



## **Secular Agenda for the 117th Congress & Biden Administration**

The Secular Coalition for America (SCA) advocates for religious freedom, as guaranteed by the First Amendment of the U.S. Constitution, and works to bring respect and visibility to nontheists. Representing 19 national secular organizations, hundreds of local secular communities, and working with our allies in the faith community, we combine the power of grassroots activism with professional lobbying to make an impact on the laws and policies that govern separation of religion and government — or the improper encroachment of either on the other.

The Secular Coalition for America in partnership with its 19 member organizations is proud to share the following, *Secular Agenda for the 117th Congress & Biden Administration*. SCA would like to thank our member organizations and their staff for assisting in this coalition wide effort.

### **CONTENTS**

<b>TOP ASK FOR THE FIRST 100 DAYS</b>	<b>2</b>
<b>LEGISLATIVE PRIORITIES</b>	<b>2</b>
<b>BUILD SUPPORT FOR NEW LEGISLATION</b>	<b>3</b>
<b>INCREASE INVOLVEMENT IN APPROPRIATIONS</b>	<b>3</b>
<b>CONGRESSIONAL ACTIONS</b>	<b>4</b>
<b>COURTS:</b>	<b>12</b>
<b>PERSONNEL AND APPOINTMENTS</b>	<b>13</b>
<b>ACKNOWLEDGMENTS</b>	<b>13</b>

## **TOP ASK FOR THE FIRST 100 DAYS**

1. New EO that rescinds [EO 13798, Promoting Free Speech and Religious Liberty](#) and [EO 13831, Establishment of a White House Faith and Opportunity Initiative](#). The new EO would consider the historical understanding of religious freedom with direction to agencies to promulgate rules in accordance with that idea.

## **LEGISLATIVE PRIORITIES**

<a href="#">Do No Harm Act</a>	Stops discrimination against people for religious reasons under RFRA; curbs religious exemptions.
<a href="#">Scientific Integrity Act</a>	Prevents political appointees from meddling in publicly funded scientific research.
<a href="#">Preserve Science in Policymaking Act</a>	Protects federal advisory committees from being terminated before the end of their charter.
<a href="#">No BAN Act</a>	Eliminates the Muslim Ban. Limits presidential authority to suspend or restrict immigration and prohibits religious discrimination in immigration related decisions.
<a href="#">CORE Act</a>	Increases oversight, accountability, and transparency in the disbursement and supervision of COVID relief funds. Ensures equal treatment among secular and religious COVID aid recipients.
<a href="#">STOP FGM Act</a>	Strengthens existing laws against the practice of female genital mutilation in the United States.
<a href="#">Women's Health Protection Act</a>	Protects access to reproductive healthcare by creating federal statutory rights for providers to provide and patients to receive abortion care free from medically unnecessary restrictions.
<a href="#">EACH Woman Act</a>	Requires both private and public insurance providers to cover abortion services and care.

<a href="#">Every Child Deserves a Family Act</a>	Prohibits foster care and adoption agencies from discriminating against potential foster families on the basis of religion, sex (including sexual orientation and gender identity), and marital status.
<a href="#">Equality Act</a>	Prohibits discrimination based on sex, sexual orientation, and gender identity in multiple arenas including public accommodations, education, federal funding, employment, housing, and credit.
<a href="#">Blasphemy Resolution</a>	Calls on the President and the State Department to prioritize the global repeal of blasphemy laws.

### **BUILD SUPPORT FOR NEW LEGISLATION**

1. Repealing RFRA
2. Adding RFRA non-applicability clause to as many pieces of legislation as possible.
3. Advancing the [Non-Profit Transparency Act](#) - require all charities and nonprofits, including religious charities and nonprofits, to file a digital Form-990.
4. Reforming the judicial nomination process to make it freer, fairer, and more transparent.

