



2833 Smith Ave. Ste. 225
Baltimore, MD 21209
301-727-2700

December 4, 2023

Office of Federal Financial Management
Office of Management and Budget

via regulations.gov

Re: Guidance for Grants and Agreements
Docket ID OMB–2023–0017
Specifically 2 CFR § 200.300 [200.300]

The Coalition for Jewish Values (CJV), representing over 2,500 rabbis in matters of public policy, questions the removal of religious liberty provisions in § 200.300, paragraph (a) and other aspects that will burden religious Jewish organizations as possible recipients or conduits for Federal assistance.

By inserting new rhetoric about sexual orientation and gender identity, while removing religious liberty language pertaining to exemptions from what it terms “discrimination” in the OMB’s grant and award policies, the OMB will bar many types of religious groups from receiving any form of government aid while adhering to their moral code. This is because what may be misconstrued as “discrimination” is in actuality a religious mandate or norm protected by the First Amendment.

Nowhere in Jewish tradition or Biblical texts is credence given to the notion that a person’s sexual orientation or gender classification constitutes their *identity*. This refers both to the desires of a person to partner with another of the same sex, as well as the idea that a person with gender dysphoria is truly of the opposite sex. The concepts of sexual identification and gender identity (SOGI) adopt an ideology contrary to Judaism, while same-sex marriage, gender “transition” and similar behaviors are expressly prohibited according to traditional Jewish law. To mandate them for religious groups effectively bars them from receiving funding for which they would otherwise be eligible.

In discussing the creation of human beings, the Torah states, “G-d created man in His image...male and female He created them.”¹ In the Medrash, the rabbis explain that G-d initially created Adam as one androgynous being, and then split them into male and female,² intended to reunite into one flesh.³ This reunion happens through having children.⁴ The only relationship sanctioned by the Torah is that which, ideally, results in children conceived in a matrimonial relationship and raised in a two-parent home. All aspects of LGBTQIA+ reject these Biblical norms.

The Torah also states that “G-d saw all that He had made, and behold it was very good.”⁵ From this, the rabbis teach us that G-d created the world and everything in it with wisdom and perfection, including our bodies. The Torah prohibits Jews from even receiving permanent tattoos,⁶ much less castration.⁷ This is why Jewish law does not recognize any form of gender-altering surgery, cross-dressing, or gender identification that is contrary to biological sex. Even cross-dressing is Biblically prohibited.⁸ And same-sex relationships, of course, have an explicit Torah prohibition of their own.⁹

All Orthodox Jewish organizations and institutions are mandated to comply with these religious principles. A synagogue cannot host a same-sex wedding, an Orthodox school cannot conscience a biological male in the female locker room, as well as many other examples.

Additionally, it is a cultural and societal expectation in the Orthodox Jewish community for men and women to be segregated. At any Orthodox event, it is anticipated that men and women congregate on opposite sides of the room for reasons of modesty. This in no way violates the Equal Protection Clause, as commonly understood, as both genders receive equal opportunities within their community, albeit in separate facilities or spaces.

¹ Genesis 1:27

² Bereishis Rabbah 8:1

³ Genesis 2:24

⁴ Commentary of Rabbi Shlomo Yitzchaki

⁵ Genesis 1:31

⁶ Leviticus 19:28

⁷ Leviticus 22:24

⁸ Deuteronomy 22:5

⁹ Leviticus 18:22; regarding women see Sifra, Acharei Mot 13:10 and Mishneh Torah, Issurei Biah 21:8.

Without religious liberty protections and with new SOGI mandates in the new grants and awards policy, however, any of the foregoing could be deemed grounds to make the impacted Jewish organizations and institutions ineligible for previously received forms of Federal aid.

For these reasons, we suggest that the proposed insertion of new forms of sex discrimination, as well as the excision of religious liberty provisions, be reversed in the OMB's proposed Guidance for Grants and Agreements.

Yours sincerely,

A handwritten signature in black ink that reads "Yaakov Menken". The signature is written in a cursive, flowing style.

Rabbi Yaakov Menken
Managing Director