



THE TRUMP ADMINISTRATION ACCOMPLISHMENTS

on Life, Family, and Religious Freedom

AN OVERVIEW OF EVENTS OCCURRING 2017-2019

To date, the administration of President Donald Trump has taken significant action on issues of concern to social conservatives – life, family, and religious liberty:

2017

On January 23, President Trump reinstated and expanded the **Mexico City Policy**, renaming it the Protecting Life in Global Health Assistance Policy (PLGHA), which blocks funding for international organizations that participate in abortion.

On February 22, the Department of Education **rescinded President Barack Obama's guidance** that had required public schools to allow transgender students to use the bathrooms and showers of their choice.

On April 7, President Trump's nominee **Neil Gorsuch** was confirmed to the Supreme Court. Justice Gorsuch has already developed a reputation as an originalist who will rule the right way on religious liberty issues. Gorsuch is representative of President Trump's judicial nominees overall.

On May 4, President Trump signed Executive Order 13798, emphasizing the need to **protect religious liberty** and requiring the Department of Justice (DOJ) to issue new guidance on religious liberty.

On August 25, President Trump announced **changes to the Obama administration's Department of Defense (DOD) policy** which had allowed military personnel to openly serve even if they self-identified as transgender (a DOD study found the Obama administration's policy to be detrimental to military readiness, lethality, and unit cohesion).

On September 7, the Trump administration's DOJ filed an amicus brief with the Supreme Court defending the religious freedom rights of baker **Jack Phillips in *Masterpiece Cakeshop v. Colorado Civil Rights Commission***. This action is reflective of other actions defending religious freedom taking place throughout the Trump administration DOJ.

On October 6, the Trump administration DOJ issued guidance (as instructed by the May 4 Executive Order) to all federal agencies **explaining religious freedom law** and how religious liberty must be protected. This guidance laid out a broad defense of religious liberty based on multiple statutes and provided guidelines for each federal agency on how to protect religious liberty.

Also on October 6, the Department of Health and Human Services (HHS) proposed two regulations to deal with the **Obamacare "HHS contraceptive mandate."** These new regulations exempt organizations with moral or religious objections from purchasing insurance that includes coverage of contraceptives and abortifacient-type drugs and devices.



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2018

On January 19, HHS issued a new proposed regulation on **conscience protections related to abortion**. Specifically, the regulation proposed to implement 25 laws that protect pro-life healthcare entities against discrimination by federal agencies – or state or local governments receiving federal funds – due to their objections to participating in abortion.

On January 24, **Sam Brownback** was confirmed as U.S. Ambassador-at-Large for International Religious Freedom. In choosing Brownback for this role, President Trump demonstrated the administration's commitment to religious freedom by choosing someone with gravitas and experience on the issue.

On March 23, 2018, the White House and DOD issued a new policy allowing existing personnel to remain in the military while **preventing those who have been diagnosed with "gender dysphoria" or had undergone gender transition surgery from joining the military**. Those who are transgender and stable for 36 months could join so long as they serve in accordance with their biological sex.

On April 26, **Mike Pompeo** was confirmed as Secretary of State. In choosing Pompeo for this position, President Trump chose someone who deeply cares about religious liberty and would make it a priority to see the issue advanced through this administration.

On April 30, during a press conference with **Nigeria's president**, President Trump raised the issue of religious freedom and the killing of Christians in that country. This resulted in security forces being committed to deal with the problem.

On May 22, HHS issued a new proposed regulation reversing the **Title X family planning regulations** implemented by President Bill Clinton. The new regulation would restore the separation of abortion services from the federal Title X family planning program, which President Ronald Reagan first implemented. The new regulation would also ensure parents are more involved in the decisions of minors to obtain services from Title X clinics. It reverses the discriminatory abortion referral requirement the Clinton regulations implemented and is poised to put a dent into Planned Parenthood's roughly \$60 million annual revenues from this federal program.

