AMERICAN ATHEISTS

September 16, 2019

Harvey D. Fort
Acting Director
Division of Policy and Program Development
Office of Federal Contract Compliance Programs
U.S. Department of Labor
200 Constitution Ave NW
Room C-3325
Washington, DC 20210

Re: Comments Regarding Proposed Rule on "Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption" (RIN 1250-AA09; Docket Number: OFCCP-2019-0003; Document Number: 2019-17472)

Dear Mr. Fort:

American Atheists writes in response to the request for public comments on the proposed rule titled "Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption," published August 15, 2019.[1] The proposed rule would massively expand the number of employers who can use the religious exemption to evade employment protections and allow employers to discriminate against employees on bases other than religion. We oppose the proposed rule because it (1) contravenes the First Amendment's religion clauses, (2) departs from Title VII, (3) violates the Administrative Procedure Act's proscription of arbitrary and capricious regulation,[2] and (4) threatens the economic security and opportunity of employees of federal contractors, especially atheists, LGBTQ people, women, and religious minorities. The proposed rule is not required to protect religious liberty, but if enacted, federal contractors will use them to discriminate against American workers, and so we urge you to withdraw them. Further, we object to the insufficient time period given to stakeholders to comment on this momentous proposed change to federal employment law.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation's communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. Religious liberty is an individual right guaranteed by the First Amendment, and therefore corporations should have no basis to challenge vital civil rights protections since religion.

[1] Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption, 84 Fed. Reg. 41677 (proposed Aug. 15, 2018) (*to be codified at* 41 C.F.R. pt. 60) [*hereinafter* proposed rule].
[2] 5 U.S.C.A. § 706(2)(A).

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The Office of Federal Contract Compliance Programs (OFCCP) estimates that "Executive Order 11246…[protects] approximately one-fifth of the entire U.S. labor force" from discrimination.[3] The federal government spends about half of its discretionary budget on contracts.[4] "In fiscal year 2018, the federal government spent more than $550 billion on these contracts, an increase of more [than] $100 billion from 2015." Federal contracts are a massive enterprise involving millions of American workers and hundreds of billions of dollars.

Executive Order 11246, which OFCCP is charged with enforcing, states that "[federal contractors] will not discriminate against any employee or applicant…because of race, color, religion, sex, sexual orientation, gender identity, or national origin."[5] The proposed rule would alter the interpretation of Executive Order 11246. By changing several definitions, the proposed rule would both massively expand the number of employers who can use the religious exemption to discriminate against employees and allow employers to discriminate against employees on bases other than religion. OFCCP attempts to justify the proposed rule by asserting incorrectly that the change would bring the regulation in line with Title VII, citing recent cases while admitting that they do not specifically cover the issue at hand. Furthermore, OFCCP states, without evidence, that religious groups have avoided federal contracts "because of uncertainty regarding…the religious exemption…," despite the fact that Title VII, the Executive Order, and the accompanying regulations have been in place for decades.

1. The proposed rule violates the First Amendment's religion clauses.

The First Amendment to the United States Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."[6] These fundamental principles protect the right of Americans to believe and practice religion or irreligion without substantial government interference and involvement.

However, if the proposed rule is enacted, it will violate the Constitution's religion clauses by substantially involving the government in religious practice, promoting dominant religious practices, burdening unpopular religious practices, and harming third parties. For that reason, it would also violate the Administrative Procedure Act's broad prohibition of regulations "contrary to constitutional right[s]."[7] The rule would violate the First Amendment in three ways.

