



July 12, 2016

## OPPOSE IDEOLOGICAL RIDERS INCLUDED IN LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES BILL

Dear Representative:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its membership of more than 200 national organizations to promote and protect the rights of all persons in the United States, we write to express our strong opposition to the FY2017 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act (Labor H) in its current form. The bill includes numerous ideological riders that do not belong in a spending bill, and also fails to adequately fund key offices that are of critical importance to the civil and human rights community.

We strongly urge you to oppose riders and other provisions to the FY2017 Labor H Appropriations bill that weaken rules and regulations. The following includes a non-exhaustive list of **ideological riders** that we urge you to reject, as well as **cuts to funding**:

- **Gainful Employment (Sec. 310)**: This important rule helps protect students and taxpayers from schools by forcing the worst-performing career education programs to improve or lose eligibility for federal funding. Congress should not block regulations designed to protect students and ensure taxpayer dollars are spent wisely.

The gainful employment rule applies to all career education programs, not just those offered by for-profit colleges, and it has already had a positive impact. For example, the threat of sanctions under the regulation has prompted many of the largest for-profit colleges to eliminate some of their worst programs, freeze tuition, and implement other reforms. If the regulation were repealed, industry analysts have made clear that the companies would reverse these and other protections, directly harming many of the communities we represent. Congress should be increasing student and taxpayer protections, not scaling them back.

- **Title IX Guidance on Gender Identity Nondiscrimination (Sec. 313)**: The Departments of Education and Justice issued this important guidance on May 13, 2016 regarding gender identity nondiscrimination responsibilities under Title IX of the Education Amendments Act of 1972. Research has found that transgender students face significant barriers to education and are at high risk for encountering discrimination in the nation's schools. As this issue has become more prominent, school leaders across the nation have looked for direction on serving their transgender student populations. The guidance makes clear to schools, school districts, and states across the nation their responsibility to provide safe and inclusive environments, treat students consistent with their gender identities, not discriminate with regard to sex-segregated activities or facilities, and ensure student privacy. As the appropriations process moves forward, we urge you to ensure that all students are afforded an education free of discrimination.

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- **Overtime Rule (Sec. 111)**: This spring, the Department of Labor issued a final overtime rule that is scheduled to go into effect on December 1, 2016. Years in the making, the rule provides a comprehensive and much-needed update to overtime protections for the first time since the 1970s. It will ensure that millions of Americans, including women, low-income people, and people of color, are paid more fairly for the hours that they work. Attempts to defund implementation or enforcement of the overtime rule should be opposed.
- **Fiduciary Rule (Sec. 110)**: The fiduciary rule requires all retirement plan advisers to provide advice in their clients' best interest—something that service providers in other industries are required to do as a matter of course. By imposing a "fiduciary duty" on advisers, the rule provides badly-needed protections for retirement savers, which are especially important for low-income savers who can least afford excessive fees. We urge you to oppose any riders that would prevent the implementation or enforcement of the fiduciary rule.
- **Funding for the Office for Civil Rights**: The FY2017 Labor H Appropriations bill currently includes a \$7 million cut to the Department of Education's Office for Civil Rights budget, decreasing funding from \$107 million in FY2016 to \$100 million in FY2017. The Leadership Conference supports full funding for the Office for Civil Rights in the Department of Education and in all agencies. These offices perform important work enforcing our nation's civil rights laws, and require adequate funding to do their work.

Thank you for your consideration. If you have any questions, please contact either of us or Emily Chatterjee, Senior Counsel, at (202) 466-3648.

Sincerely,

Wade Henderson  
President & CEO

Nancy Zirkin  
Executive Vice President