July 26, 2018

The Honorable Richard Shelby
Chairman
Senate Appropriations Committee
United States Senate

The Honorable Patrick Leahy
Vice Chairman
Senate Appropriations Committee
United States Senate

The Honorable Rodney P. Frelinghuysen
Chairman
House Committee on Appropriations
United States House of Representatives

The Honorable Nita M. Lowey
Ranking Member
House Committee on Appropriations
United States House of Representatives

The Honorable Roy Blunt
Chairman
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Senate Appropriations Committee

The Honorable Patty Murray
Ranking Member
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Senate Appropriations Committee

The Honorable Tom Cole
Chairman
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
House Committee on Appropriations

The Honorable Rosa DeLauro
Ranking Member
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
House Committee on Appropriations

Dear Senators and Representatives:

The 211 undersigned religious, child welfare, civil rights, and other organizations write to voice our strong opposition to the Aderholt Amendment to the House Labor-HHS-Education Appropriations Bill for FY 2019. We urge you to reject this provision because it would harm children in the child welfare system and authorize taxpayer-funded discrimination.

In violation of state and federal nondiscrimination policies, the Aderholt Amendment would allow child welfare providers receiving taxpayer dollars to decide which families and children to serve. The amendment would affect a wide variety of child welfare services, including family preservation services; foster care, counseling and other services for children; and adoption services.

Taxpayer dollars should not be used to discriminate and no family should be told they are not qualified to serve as foster or adoptive parents because they are LGBTQ or the “wrong” religion by a taxpayer-funded provider. This amendment would allow agencies to use a religious litmus test to determine which families or children to serve, and which services to provide, while still receiving taxpayer dollars.

Moreover, because the amendment conflicts with other federal laws including Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national
origin in federally funded programs, it could open the door to discrimination against children and prospective families on the basis of race and national origin by taxpayer-funded agencies.

Children who have been separated from their birth families are entrusted to the state for care, stability, and safety. When the state contracts with child welfare service providers to serve these children, following professional standards to ensure the children’s safety, permanency, and wellbeing, the providers stand in the place of the state and have a duty to act in the best interests of each child. Yet, the Aderholt Amendment places the religious and moral beliefs of some state contractors above the needs of children in state care. This is unacceptable.

The United States has nearly 440,000 children in foster care, more than 117,000 of whom are waiting to be adopted. Yet, each year, less than half of the children waiting to be adopted find forever homes, and tens of thousands of foster youth age out of the system without finding a loving, forever family. This places them at higher risk of involvement with the criminal justice system, homelessness, unemployment, and being trafficked. For LGBTQ youth in care risk for these negative outcomes is even greater.

The Aderholt Amendment could exacerbate these challenges. Forty-six states and the District of Columbia have laws and policies that protect children and families against discrimination in the child welfare system. But under this amendment, states that enforce their own policies could be penalized and face a 15% cut of federal funding for child welfare services—a potential cumulative cut of more than $1.04 billion, further straining the system.

We value religious freedom, and the only way to protect religious freedom for all people is to ensure that taxpayer-funded agencies do not place a religious test on the services they provide or the people they serve. Moreover, we appreciate the important role religiously affiliated institutions historically have played in providing child welfare services. Effective government collaboration with faith-based groups, however, does not require the sanctioning of taxpayer-funded discrimination.

In closing, because the Aderholt Amendment undermines the principle that child welfare providers should operate in the best interests of the children in their care and because it is inconsistent with the longstanding principle that federal dollars must not be used to discriminate, we urge you to reject the Aderholt Amendment.

Sincerely,

National Organizations

African American Ministers In Action
Alliance of Baptists
AIDS United
American Association of University Women
American Atheists
American Civil Liberties Union
American Conference of Cantors
American Federation of Teachers
American Humanist Association
American Psychological Association
American Unity Fund
Americans United for Separation of Church and State
Anti-Defamation League
Athlete Ally
Atticus Circle
Baptist Joint Committee for Religious Liberty
The Bassuk Center on Homeless and Vulnerable Children & Youth
Bend the Arc Jewish Action
Center for American Progress
Center for Children’s Law and Policy
Center for Children & Youth Justice
Center for Inquiry
Center for Public Interest Law
Center for Social Innovation
CenterLink: The Community of LGBT Centers
Ceres Policy Research
Child Welfare League of America
Children’s Advocacy Institute
Children’s Defense Fund
Children’s Rights
COLAGE
DignityUSA
Disciples Justice Action Network
Equality Federation
Faith in Public Life
Family Equality Council
Family Values @ Work
FORGE, Inc.
Foster Care to Success
FosterClub
Freedom for All Americans
Global Justice Institute
Hadassah, The Women's Zionist Organization of America, Inc.
Harm Reduction Coalition
Hispanic Federation
Human Rights Campaign
Human Rights Watch
Impact Fund
Interfaith Alliance
Intersections International
Juvenile Law Center
Keshet
Lambda Legal
Log Cabin Republicans
Men of Reform Judaism
Union for Reform Judaism
Unitarian Universalist Association
United Church of Christ, Justice and Local Church Ministries
URGE: Unite for Reproductive & Gender Equity
Uri L’Tzedek
Voices for Progress
Witness to Mass Incarceration
Women of Reform Judaism
Women’s Alliance for Theology, Ethics, and Ritual (WATER)
YATOM: The Jewish Foster & Adoption Agency
Youth Law Center