First, the proposed rule would unconstitutionally harm and burden third parties and beneficiaries by allowing widespread discrimination and threatening the job security and job prospects of millions of employees. Accommodations of religion are unconstitutional if they harm third parties, "[burden]

[3] Office of Federal Contract Compliance Programs, *History of Executive Order 11246*, https://www.dol.gov/ofccp/about/50thAnniversaryHistory.html (last visited Sept. 11, 2019).
[4] WatchBlog, *Federal Government Contracting for Fiscal Year 2018 (Infographic)*, U.S. Government Accountability Office (May 28, 2019), https://blog.gao.gov/2019/05/28/federal-government-contracting-for-fiscal-year-2018-infographic/.
[5] U.S. Department of Labor, Office of Federal Contract Compliance Programs, *Executive Order 11246, As Amended*, https://www.dol.gov/ofccp/regs/statutes/eo11246.htm (last visited Sept. 13, 2019).
[6] U.S. Const. Amend. I.
[7] 5 U.S.C.A. § 706(2)(B).

private religious exercise," "advance [or compel] a particular religious practice," or "override…significant interests."[8]

The proposed rule would unconstitutionally harm two groups of third parties. The first group harmed by the expansion of the religious exemption is employees who would suffer employment discrimination. Atheists, religious minorities, LGBTQ persons, and women would be most likely to suffer because they either reject dominant religious beliefs or act inconsistently with employers' interpretations of those beliefs. Those groups have also been historically some of the most likely to face employment discrimination. But even followers of dominant religious beliefs may be harmed by discrimination from employers who interpret their beliefs differently or who follow a minority religion. In order to maintain their religious beliefs, these groups might have to forego employment opportunities, higher pay, and promotions. This discrimination could take many forms, including refusing to hire employees, firing employees, mistreating employees, imposing onerous restrictions on employees' private practices, denying them benefits, or paying employees less. For example, a purportedly Islamic employer could refuse to hire a Catholic employee, or a Christian employer could penalize a female employee who got an abortion by refusing to increase her pay or firing her.

The second group of third parties harmed by the proposed change in definitions would be beneficiaries of federal programs run by contractors. Some beneficiaries, especially LGBTQ, atheist, or religious beneficiaries, could not in good conscience take advantage of government services provided by religious federal contractors or contractors that they know discriminate against certain types of employees. More specific cases may arise where a potential beneficiary of a government service knows that the contractor working on the service discriminates against a group to which the potential beneficiary belongs. This is most likely to harm atheists, religious minorities, LGBTQ persons, and women, but can also apply to members of dominant religions.

The proposed rule would also unconstitutionally favor specific beliefs over others. By allowing purportedly religious federal contractors to discriminate against employees who do not abide by the employer's religious beliefs, employees who follow dominant religious beliefs will have an economic advantage over employees who are secular, who follow a less popular religion, or who interpret a dominant religion differently from their employer. This provides an economic incentive to believe in the most popular religions and practice in the most conventional way and makes life more difficult for those who refuse to do so, costing them jobs, pay raises, and promotions. Alternatively, these groups will be incentivized to hide or misrepresent their religious views. Such substantial government promotion of religion – even if indirect – is inconsistent with the spirit of the Establishment Clause.

The second major constitutional problem with the proposed rule is that it unconstitutionally favors contractors with dominant religious beliefs over atheist or religious minority contractors by creating benefits that only certain religious employers can effectively enjoy. This violates the fundamental

[8] *Cutter v. Wilkinson*, 544 U.S. 709, 722 (2005); *Estate of Thornton v Caldor, Inc.*, 472 U.S. 703, 703-04 (1985); *Texas Monthly, Inc. v. Bullock*, 489 U.S. 1, 18 fn. 8 (1989).

principle that "[t]he First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion."[9]

Religious employers who can make use of the expanded religious exemption to elide employment law restrictions gain several valuable benefits: an ability to contract with the federal government and obtain valuable business; a nearly insuperable defense against any claim of discrimination that could even tenuously be explained away by the employer's religious belief; and an ability to streamline hiring and exercise greater control over employees. Secular employers cannot meaningfully use the religious exemption because they do not have a religious mission. Thus, a secular employer could not assert a religious exemption as a defense against a claim of discrimination. Nor can the secular employer exercise the degree of control over employees during the hiring process and employment. The proposed rule would be a gift to religious employers looking to disguise non-religious discrimination or to evade other elements of government contracts, but these are benefits unavailable to secular contractors. The proposed rule would provide an inappropriate advantage on obtaining government contracts if avoiding these employment restrictions allows the religious contractor to perform the contract more cheaply than its secular counterparts.

