

United States Senate

WASHINGTON, DC 20510

April 10, 2018

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
330 C Street, SW
Washington, D.C. 20201

Dear Secretary Azar:

Today, more than 400,000 children are cared for by our nation's foster care system. The countless secular and faith-based Child Placing Agencies (CPAs) across our country play a critical role in ensuring these children have the support, resources, and care they so desperately need.

Unfortunately, just nine days before President Trump's inauguration and two months after the 2016 election, the Obama Administration injected partisan politics into this system through an aggressive, overly-broad federal regulation that goes far beyond the statute it purports to implement. In doing so, President Obama's Department of Health and Human Services (HHS) directly and negatively impacted the most vulnerable among us. Specifically, President Obama's rule, 45 C.F.R. § 75.300 (c) and (d), amended the non-discrimination clause in Title IV-E of the Social Security Act to include religion and sexual orientation. President Obama's rule wrongfully targets and strips federal funding opportunities from the many secular and faith-based CPA's unless they abandon their deeply held religious beliefs. Unfortunately, we are already seeing the detrimental impacts across our nation.

One example is Miracle Hill Ministries in South Carolina, which is the state's oldest and largest provider of foster families for foster children without significant special needs. Miracle Hill Ministries gladly serves foster children of *every* race, religion, color, creed, and sexual orientation. It was recently informed that it stands to lose access to the Title IV-E funding, which it so heavily relies upon, unless the ministry abandons consideration of its sincerely held religious beliefs when selecting the foster families with whom it partners and supports. Miracle Hill Ministries and other organizations like it find their inspiration to serve in their commitment to their faith, for which they are now unfairly being punished. Stripping these organizations' access to federal funds serves to only further separate our nation's at-risk youth from the opportunities and care they deserve.

Further, this rule is in clear violation of the Religious Freedom Restoration Act, which outlaws burdening the free exercise of religion through governmental action in the absence of a compelling governmental interest that is implemented in the least restrictive way possible. The Supreme Court affirmed just last year in *Trinity Lutheran Church of Columbia, Inc. v. Comer* that the federal government cannot deny a public benefit, such as Title IV-E funds, solely on the basis of an organization's religious nature. This recent HHS regulation is just another example of the overly-burdensome regulations that the Obama Administration was known for implementing.

We the undersigned ask that the Secretary work to immediately rescind this rule. Our government should be in the business of encouraging people to care for their neighbors in need, not throwing up regulatory roadblocks that will prevent children from being placed in stable and loving homes. We look forward to hearing back from you on this most urgent matter.

Sincerely,



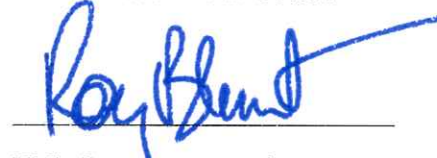
U.S. Senator Tim Scott



U.S. Senator Tom Cotton



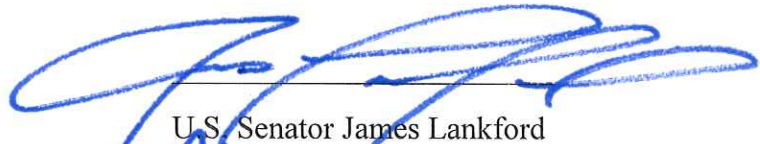
U.S. Senator James M. Inhofe



U.S. Senator Roy Blunt



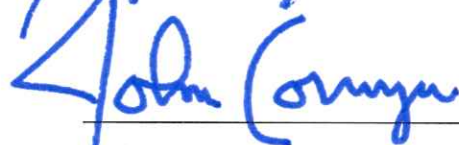
U.S. Senator Michael B. Enzi



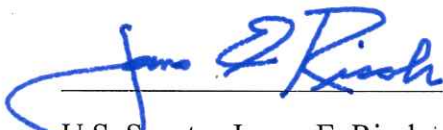
U.S. Senator James Lankford



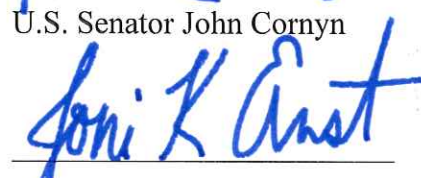
U.S. Senator Steve Daines



U.S. Senator John Cornyn



U.S. Senator James E. Risch



U.S. Senator Joni K. Ernst



U.S. Senator Charles E. Grassley



U.S. Senator Ted Cruz