State and Local Organizations

Alabama
AIDS Alabama
AIDS Alabama South, LLC
Equality Alabama
Rainbow Mobile

Arizona
Children’s Action Alliance (Arizona)

California
Children’s Law Center of California
County Welfare Directors Association of California
The Diversity Center
Equality California
Family Builders by Adoption
Los Angeles LGBT Center
LYRIC
North County LGBTQ Resource Center
Resource Center for Nonviolence
Sacramento LGBT Community Center
San Gabriel Valley LGBTQ Center
The Spahr Center
The Source LGBT+ Center

Connecticut
Connecticut Alliance of Foster and Adoptive Families
Connecticut Voices for Children
Hispanic Federation - Connecticut
True Colors, Inc. Sexual Minority Youth and Family Services of Connecticut
Colorado
GLBT Community Center of Colorado
Inside Out Youth Services
One Colorado

Florida
Equality Florida
Hispanic Federation - Florida
Pridelines
Safe Schools South Florida

Georgia
Georgia Equality
Georgia Safe Schools Coalition
TRANScending Barriers
Trans(forming)

Illinois
Center on Halsted
Equality Illinois

Kansas
Children’s Alliance of Kansas
Kansas Appleseed

Kentucky
Louisville Youth Group, Inc.

Louisiana
Louisiana Trans Advocates

Maine
Equality Maine
Maine Children’s Alliance
Maine Women’s Lobby

Maryland
FreeState Justice
GLCCB - Gay, Lesbian, Bisexual & Transgender Community Center in Baltimore, MD
Public Justice Center

Massachusetts
Child and Family Services, New Bedford
Jewish Alliance for Law and Social Action
MassEquality
Michigan
Grand Rapids Pride Center
OutCenter of Southwest Michigan
OutFront Kalamazoo

Minnesota
Gender Justice

Missouri
PROMO

Montana
Kynexions
Youth Dynamics

Nebraska
Nebraska Appleseed
Voices for Children in Nebraska

Nevada
Gay and Lesbian Community Center of Southern Nevada
Purple W.I.N.G.S. Organization

New Jersey
New Jersey Parents Caucus, Inc.
The Pride Center of New Jersey, Inc.

New Mexico
Equality New Mexico

New York
Adoptive and Foster Family Coalition of New York
The Children’s Agenda
Dignity Buffalo
Fairness Alliance and Information Resources of New York, Inc.
Hamptons LGBT Center
LGBT Network (Long Island/Queens)
Long Island Gay and Lesbian Youth
Long Island LGBT Community Center
Pride Center of the Capital Region
Queens LGBT Community Center
Services and Advocacy for LGBT Elders - Long Island (SAGE-LI)

North Carolina
Campaign for Southern Equality
Equality North Carolina
Youth OUTright, WNC
Ohio
Equality Ohio
LGBT Community Center of Greater Cleveland

Pennsylvania
Bradbury-Sullivan LGBT Community Center
Equality Pennsylvania
Women’s Law Project

Rhode Island
Adoption Rhode Island

South Carolina
SC Equality
South Carolina Appleseed Legal Justice Center

South Dakota
Equality South Dakota

Tennessee
CCYS
OUTMemphis
Tennessee Commission on Children and Youth
Tennessee Equality Project

Texas
DFW Foster Parent Association
Equality Texas
Resource Center
Texas Freedom Network

Washington
Gay City: Seattle’s LGBTQ Center
Legal Voice

Wisconsin
Our Lives Magazine
Wisconsin LGBT Chamber of Commerce

District of Columbia
Whitman-Walker Health

cc:  The Honorable Mitch McConnell, Senate Majority Leader
     The Honorable Charles Schumer, Senate Minority Leader
     The Honorable Paul Ryan, Speaker of the House
     The Honorable Nancy Pelosi, Democratic Leader