A third constitutional problem with the proposed rule is that it would entangle the government with religion in violation of the Establishment Clause by requiring improper inquiries into religious beliefs and practices. The government must avoid entanglement with religion, and inquiries into the validity of religious beliefs and content can constitute entanglement.[10] These inquiries would inevitably arise because OFCCP "proposes to apply a but-for standard of causation when evaluating claims of discrimination by religious organizations based on protected characteristics other than religion." Under this test, OFCCP would "find a violation of Executive Order 11246 only if it can prove by a preponderance of the evidence that a protected characteristic other than religion was a but-for cause of the adverse action." This would require examining the beliefs and actions pf managers and employees to determine whether there is a religion-irrelevant reason for termination. Such an inquiry is unlikely to be constitutionally acceptable. Alternately, if OFCCP simply accepts all religious contractors' claims that discrimination is mandated by religious belief, then Executive Order 11246 simply has no applicability to religious contractors – a position that is of even more dubious constitutionality.

2. **The proposed rule is inconsistent with Title VII and other federal employment statutes.**

OFCCP argues that the interpretation of Executive Order 11246's religious exemption provision[11] mirrors Title VII's religious exemption,[12] and that current interpretations of Title VII support the proposed rule.

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[9] *Epperson v. State of Ark.*, 393 U.S. 97, 104 (1968).

[10] *Colorado Christian University v. Weaver*, 534 F.3d 1245, 1261-65 (10th Cir. 2008)

[11] "Section 202 of this Order shall not apply to a Government contractor or subcontractor that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such contractors and subcontractors are not exempted or excused from complying with the other requirements contained in this Order." Executive Order 11246, as amended (2014).

[12] "[I]t shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college,

However, OFCCP seriously misinterprets Title VII and relevant case law, instead relying on outlier or irrelevant decisions.

Several of the proposed rule's new definitions would be drastic departures from Title VII. Under the prevailing view, *Spencer v. World Vision, Inc.* defines the religious entities eligible for the Title VII religious exemption as "[any] entity [that] is organized for a religious purpose, is engaged primarily in carrying out that religious purpose, holds itself out to the public as an entity for carrying out that religious purpose, and does not engage primarily or substantially in the exchange of goods or services for money beyond nominal amounts."[13] However, OFCCP's proposed definition of a "[r]eligious corporation, association, educational institution, or society" abandons the last portion of the definition in *Spencer* – the nonprofit requirement. OFCCP argues that *Hobby Lobby* justifies this change, but this is a misunderstanding of the decision.[14] *Hobby Lobby* extended "RFRA rights [only to] closely held corporations…," whereas OFCCP's definition is not nearly so limited.[15]

OFCCP weakens several aspects of the *Spencer* test. Under *Spencer*, the group must be "engaged primarily in carrying out [their] religious purpose," conversely, under the proposed definition, the entity need only "engage in exercise of religion consistent with, and in furtherance of, a religious purpose," a much broader standard.[16] Although OFCCP requires the group to "hold[] itself out to the public as carrying out a religious purpose," this part of the test can be easily achieved by "affirming a religious purpose in response to inquiries from a member of the public or a government entity," practically inviting post hoc justification.

Although the Title VII exception "does not exempt religious organizations from Title VII's provisions barring discrimination on the basis of race, gender, or national origin,"[17] OFCCP seeks to define 'particular religion' to allow those forms of discrimination if the employer claims they stem from an employer's religious beliefs.

Finally, OFCCP adopts a stricter test for challenges of discrimination. Your "[Office] proposes to apply a but-for standard of causation when evaluating claims of discrimination by religious organizations based on protected characteristics other than religion..." This test differs from the normal Title VII standard, which uses a "motivating factor" test.[18] The cases OFCCP cites to support this change do not actually support it – one case, in fact, repudiates the change.[19] These varying standards make it challenging for

university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion." 42 U.S.C.A. § 2000e-2(e)(2).