On July 24-26, the State Department held the first-ever **Ministerial to Advance Religious Freedom**. Political and civil society leaders from around the world gathered in Washington, D.C. for a three-day summit to discuss religious freedom issues and solutions. The Potomac Declaration was issued at the Ministerial. It made a strong statement about the state of religious freedom around the globe and provided a plan of action for promoting global religious freedom. The U.S. also announced the International Religious Freedom Fund (to provide emergency assistance to victims of religiously motivated discrimination and abuse around the world), and the Genocide Recovery and Persecution Response initiative (which has provided nearly \$373 million to help persecuted ethnic and religious minorities in northern Iraq restore their communities). The U.S. was among 25 countries who signed a statement condemning terrorism and the abuse of religious believers by non-state actors.

On July 30, the Trump administration DOJ announced a **Religious Liberty Task Force** to fully implement religious liberty guidance and policy across all components in the DOJ.

On August 1, the Trump administration relied on Executive Order 13818 (which builds on Global Magnitsky Act authority) to sanction two Turkish officials over the detention of American pastor **Andrew Brunson** due to his Christian faith. This Executive Order ultimately resulted in Pastor Brunson's release.

On September 24, HHS **terminated a \$15,900 contract** with Advanced Bioscience Resources to procure fetal tissue from aborted babies for research. The termination of this contract led HHS to announce an audit of all acquisitions and research involving human fetal tissue to ensure consistency with statutes and regulations.

On October 6, President Trump's nominee **Brett Kavanaugh** was confirmed to the Supreme Court, marking the second constitutional originalist the president saw confirmed to the court.

On November 7, HHS issued two final regulations to deal with the **Obamacare "HHS contraceptive mandate."** These two regulations exempt organizations with either a moral or religious objection from purchasing insurance with coverage of contraceptives and abortifacient-type drugs and devices. The regulations took effect on January 14, 2019.

2019

Also on November 7, HHS released a new funding opportunity for the **Title X Family Planning Services Grant** that will fund organizations beginning April 1, 2019. This new funding opportunity clarified the intended purpose of the Title X Family Planning program and made successful grant applications available so that pregnancy resource centers and other pro-life organizations could be competitive in the selection process.

On November 9, HHS proposed a new regulation to **address an abortion surcharge** hidden in many plans purchased on the Obamacare exchange. This proposed regulation would enforce the requirement that abortion surcharges are to be collected separately from other insurance premiums. This requirement was not closely followed under the Obama administration, leading HHS to now more strictly enforce the separation of payments.

On December 26, the Trump administration DOJ filed an amicus brief with the Supreme Court **defending a cross-shaped veteran's memorial** that had been challenged as a violation of the Establishment Clause. This position is representative of the Trump administration's originalist approach to the Constitution concerning First Amendment rights and other issues. This approach results in legal analysis that interprets the law rather than injecting policy preferences into it.

On March 4, HHS finalized rule changes governing the **Title X family planning program**. Consistent with federal law, these rule changes ensured that Title X clinics would be financially and physically separate from abortion facilities and would not refer patients for abortions. Since the implementation of the rule, Planned Parenthood and several pro-abortion states voluntarily decided to withdraw from the program rather than quit performing abortions or referring patients for abortions.

On March 8, U.S. Ambassador-at-Large for International Religious Freedom Sam Brownback **gave a speech in Hong Kong** during which he criticized China's poor religious freedom record.

On April 12, the Trump administration policy regarding **military service** by those with gender dysphoria went into effect.

On May 21, HHS finalized a rule to expand the structure in which federal conscience laws are enforced. In 2011, President Obama issued a rule to enforce only three federal conscience provisions. This new regulation expands this number to cover 25 existing statutes. These statutes will be enforced under the new **Conscience and Religious Freedom Division**, part of the HHS Office of Civil Rights (OCR). The effective date of this regulation is November 22, 2019. Even though this new regulation enforcing conscience protections is not yet in effect, it has not stopped the administration from protecting conscience under the old regulations. On August 28, HHS announced that they sent a violation notice to the University of Vermont Medical Center for forcing a nurse to participate in an abortion despite her conscience objection. This marks the third time that the Religious Freedom Division under President Trump has investigated a conscience complaint related to participating in or promoting abortion.

