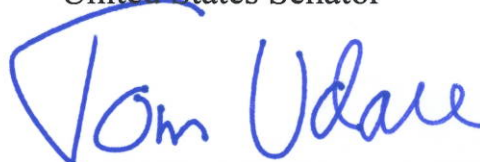
BRIAN SCHATZ
United States Senator



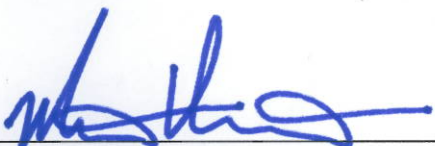
TAMMY BALDWIN
United States Senator



CHRIS VAN HOLLEN
United States Senator



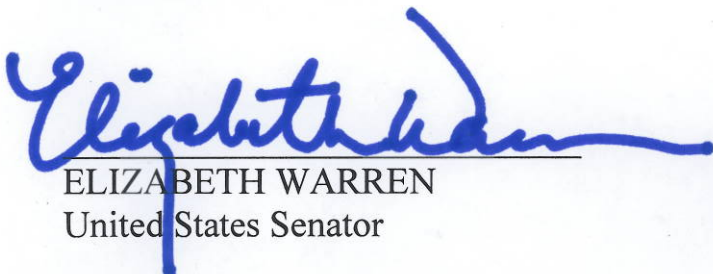
TOM UDALL
United States Senator



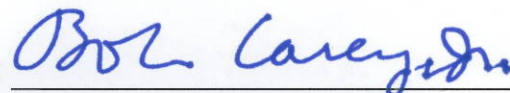
MARTIN HEINRICH
United States Senator



CORY A. BOOKER
United States Senator



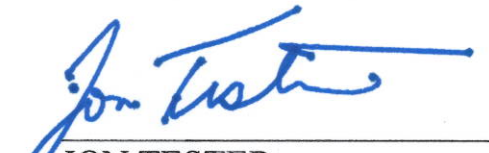
ELIZABETH WARREN
United States Senator



ROBERT P. CASEY, JR.
United States Senator

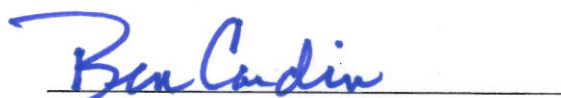

ROBERT MENENDEZ
United States Senator



CATHERINE CORTEZ MASTO
United States Senator



JON TESTER
United States Senator


MARK R. WARNER
United States Senator



MARIA CANTWELL
United States Senator


BENJAMIN L. CARDIN
United States Senator


AMY KLOBUCHAR
United States Senator


JEANNE SHAHEEN
United States Senator


GARY C. PETERS
United States Senator


DEBBIE STABENOW
United States Senator

cc: Senator Roy Blunt, Chairman, Subcommittee on Labor, Health and Human
Services, Education, and Related Agencies
Senator Patty Murray, Ranking Member, Subcommittee on Labor, Health and Human
Services, Education, and Related Agencies