[13] *Spencer v. World Vision, Inc.,* 633 F.3d 723, 724 (9th Cir. 2011) (per curiam).

[14] *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014).

[15] *Id.*, at 717.

[16] *Spencer*, 633 F.3d at 724 (2011) (per curiam).

[17] *Kennedy v. St. Joseph's Ministries, Inc.*, 657 F.3d 189, 192 (2011).

[18] *See* Civil Rights Act of 1991, 42 U.S.C. § 2000(m).

[19] *University of Texas Southwestern Medical Center v. Nassar*, 570 U.S. 338, 343 (2013) ("An employee who alleges status-based discrimination under Title VII need not show that the casual link between injury and wrong is so close

contractors seeking to comply with federal law, resulting in extra expense and legal confusion for workers and employers.

3. The proposed rule violates the Administrative Procedure Act's prohibition of arbitrary and capricious regulations.

The Administrative Procedures Act (APA) proscribes regulations that are "arbitrary, capricious…or otherwise not in accordance with law…"[20] The Office is required to provide "adequate reasons for its decisions."[21] It is required to "examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made."[22] Furthermore, it cannot "fail[] to consider an important aspect of the problem, [or offer] an explanation...[that] is so implausible that it could not be ascribed to a difference in view or the product of agency expertise."[23] Finally, "reasonable regulation ordinarily requires paying attention to the advantages *and* the disadvantages of agency decisions."[24] When an administrative agency substantially changes its position, these requirements are heightened because of the threat to "serious reliance interests,"[25] and any "[u]nexplained inconsistency is…a reason for holding an interpretation to be an arbitrary and capricious change from agency practice…"[26]

Despite the fact that OFCCP has previously interpreted Executive Order 11246 to only allow "religious organizations to prefer to employ…members of a particular religion,"[27] in accordance with Title VII, the Office has not sufficiently acknowledged and explained the change outlined in the proposed rule. OFCCP justifies the proposed rule through three misplaced arguments: (1) OFCCP argues that Executive Order 11246's exemption "should be given a parallel interpretation" to Title VII's exemption, (2) that recent cases "have reminded the federal government of its duty to protect religious exercise," and (3) the current interpretation of the religious exemption has confused religious organizations and stopped them from "participat[ing] as federal contractors…" The proposed rule's inconsistency with Title VII law has been outlined above.

OFCCP's remaining arguments are similarly inapposite. OFCCP mischaracterizes recent case law to support an unprecedentedly broad religious exemption, even while conceding that the cases do not

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that the injury would not have occurred but for the act. So-called but-for causation is not the test. It suffices instead to show that the motive to discriminate was one of the employer's motives…") The *Nassar* Court did use a but-for causation test, but the standard was reserved for retaliation claims. *Id.*, at 360.

[20] 5 U.S.C.A. § 706(2)(A).

[21] *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2125 (2016).

[22] *Motor Vehicle Mfrs. Assn. of United States, Inc. v. State Farm Mut. Automobile Ins. Co.*, 463 U.S. 29, 42 (1983).

[23] *Id.*, at 43.

[24] *Michigan v. E.P.A.,* 135 S. Ct. 2699, 2707 (2015).

[25] *F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).

[26] *National Cable & Telecommunications Ass'n v. Brand X Internet Services*, 545 U.S. 967, 981 (2005) (citation omitted).

[27] United States Department of Labor, Office of Federal Contract Compliance Programs, *Frequently Asked Questions EO 13672 Final Rule*
[https://web.archive.org/web/20150709220056/http:/www.dol.gov/ofccp/LGBT/LGBT_FAQs.html#Q4].

specifically support the proposition.[28] For example, OFCCP cites *Hobby Lobby* for the proposition that "the Religious Freedom Restoration Act applies to federal regulation of the activities of for-profit closely held corporations," but fails to acknowledge that the *Hobby Lobby* court affirmed the constitutionality of requiring religious businesses to abide by non-discrimination employment rules.[29]