### **INCREASE INVOLVEMENT IN APPROPRIATIONS**

1. Insert strong anti-discrimination language into appropriations bills ([ex sec 248 L-HHS](#)).
2. Include religious freedom protections for beneficiaries of faith-based services (similar to those in place for SAMHSA, see [42 C.F.R. § 54.8](#) and [42 U.S.C. § 290kk-1](#)) to ensure equal access to publicly-funded services.
3. Enhance Secular Recovery programs.
4. Reverse changes to Title X (family planning) and other funding streams where changes were made to exclude various groups (like Planned Parenthood) and to include more religious grantees.

## **CONGRESSIONAL ACTIONS**

1. Support judicial nominees who have a strong record of supporting the First Amendment of the Constitution, and who will base their decisions solely upon jurisprudence, not personal beliefs or practices.
2. Committee hearings on ecclestical fraud.
3. Have a secular Congressional invocation.
4. Remove mandating swearing to God in all congressional oaths.
5. Advocate for the inclusion of protections for atheists and other religious minorities seeking asylum in any new legislation regarding asylum policy
6. Ensure that any new regulation of social media companies protects the free speech rights of nontheists, particularly ex-Muslims, as well as religious minorities and political dissidents

## **EXECUTIVE ACTIONS BY THE BIDEN ADMINISTRATION**

### **New Executive Orders:**

1. New EO regarding historical understanding of religious freedom with direction to agencies to promulgate rules in accordance
2. Attorney General memorandum, or Office of Legal Counsel opinion, clarifying that the Department of Justice understands *Trinity Lutheran v. Comer*, 137 S.Ct. 2012 (2017), to mean that religious nonprofits are entitled to equal participation in neutral government funding programs only when that funding will not be used to advance religion in any way.

### **New regulations:**

1. Draft a new regulation that would not allow for religious services exemptions in the event of a public health emergency with HHS

<b>Executive orders that need to be modified or repealed</b>	<b>Description</b>
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<a href="#"><u>EO 13798, Promoting Free Speech and Religious Liberty</u></a>	Rolled back restrictions on religious institutions, particularly surrounding political speech and birth control.
<a href="#"><u>EO 13875, Evaluating and Improving the Utility of Federal Advisory Committees</u></a>	Directed government agencies to eliminate at least one-third of their current advisory committees and limited the total number of advisory committees, across the entire federal government, to 350.
<a href="#"><u>EO 13831, Establishment of a White House Faith and Opportunity Initiative</u></a>	Established a White House Faith and Opportunity Initiative that has made it easier for faith-based organizations to access government funds, and directed this initiative to consult various faith leaders on government issues.

<b>Regulations in place that need to be modified or repealed</b>	<b>Description</b>
<a href="#"><u>“Nondiscrimination in Health and Health Education Programs or Activities, Delegation of Authority”</u></a>	HHS final rule that amends Sec. 1557 of the ACA and reinstate the 2016 (or 2017) Final Rule for this section
<a href="#"><u>“Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act”</u></a>	HHS final rule that allows an employer to claim an exemption from the Affordable Care Act’s birth control coverage benefits
<a href="#"><u>“Moral Exemptions and Accommodations for Coverage of</u></a>	HHS final rule that allows an employer to claim an exemption from the Affordable Care Act’s birth control coverage benefit

<a href="#"><u>Certain Preventive Services Under the Affordable Care Act</u></a>	
<a href="#"><u>“Compliance With Statutory Program Integrity Requirements”</u></a>	HHS final rule that undermines the Title X family planning program’s ability to properly serve its patients and to provide quality care
<a href="#"><u>Protecting Statutory Conscience Rights in Health Care; Delegations of Authority</u></a>	HHS final rule that allows health workers to cite religious or moral objections to deny care to patients
<a href="#"><u>IFR issued by SBA regarding the Paycheck Protection Program and special exemptions granted to religious organizations 1</u></a>	Interim rule that included religious organizations in the Paycheck Protection Program
<a href="#"><u>IFR issued by SBA regarding the Paycheck Protection Program and special exemptions granted to religious organizations 2</u></a>	Interim rule that exempted faith-based organizations from the SBA’s affiliate rules for the Paycheck Protection Program
<a href="#"><u>IFR issued by SBA regarding the Paycheck Protection Program and special exemptions granted to religious organizations 3</u></a>	Interim rule that exempted religious organizations that recieved PPP loans from complying with federal anti-discrimination laws, despite that typically being a condition of receiving such loans

