



THE TRUMP ADMINISTRATION ACCOMPLISHMENTS

on Life, Family, and Religious Freedom

AN OVERVIEW OF EVENTS OCCURRING 2017-2020

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](#), which blocks funding for international organizations that perform or promote abortion. This new program is known as Protecting Life in Global Health Assistance (PLGHA), which now covers \$8.8 billion in family planning and global health funds that go to organizations abroad (none of whom may perform or promote abortion).

On February 22, the Department of Education, in conjunction with the Department of Justice (DOJ) [rescinded President Obama's guidance](#) that required public schools to allow transgender students to use the bathrooms and showers of their choice.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 an [Executive Order Promoting Free Speech and Religious Liberty](#) (known as the "Religious Liberty Executive Order"), broadly setting forth religious liberty as a policy priority of the administration, and requiring all federal agencies to take action to protect it. The order also more specifically addressed conscience protections, forthcoming guidance from the DOJ, and religious liberty in the context of free speech.

On August 25, President Trump announced [changes to the Obama administration's Department of Defense \(DOD\) policy](#) which had allowed military personnel to serve even if they openly 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, 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 filing is representative of other actions defending religious freedom taking place throughout the Trump administration DOJ.

On October 6, DOJ issued [guidance](#) and an [implementing memo](#) (as instructed by the Religious Liberty 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 each federal agency with guidelines for protecting religious liberty.



continued on next page

2018

Also on October 6, the Department of Health and Human Services (HHS) proposed two regulations to deal with the **Obamacare “HHS contraceptive mandate”** that had for years violated conscience and religious liberty. These new regulations exempt organizations that have moral or religious objections to purchasing insurance that includes coverage of contraceptives and abortion-causing drugs and devices.

On January 16, DOJ filed an **amicus brief** with the District Court of Appeals for the District of Columbia on behalf of the Archdiocese of Washington, D.C. The Archdiocese had wanted to promote a religious message during the Christmas holiday but, had been denied advertising space within the District’s public transit system.

On January 18, DOJ filed an amicus brief with the Supreme Court in *Espinoza v. Montana Department of Revenue* **defending the First Amendment rights of parents and students** who attend a religious school, to participate in a private school scholarship program.

On January 18, HHS announced a new **Conscience and Religious Freedom Division** within its Office of Civil Rights (OCR). This new division was established to enforce federal laws that protect conscience rights and religious freedom.

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, sterilization, and other morally objectionable procedures.

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 cares deeply about religious liberty and will 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 – bringing attention to an issue that had largely been neglected by other government officials.

On May 22, HHS issued a new proposed regulation reversing the **Title X family planning regulations** implemented by President Clinton. The proposed regulation would restore the separation of abortion services from the federal Title X family planning program, which President Reagan first implemented. The proposed 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 the Title X program.

On June 13, DOJ announced the **Place to Worship Initiative**, designed to increase enforcement and public awareness of the Religious Land Use and Institutionalized Persons Act (RLUIPA). This federal law protects places of worship and other religious uses of property. Through this initiative, federal prosecutors will receive training about legal protections for houses of worship.

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, issued at the Ministerial, 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, DOJ announced a [Religious Liberty Task Force](#) to fully implement religious liberty guidance and policy across all components of 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. Kavanaugh is the second constitutional originalist the president saw confirmed to the Court.

On November 7, HHS finalized its two regulations to protect conscience and religious liberty from long-running problems with the [Obamacare "HHS contraceptive mandate."](#) These two final regulations exempt organizations with either a moral or religious objection to purchasing insurance with coverage of contraceptives and abortion-causing drugs and devices. The regulations took effect on January 14, 2019.

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 abortion payments from other payments.

On December 26, DOJ filed an amicus brief with the Supreme Court [defending a publicly-displayed 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. Such an approach results in legal analysis that interprets the law rather than injecting policy preferences into it.

On January 18, HHS notified California that its law requiring pregnancy resource centers to post notices about how to obtain an abortion [violated the pro-life Weldon and Coates-Snowe Amendments](#). This marks the first time that the Conscience and Religious Freedom Division at HHS found a state in violation of these laws. This demonstrates the administration's commitment to enforcing conscience protections and its pro-life priorities.