Another case inappropriately cited is *Trinity Luther*an*,* which OFCCP wrongly claims stands for the proposition that the "government violates the Free Exercise Clause of the First Amendment when it conditions a generally available public benefit on an entity's giving up its religious character, unless that condition withstands the strictest scrutiny." This proposition is grossly improper because *Trinity Lutheran* was expressly limited to discrimination based on religious identity with respect to playground resurfacing,[30] and therefore this case has precisely zero effect on regulations pertaining to federal contractors. However, even if we take this case at its broadest possible interpretation, "that denying a generally available benefit solely on account of religious identity imposes a penalty on the free exercise of religion that can only be justified by a state interest 'of the highest order,'"[31] this decision remains inapplicable. Unlike the circumstances in *Trinity Lutheran*, proposed rule does not deal with benefits or grants, but with general federal contracts. Government contracts to provide essential services are legally distinct from public benefits, and there are valid, nondiscriminatory reasons why such contracts may not be appropriate for religious providers. For example, religious providers may be allowed religious exemptions that undermine the purpose of the contract, or the imposition of a religious provider may result in less accessible services, as described previously.

Finally, OFCCP argues that the proposed rule would eliminate confusion currently stopping religious organizations from "participat[ing] as federal contractors." This argument is undercut by the fact that the proposed rule will increase confusion, not alleviate it, because it deviates from decades of Title VII law. Furthermore, OFCCP provides no evidence of confusion, and the "publicly available federal contracting data" does not support the argument "that [Executive Order 11246, as amended] has excluded faith-based organizations from contracting with the federal government."[32] OFCCP has not offered the fact-based analysis required by the APA, and in its place offers only tenuous rationalization.

Moreover, OFCCP further provides a deeply flawed analysis of the proposed rule' benefits and costs. The economic analysis is flawed from the outset because it assumes the proposed rule will decrease

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[28] "Although these decisions are not specific to the federal government's regulation of contractors, they have reminded the federal government of its duty to protect religious exercise—and not to impede it." Proposed rule.
[29] *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 733 (2014) ("The principal dissent raises the possibility that discrimination in hiring, for example on the basis of race, might be cloaked as religious practice to escape legal sanction…Our decision today provides no such shield. The Government has a compelling interest in providing an equal opportunity to participate in the workforce without regard to race, and prohibitions on racial discrimination are precisely tailored to achieve that critical goal."
[30] *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, Footnote 3 (2017).
[31] *Id.,* at 2019 (citations omitted).
[32] Frank J. Bewkes and Caitlin Rooney, *The Nondiscrimination Protections of Millions of Workers Are Under Threat*, Center for American Progress (Sept. 3, 2019), https://www.americanprogress.org/issues/lgbt/reports/2019/09/03/473958/nondiscrimination-protections-millions-workers-threat/.

confusion. OFCCP unreasonably asserts that the proposed rule will serve values of "equity, fairness, and religious freedom." The assertion that the rule would further equality is bizarre considering the fact that the rule expands employers' ability to discriminate against women, LGBTQ people, and religious minorities, among other groups. Nor is it clear what unfairness the rule could possibly ameliorate that would negate the unfairness of more discrimination. Although the proposed rule claims to promote religious freedom, a critical examination of the consequences of the rule reveal that it will burden employees and beneficiaries of all religious viewpoints, particularly atheists and religious minorities. These disadvantages of the proposed rule, along with the economic inefficiency resulting from discrimination, were not properly analyzed.

Although OFCCP's mission is to "protect workers, promote diversity and enforce the law,"[33] the proposed rule does not include an analysis of the rule's potential to harm workers, increase discrimination, and cloak illegal employment practices. This omission alone establishes that the rule is arbitrary and capricious.

Despite the fact that the proposed rule radically alters settled law, presents several constitutional and legal problems, and involves numerous stakeholders involved in the federal contracting system, comprising a significant portion of the US economy, the Office has provided an abnormally brief comment period. This short comment period, coupled with the Office's refusal to extend it despite requests by interested stakeholders and organizations, is further evidence that the proposed rule is arbitrary and capricious.[34]

4. The proposed rule will substantially harm employees of federal contractors, especially LGBTQ persons, women, atheists, and religious minorities.