<a href="#"><u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance</u></a>	<p>DOE Rule that undermines Title IX protections, including the requirement that religious institutions must submit a written statement to qualify for exemption</p>
<a href="#"><u>Title I-Improving the Academic Achievement of the Disadvantaged and General Provisions; Technical Amendment</u></a>	<p>DOE Rule that deletes the provision that any equal service provider be independent of religious institutions</p>
<a href="#"><u>Direct Grant Programs, State-Administered Formula Grant Programs, Non Discrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, Developing Hispanic-Serving Institutions Program, Strengthening Institutions Program, Strengthening Historically Black Colleges and Universities Program, and Strengthening Historically Black Graduate Institutions Program</u></a>	<p>DOE Final Rule, which expands religious exemptions in higher education and allows for discrimination</p>

<b>Regulations <u>in process</u> that may need to be modified, repealed or withdrawn</b>	<b>Description</b>
<a href="#"><u>Ensuring Equal Treatment of Faith-Based Organizations</u></a>	HHS rule that would roll back Obama-era requirements for religious social service organizations
<a href="#"><u>Equal Participation of Faith-Based Organizations in the Department of Labor's Programs and Activities: Implementation of Executive Order 13831.</u></a>	DOL rule that would roll back Obama-era requirements for religious social service organizations
<a href="#"><u>Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption</u></a>	FCCPO Rule that expands exemptions to Title VII for religious organizations
<a href="#"><u>Equal Participation of Faith-Based Organizations in USDA Programs and Activities: Implementation of Executive Order 13831</u></a>	USDA rule that would roll back Obama-era requirements for religious social service organizations
<a href="#"><u>Equal Participation of Faith-Based Organizations in Department of Justice's Programs and Activities:</u></a>	DOJ rule that would roll back Obama-era requirements for religious social service organizations

<a href="#"><u>Implementation of Executive Order 13831</u></a>	
<a href="#"><u>Equal Participation of Faith-Based Organizations in DHS's Programs and Activities: Implementation of Executive Order 13831</u></a>	DHS rule that would roll back Obama-era requirements for religious social service organizations
<a href="#"><u>Equal Participation of Faith-Based Organizations in Veterans Affairs Programs and Activities: Implementation of Executive Order 13831</u></a>	VA rule that would roll back Obama-era requirements for religious social service organizations
<a href="#"><u>Equal Participation of Faith-Based Organizations in USAID's Programs and Activities: Implementation of Executive Order 13831</u></a>	USAID rule that would roll back Obama-era requirements for religious social service organizations
<a href="#"><u>Equal Participation of Faith-Based Organizations: Implementation of Executive Order 13831</u></a>	HUD rule that would roll back Obama-era requirements for religious social service organizations
<a href="#"><u>Making Admission or Placement Determinations Based on Sex in Facilities Under Community</u></a>	HUD rule that would roll back protections for transgender and gender nonconforming individuals seeking placements at homeless shelters.

<a href="#">Planning and Development Housing Programs</a>	
<a href="#">Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Direct Grant Programs, State-Administered Formula Grant Programs, Developing Hispanic-Serving Institutions Program, and Strengthening Institutions Program</a>	DOE rule expanding access to government grants for religious organizations
<a href="#">Good Guidance Practices</a>	Proposed HHS rule that would create new regulations for releasing and maintaining guidance documents

<b>Other Executive Actions to be Revoked or Dismantled</b>	<b>Description</b>
<a href="#">Conscience and Religious Freedom Division</a>	Division of HHS that enables healthcare providers wishing to engage in discriminatory practices based on religion.
<a href="#">Commission on Unalienable Rights</a>	Commission created to provide “advice on human rights” to the Secretary of State by writing a report that enshrined Christian Nationalism as an “unalienable right”. The report should be revoked.