On May 24, HHS proposed a new regulation that **clarifies that discrimination on the basis of sex** in section 1557 of the Affordable Care Act was to be interpreted under the plain meaning of the word, and therefore does not include "gender identity" or "termination of pregnancy" as set forth by a 2016 Obama administration regulation. Under President Trump, the HHS regulation will continue to enforce existing civil rights protections; however, it makes clear that the federal government will not use discrimination on the basis of sex to force physicians to participate in gender reassignment surgeries or abortions.

On June 5, after an extensive **audit into fetal tissue research**, the Trump administration announced a major change in the enforcement of research contracts. HHS would no longer conduct intramural (internal) research using tissue from aborted babies and would greatly increase the ethics rules and safeguards that govern extramural (external) fetal tissue research contracts. All new external contracts will be subject to a congressionally-authorized ethics advisory board, making it much more difficult for fetal tissue research contracts to be awarded by the National Institute of Health.

On July 16-18, the State Department held the second **Ministerial to Advance Religious Freedom**. Secretary of State Mike Pompeo announced a new global initiative, the International Religious Freedom Alliance, meant to provide a way for like-minded countries to work together to advance religious freedom. FCC Chairman Ajit Pai gave a compelling speech condemning the use of technology to track and control the lives of religious minorities, and the United States was among 14 signatory countries on a statement of concern about technology and religious freedom. The United States was also one of 34 countries that signed a statement of concern on counterterrorism as a pretext for the repression of religious freedom; one of 27 countries that signed a statement condemning blasphemy, apostasy, or other laws that restrict religious freedom; and was one of 46 countries that signed a statement that called government officials to condemn attacks on places of worship and to work with religious communities to protect these places. The State Department and USAID also announced new religious freedom training programs for foreign service officers.

On July 16, the State Department placed targeted sanctions on Burmese military officials for their **human rights and religious freedom violations** committed against the Rohingya Muslim population.

On July 18, HHS Secretary Alex Azar and Secretary of State Mike Pompeo delivered a joint letter to the international community. It **defended the ability of nations to formulate pro-life policies** and invited other nations to join the U.S. in this effort.

Also on July 18, Secretary of State Mike Pompeo and HHS Secretary Alex Azar issued a joint letter on International Partnerships that called states to join a **coalition of countries that seek to advocate against pro-abortion policies** at the World Health Organization and the United Nations.

On August 15, the DOL proposed a new regulation that would clarify the scope and application of **religious exemptions for federal contractors**. Under the Obama administration, the scope of religious exemption at the DOL was severely narrowed. The current DOL relied on the history of our nation's preservation of religious liberty, the First Amendment, and Supreme Court decisions to re-invigorate the exemption to its historical and constitutional parameters.

On September 10, the State Department placed targeted sanctions on Russian officials for their **religious freedom violations** and torture of Jehovah's Witnesses.

On September 11, President Trump saw his **150th federal judge confirmed** – a number which includes 105 district court judges, 43 appeals court judges, and 2 Supreme Court justices. An overwhelming number of President Trump's judicial nominees have been constitutional originalists, who will interpret the law as written, rather than interpret it according to their personal policy preferences. As judges, these nominees will rule correctly on religious liberty and pro-life issues.

On September 23, President Trump hosted a meeting during the U.N. General Assembly and gave a **speech solely on the topic of religious freedom**. During the speech, he announced a U.S. policy initiative to protect places of worship, pledging an additional \$25 million in funding to protect religious sites and relics. President Trump also announced the U.S. would form a coalition within the business community to protect religious freedom. This is the first time a U.S. president has hosted a meeting focused solely on religious freedom at the U.N.

On September 24, President Trump discussed the **need to protect religious freedom** during his U.N. General Assembly speech, in which he also discussed China and Iran – two major violators of religious freedom.

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