Empowering federal contractors to discriminate will affect a massive segment of the country and economy, and the groups most affected by the resulting discrimination will not reasonably be able to avoid it.

The proposed rule will be uniquely harmful to LGBTQ employees. It would allow any employer claiming to be a religious organization to discriminate against LGBTQ employees for their sexual orientation or gender identity. Nearly half of all LGB persons report "experienc[ing] at least one form of employment discrimination because of their sexual orientation at some point in their lives…"[35] More than one in four transgender people have lost a job due to bias, and more than three-fourths have experienced some

[33] U.S. Department of Labor, Office of Federal Contract Compliance, *Office of Federal Contract Compliance Programs*, https://www.dol.gov/ofccp/aboutof.html (last visited Sept. 13, 2019).
[34] *Estate of Smith v. Bowen*, 656 F. Supp. 1093, 1099 (D. of Colo. 1987) ("finding that "Secretary's failure to extend [60 day comment period] pursuant to the numerous requests [for an extension] was arbitrary and capricious").
[35] Brad Sears and Christy Mallory, *Employment Discrimination against LGBT People: Existence and Impact, in Gender* Identity and Sexual Orientation Discrimination in the Workplace: A Practical Guide (Christine Michelle Duffy, ed., 2014).

form of workplace discrimination."[36] Expanding the religious exemption will further harm employment for LGBTQ populations, a community that OFCCP is charged with protecting.

Women are another group that will disproportionately suffer. Women routinely face discrimination in the workplace. Nearly half of all "working women" report experiencing gender-based discrimination at work.[37] And the wage gap persists, with "female full-time…workers" making "20 percent" less than their male counterparts.[38] Under existing rules, contractors could only discriminate against women if they did not follow the employer's religion. But the proposed rule allows employers to discriminate against women for failing to comply with the employer's religious beliefs. Employers could discriminate against women for their reproductive and familial choices – choices that lie at the heart of individual liberty. Even more absurd, employers could discriminate against women simply for being women. For example, a religious employer may not believe that a woman's social role includes working. Increased discrimination against women will add more burdens to workplace inclusion at a time where women already face significant employment and pay discrimination.

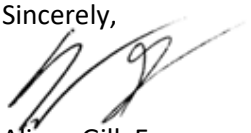
Finally, atheists and religious minorities will be especially disadvantaged by the regulations. The proposed rule would massively expand the number of employers who can discriminate on the basis of an employee's religion. This discrimination will disproportionately affect groups who do not follow dominant religious beliefs, including atheists and religious minorities. Large sections of the workforce may be prohibited from employment opportunities because they do not share the religious beliefs of employers. Discrimination is especially likely against unpopular groups like atheists and Muslims. This result is inefficient, harmful to the job security and job prospects of atheists and religious minorities, and inconsistent with the religious equality required by the First Amendment.

[36] National Center for Transgender Equality, *Employment*, https://transequality.org/issues/employment (last visited Sept. 11, 2019).
[37] Kim Parker and Cary Funk, *Gender Discrimination Comes in Many Forms for Today's Working Women*, Pew Research Center (Dec. 14, 2017), https://www.pewresearch.org/fact-tank/2017/12/14/gender-discrimination-comes-in-many-forms-for-todays-working-women/.
[38] Institute for Women's Policy Research, *Pay Equity & Discrimination*, https://iwpr.org/issue/employment-education-economic-change/pay-equity-discrimination/ (last visited Sept. 11, 2019).

Conclusion

Because the proposed rule is irreconcilable with the First Amendment, inconsistent with Title VII, prohibited as arbitrary and capricious by the APA, it should be withdrawn in its entirety. This rule has the potential to harm millions of American workers, and it is shameful that OFCCP has the temerity to propose such a sweeping and unjustified change to federal employment law, let alone doing so with only 30 days to respond. If you should have any questions regarding American Atheists' opposition to the proposed rule, please contact me at 908.276.7300 x309 or by email at agill@atheists.org.

Sincerely,



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