<a href="#">Religious Liberty Task Force</a>	DOJ task force dedicated to allowing religious institutions and individuals to continue to receive special treatment under the law.
AG Sessions' <a href="#">memo on religious liberty</a>	Memo directing executive agencies to allow religious institutions and individuals increasing access to government programming.
<a href="#">2019-08-15-HBCU-Capfin -- Religious Restrictions on Capital Financing for Historically Black Colleges and Universities</a>	Memo advising that 20 U.S.C. § 1066c(c)'s restriction on Department of Education Loans going to religious schools is unconstitutional, and that the restriction can only apply to religious <i>buildings</i> on campuses.
<a href="#">OP-OLC-v031-p0162 -- Application of the Religious Freedom Restoration Act to the Award of a Grant Pursuant to the Juvenile Justice and Delinquency Prevention Act</a>	Memo advising that World Vision, a Christian Organization that targets at-risk youth, was eligible for an OJP grant based on exceptions created by RFRA.
<a href="#">OP-OLC-v026-p0114 -- Authority of FEMA to Provide Disaster Assistance to Seattle Hebrew Academy</a>	Memo advising that it was appropriate for FEMA to provide a disaster assistance grant to Seattle Hebrew Academy in the wake of the Nisqually Earthquake in 2001.

<b>Guidance or Policies to be Modified or Rescinded</b>	<b>Description</b>
<a href="#"><u>Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools</u></a>	DOE guidance that expands prayer and religious activity in public schools
<a href="#"><u>Guidance Regarding Department of Education Grants and Executive Order 13798</u></a>	DOE guidance under RFRA that broadens access to DE grants to religious institutions
<a href="#"><u>Guidance Regarding Federal Grants and Executive Order 13798</u></a>	Guidance expanding access to Department of Labor Grants for religious organizations
<a href="#"><u>Directive 2018-03</u></a>	Guidance directing the Department of Labor to provide exemptions to federal antidiscrimination laws for federal contractors that are also religious institutions.
<a href="#"><u>Frequently Asked Questions Regarding Participation of Faith-Based Organizations in the Paycheck Protection Program (PPP) and the Economic Injury Disaster Loan Program (EIDL)</u></a>	Policy that allows faith-based organizations to receive SBA loans under the PPP and EIDL

### **COURTS:**

1. Support judicial nominees who have a strong record of supporting the First Amendment of the Constitution, and who will base their decisions solely upon jurisprudence, not personal beliefs or practices.

## **PERSONNEL AND APPOINTMENTS**

1. Key civil rights positions in departments, independent agencies, boards, and commissions:
  - a. Department of Justice
  - b. Department of the Treasury
    - i. IRS - Johnson Amendment Enforcement
  - c. Department of Health & Human Services:
    - i. Secretary of HHS
    - ii. Director of OCR
    - iii. Deputy Secretary
  - d. State Department
  - e. USCIRF
2. Key positions in the White House
  - a. White House Office of Engagements

## **ACKNOWLEDGMENTS**

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## **MEMBER ORGANIZATIONS**

American Atheists • American Ethical Union • American Humanist Association • Atheist Alliance of America • Black Nonbelievers, Inc. • Camp Quest • Center for Inquiry • Cultural and Secular Jewish Organization • Ex-Muslims of North America • Foundation Beyond Belief Freethought Society • Freedom From Religion Foundation • Hispanic American Freethinkers • Military Association of Atheists and Freethinkers • Recovering From Religion • Secular Student Alliance • Secular Woman • Society for Humanistic Judaism • Unitarian Universalist Humanists