On January 19, at the request of 169 members of Congress and 49 senators, President Trump sent a letter to House Speaker Nancy Pelosi in which he promised to veto any legislation that [weakens current pro-life Federal policies and laws](#). This letter was a message to the new Democrat majority in the House that longstanding pro-life protections like the Hyde Amendment and safeguards protecting the conscience rights of health care providers are not negotiable.

On February 22, HHS announced final 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.



2019

On March 8, U.S. Ambassador-at-Large for International Religious Freedom Sam Brownback criticized China's poor religious freedom record in a [speech he delivered in Hong Kong](#). On April 12, the Trump administration's policy on [military service](#) by those with gender dysphoria went into effect. This policy will help halt the deterioration of military readiness, lethality, and unit cohesion caused by social experimentation in the military.

On May 2, HHS announced a final rule to expand the structure in which federal conscience laws are enforced. In 2011, President Obama issued a rule that enforced only three federal conscience provisions. The new regulation under President Trump covers 25 existing statutes, which will be enforced by the new [Conscience and Religious Freedom Division](#), part of the HHS OCR.

On May 5, at the World Health Assembly, the Trump administration issued a joint statement on behalf of the United States and eight other nations calling on other countries to join an effort to focus on women's health issues that unify rather than create dissension among members (like abortion and sexual and reproductive health). This statement was the first action taken under the administration's new [Protecting Life in Global Health Policy](#) (PLGHP), which seeks to build a global coalition to promote women's health while also protecting unborn life and strengthening the family. This policy works in conjunction with the Protecting Life in Global Health Assistance (PLGHA) program, which restricts funding for organizations abroad that perform or promote 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. Therefore, it does not include "gender identity" or "termination of pregnancy" as set forth by a 2016 Obama administration regulation. The HHS regulation will continue to enforce existing civil rights protections; however, it makes clear that the federal government will not 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. The United States was among 14 signatory countries on a statement of concern about technology and religious freedom. The U.S. 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 upon government officials to condemn attacks on places of worship and to work with religious communities to protect these places. At this event, 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, 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 (UN).

In August 2019, DOJ filed amicus briefs with the Supreme Court in two important religious liberty cases, [R.G. & G.R. Harris Funeral Homes, Inc. v. Equal Employment Opportunity](#)

[Commission](#) and [Bostock v. Clayton County/Altitude Express, Inc. v. Zarda](#). Through these filings, DOJ advanced a biologically binary definition of sex and those who operate accordingly, whether because of science or religious belief.

On August 15, the Department of Labor (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 August 28, the HHS OCR issued a notice of violation to the University of Vermont Medical Center for [forcing a nurse to participate in an abortion despite a conscience objection](#). This marks the third time that the HHS Religious Freedom Division under President Trump has investigated a conscience complaint related to participating in or promoting abortion.

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 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 UN.

On September 24, President Trump discussed the [need to protect religious freedom](#) during his UN General Assembly speech, in which he also discussed China and Iran – two major violators of religious freedom.

On September 25, HHS Secretary Alex Azar delivered a statement at the UN General Assembly [stating that there is no international right to abortion](#), and that the U.S. does not support ambiguous terms like “sexual and reproductive health” in UN documents.

On October 7, the Department of Commerce [blacklisted](#) 28 Chinese companies whose surveillance technology products are used to systematically oppress and control – and violate the religious freedom – of Uyghur Muslims in Xinjiang, China.

On October 11, 2019, Attorney General Barr [delivered a striking defense of religious liberty](#) at Notre Dame Law School. He noted, “[T]he imperative of protecting religious freedom was not just a nod in the direction of piety. It reflects the Framers’ belief that religion was indispensable to sustaining our free system of government.” The Attorney General proceeded to remind the audience that religion gives us the “right rules to live by.” Barr highlighted the recent attacks on religious liberty, and that the DOJ under his leadership has been fighting back and protecting religious liberty.

