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August 28, 2019

The Honorable Patrick Pizzella
Acting Secretary
U.S. Department of Labor
200 Constitution Ave, NW
Washington, DC 20210

Dear Acting Secretary Pizzella:

We write to request that the Office of Federal Contract Compliance Programs (OFCCP) extend the comment period for responding to the Notice of Proposed Rulemaking (NPRM), RIN 1250-AA09, *Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption*. The current comment period ends September 16, 2019, and we request a 30 day extension so the comment period will end on October 16, 2019.

This NPRM proposes new definitions regarding the free exercise of religion as well as when religious exemptions can be used as a defense to discrimination involving federally funded activities. Specifically, OFCCP proposes to add definitions of the following five terms to the list of definitions in 41 C.F.R. 60-1.3: *Exercise of religion; Particular religion; Religion; Religious corporation, association, educational institution, or society; and Sincere*. The NPRM further proposes to amend 41 C.F.R. 60-1.5 by adding a section to clarify that religious exemptions should be "construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the United States Constitution and law." As the NPRM notes, these definitions and their interpretations are interrelated, and the impacts and unintended consequences flowing from their application should be thoroughly and thoughtfully examined. We are concerned that the current comment period does not provide sufficient time for a thorough and thoughtful examination and response from the public.

Similar NPRMs have had significantly longer comment periods. For example, RIN 1250-AA05, *Discrimination on the Basis of Sex*, was published on January 30, 2015, with the original comment period ending March 31, 2015, which was subsequently extended by 14 days to allow comments through April 14, 2015. RIN 1601-AA40, *Nondiscrimination in Matters Pertaining to*

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Faith-Based Organizations, was published August 5, 2015 with the comment period ending on October 5, 2015. OFCCP has not communicated a particular urgency requiring such a short comment period, and an additional 30 days would be consistent with the treatment of similar proposed rules.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Chairman



SUZANNE BONAMICI
Chair
Subcommittee on Civil Rights and Human
Services