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Senate of Pennsylvania

**DOUG MASTRIANO**  
**SENATOR**

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September 16, 2019

President Donald Trump  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20515

Dear President Trump:

Our nation's foster care and adoption system is in crisis. As is the case for many States, Pennsylvania's religious affiliated providers are now subject to policies that compromise their faith-based mission and deeply held beliefs, and that negatively impact opportunities for children to find permanency and for families to provide the stability, love and support these children so desperately seek.

For over a century, faith-based organizations have played a pivotal role in ensuring children and families have access to a range of services that best suit their personal needs. Unfortunately, regulations promulgated by your predecessor are being used by Pennsylvania Governor Tom Wolf and his Administration to force faith-based adoption and foster care organizations to choose between their First amendment rights or participating in the Federal Title IV-E program, referred to as SWAN (Statewide Adoption and Permanency Network) in the Commonwealth. To that end, we urge you and your Administration to repeal the U.S Department of Health and Human Services (HHS) regulations at 45 CFR §75.300(c), which prohibit sub-grantees from selecting among prospective foster parents on the basis of religion, to the extent that such prohibition conflicts with a sub-grantee's religious exercise.

In January, the Administration of Children and Families (ACF) granted a request for an exemption to these regulations to South Carolina Governor Henry McMaster. Specifically, ACF determined, "that requiring your sub-grantee Miracle Hill to comply with the religious non-discrimination provision of 45 CFR §75.300(c) would cause a burden to religious beliefs that is unacceptable under the Religious Freedom Restoration Act." While this waiver was specific to South Carolina, the rationale should apply nationwide because HHS clearly believed it violated federal law.

Further, at the National Prayer Breakfast in February, you stated: “My administration is working to ensure that faith-based adoption agencies are able to help vulnerable children find their forever families while following their deeply held beliefs.” We greatly appreciate your support but respectfully, we have not seen any action taken by HHS to date.

In previous centuries, persecuted groups found safe haven and the freedom to live without retribution or punishment in Pennsylvania. As a result, the original colony became a place of refuge for a variety of religious groups including Mennonites, Amish, Quakers, Puritans, Catholics, Calvinists, German Pietists, and French Huguenots. The Commonwealth was renowned as one of the most tolerant of the 13 original colonies. Sadly, our 338 years of tolerance ended abruptly with the stroke of a pen. Now, because of changes made by HHS, the Wolf administration is wrongly trying to compel religious groups to abdicate their sincerely-held beliefs in order to continue serving vulnerable children in need of loving homes. These efforts, both at the State and Federal level, to right a perceived wrong have actually resulted in a more egregious form of discrimination and harmed the interests of our society’s most vulnerable – our children.

Not only is this a radical turn from Pennsylvania’s 338 years of tolerance, but it is a violation of federal and state constitutions. It violates our nation’s First Amendment by prohibiting the free exercise of religion and Article 1 of Pennsylvania’s constitution, which states that our citizens have “a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences.” Article 1 goes on to state that, “no human authority can, in any case...control or interfere with the rights of conscience.” Moreover, it violates federal statutes and regulations. Section 604a of Title 42 U.S.C. states that “neither the Federal Government nor a State receiving funds [for the provision of foster and adoption services] shall discriminate against an organization which is or applies to be a contractor to provide assistance, or which accepts certificates, vouchers, or other forms of disbursements, on the basis that the organization has a religious character.” Health and Human Service regulations state “neither the HHS awarding agency, nor any State or local government and other pass-through entity receiving funds under any HHS awarding agency program shall, in the selection of service providers, discriminate for or against an organization on the basis of the organization’s religious character or affiliation.” The Attorney General reinforced two of your Presidential Executive Orders (E.O. 13798 and E.O. 13831) by stating “government may not exclude religious organizations as such from secular aid programs, at least when the aid is not being used for explicitly religious activities.”

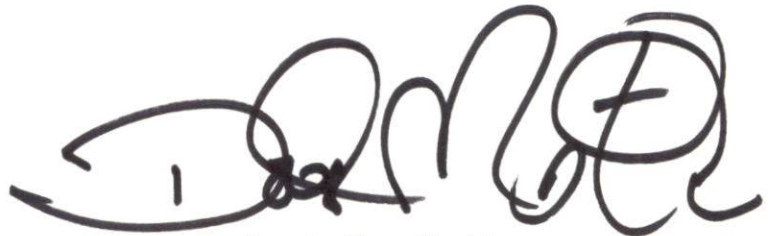
Many states across this nation are taking steps to ensure faith-based organizations can not only assist in providing permanency for our most vulnerable citizens, our children, but also to defend the religious freedom the Constitution affords the citizens of the United States of America. We respectfully ask for your leadership to safeguard that religious liberty and protect the faith-based organizations that provide such critical services.

President Donald Trump  
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Respectfully -  
Members of the Senate Republican Caucus,



Joe Scarnati  
President Pro Tempore



Senator Doug Mastriano



Senator Rynn Aument



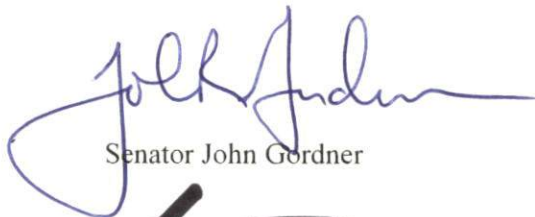
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Senator John DiSanto



Senator John Gordner



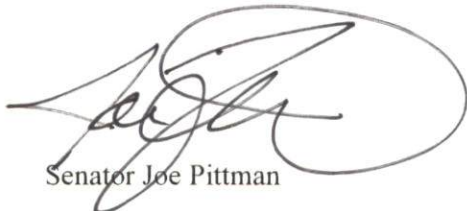
Senator Scott Hutchinson



Senator Scott Martin



Senator Kristen Phillips-Hill



Senator Joe Pittman



Senator Judy Ward