On November 14, the U.S. government lead a statement on behalf of itself and 10 other countries at the Nairobi Summit, once again calling upon the international community to focus on areas of consensus instead of [divisive issues like abortion and sexual and reproductive health](#).

On November 19, HHS issued a rule [removing burdensome requirements](#) that all grantees, including those that are faith-based, must accept same-sex marriages and profess gender identity as valid in order to be eligible to participate in grant programs. This included the adoption and foster care space, where these requirements had been used to shut down faith-based providers of foster care and adoption.

On November 27, President Trump signed the [Hong Kong Human Rights and Democracy Act](#) into law, which affirms Hong Kong's semi-autonomous status and protects against Chinese government encroachment, which is a threat to Hong Kong's religious freedom.

2020

On December 19, the Treasury Department **sanctioned** two Iranian judges responsible for human rights violations. One of the judges was known to violate the rights of Iran's Christian and Baha'i religious minority communities

On December 20, the center for Medicare & Medicaid Services (CMS) announced a final regulation to **address the abortion surcharge** hidden in many plans purchased on the Obamacare exchange. This final rule aligns federal regulations with section 1303 of the Affordable Care Act, ensuring that consumers know their health care plan covers abortion and that funding for abortion is kept separate from all other covered services.

On January 16, HHS Secretary Alex Azar hosted 34 countries for a meeting on how to **promote women's health and protect the lives of the unborn**. This meeting followed an invitation sent by Secretary Azar and Secretary of State Mike Pompeo to 70 different countries inviting them to join a coalition to oppose international efforts to enshrine abortion as a human right.

On January 16, the Departments of Education and Justice issued **guidance on constitutionally protected prayer and religious expression** in public elementary and secondary schools. This guidance ensures that prayer in schools is properly protected and not unconstitutionally prohibited or curtailed.

On January 16, the White House Office of Management and Budget (OMB) sent a memo to the heads of executive departments and agencies **providing guidance on Executive Order (EO) 13798** "Promoting Free Speech and Religious Liberty." In order to protect the ability of religious organizations to operate in the public square, this memo required the agencies to review the EO and publish policies on how they will comply.

On January 17, nine federal agencies (the Departments of **Agriculture, Education, Homeland Security, Veterans Affairs, Justice, Labor, Health and Human Services, and Housing and Urban Development**, along with the **U.S. Agency for International Development**) proposed rules leveling the playing field for faith-based organizations wishing to participate in grant programs or become a contractor. The rules eliminated two requirements placed on faith-based organizations that were not placed on secular organizations.

On January 22, the Centers for Medicare & Medicaid Services at HHS approved a family planning waiver for Texas to implement a **state-run Medicaid program that excludes abortion providers** like Planned Parenthood. This makes Texas the first state to receive Medicaid funding for a family planning program that does not include abortion providers.

On January 24, President Trump became **the first sitting president to give remarks in person** at the annual March for Life in Washington, D.C. In his address he stated the eternal truth that every child is a sacred gift from God and reiterated his effort to defend the dignity and sanctity of every human life.

Also on January 24, HHS Secretary Alex Azar announced live at Family Research Council's ProLifeCon event that HHS issued **a notice of violation to California for violating the federal Weldon Amendment** by mandating all health insurers provide coverage for abortion. California's abortion coverage mandate has deprived over 28,000 residents of plans that do not cover abortion. This marks the second time that HHS has issued a notice of violation to California for violating federal conscience laws and is the fourth enforcement action taken by the HHS OCR's Conscience and Religious Freedom Division. In February, the Trump administration filled the role of **Special Adviser to the President on International Religious Freedom** within the National Security Council. This role was authorized by the **International Religious Freedom Act of 1998**, but has remained unfilled for over 20 years since that law's enactment. President Trump is the first president to dedicate a full-time staffer to this role and fill it on a permanent basis.

On February 4, during his State of the Union address, President Trump called on Congress to pass legislation that would ban late-term abortions. To highlight the need for this legislation, he invited special guest Ellie Schneider, who was **born at just 21 weeks gestation**.

On February 5, Secretary of State Mike Pompeo launched the [International Religious Freedom Alliance](#). The Alliance will unite government leaders from like-minded nations to strategize ways to promote religious freedom and protect religious minorities around the world.

On February 25, OMB issued a Statement of Administrative Policy [strongly supporting two pro-life bills](#) being voted on in the U.S. Senate: the Pain-Capable Unborn Child Protection Act and the Born-Alive Abortion Survivors Protection Act. Had Congress passed these bills, the president's advisors would have recommended that he sign both into law.

On March 24, [DOJ filed a statement of interest](#) in a case protecting women against men intruding on their sporting competitions. The statement made clear that athletic qualifications on the basis of "gender identity" were harmful to women's sports.

On March 28, amid the coronavirus pandemic, HHS OCR issued a strong statement reminding health care entities of their obligation to [treat persons with disabilities with the same dignity and worth as everyone else](#). OCR reiterated its duty to enforce current civil rights laws and has already worked with states like Alabama and Pennsylvania to remove discriminatory practices from their pandemic health plans.

On April 2, U.S. Ambassador-at-Large for International Religious Freedom Sam Brownback held a special briefing. He called upon China, North Korea, Iran, and Russia to [release their prisoners of conscience](#) in light of the contagious coronavirus. Many of these prisoners were imprisoned for their religious faith.

On April 3, after hearing from Family Research Council and other organizations, the Small Business Administration (SBA) issued a FAQ document confirming that [churches and religious nonprofits are eligible for assistance](#) like the Paycheck Protection Program (PPP) in the coronavirus relief legislation known as the CARES Act. These clarifying protections ensure organizations would not be discriminated against based on their religious affiliation and would not have to give up their religious freedom in order to participate in these programs. In addition, the administration used an affiliation rule to ensure that large abortion providers like Planned Parenthood would not be eligible for coronavirus relief in the CARES Act.

On April 14, DOJ filed a statement of interest [protecting the religious liberty of churchgoers in Greenville, Mississippi](#). During the coronavirus pandemic, the city of Greenville banned all religious services, even those that were able to abide by social distancing standards with drive-in church services.

On April 17, the Department of Homeland Security included "clergy for essential support" in its [list of personnel and entities deemed "essential"](#) for purposes of responding to the coronavirus. This designation allows clergy and pastors more freedom to continue to operate and serve those around them in need at this time.

On April 27, Attorney General William Barr directed federal prosecutors to monitor and, if necessary, [take action to correct state and local policies that discriminate against religious institutions](#) and believers while battling the coronavirus pandemic.

On May 3, DOJ filed a statement of interest [supporting the religious freedom of Lighthouse Fellowship Church](#) in Chincoteague Island, Virginia. After the church held a 16-person worship service on Palm Sunday (following strict social distancing protocols), a criminal citation and summons were issued against the pastor pursuant to Governor Ralph Northam's executive order which banned in-person religious services but allowed large gatherings for businesses like liquor stores and dry cleaners.

As of May 12, the Trump administration has [overseen the confirmation](#) of 193 federal judges, including two Supreme Court justices and 51 federal appeals court judges. Counting seven other judicial confirmations for roles outside the federal court system, President Trump has confirmed 200 judges so far during his time in office. 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 May 15, the DOL issued [guidance](#) implementing the administration's Religious Liberty Executive Order and the DOJ religious liberty guidance. The DOL guidance also cited to the OMB memo from earlier this year which directed all grant-administering agencies to detail how they will protect religious liberty in the context of such grants, and included specific action steps to ensure that religious liberty is protected.

On May 18, USAID Acting Administrator John Barsa [sent a letter](#) to the UN Secretary General advocating that the UN not push abortion during the coronavirus crisis. Barsa noted that abortion is not an "essential service," and there are many actual health needs at this time. Therefore, the United States, which stands with the international pro-life community under the Trump administration, does not look kindly on these efforts to promote abortion.

**Text "Actions" to 51555 to get this document texted
directly to your mobile device**

For educational and informational purposes only.
FRC does not endorse or oppose any candidate for public office.



Call us at 1-877-372-2808 or visit online at frcaction.org

FL19L01