

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### COMMUNITY RENEWAL THROUGH COMMUNITY- AND FAITH-BASED ORGANIZATIONS

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 207) expressing the sense of the House of Representatives with regard to community renewal through community- and faith-based organizations.

The Clerk read as follows:

H. RES. 207

Whereas, while the steady economic growth and low inflation in the United States has yielded unprecedented prosperity, many American citizens have not benefited from this prosperity and continue to be socioeconomically disadvantaged;

Whereas millions of our fellow citizens who live in the inner cities and rural communities continue to be plagued by social breakdown, economic disadvantage, and educational failure that fosters hopelessness and despair;

Whereas our most intractable pathologies—crime, drug addiction, teen pregnancy, homelessness, and youth violence—are each being addressed by small, and sometimes unrecognized, community- or faith-based organizations, whose expertise should not be ignored;

Whereas these nonprofit organizations have local experts who are moving individuals from dependency to self-sufficiency and restoring the lives of men, women, and families across the country;

Whereas many community- and faith-based organizations are offering the American public a new vision of compassion, designed to encourage volunteerism, strengthen the community, and care for the poor and vulnerable;

Whereas private sector investment in capital development—social and economic—in the most poverty stricken pockets across the country is key to long-term renewal of urban centers and distressed rural communities;

Whereas economic growth attracts new businesses, provides stability to neighborhoods, as well as provides jobs that yield income to support families and nurture self-respect;

Whereas over 100 bipartisan Members of Congress have cosponsored H.R. 815, the American Community Renewal Act, which targets the 100 poorest communities in the Nation for pro-growth tax benefits, regulatory relief, brownfields cleanup, and homeownership opportunities that combine to create jobs, hope, and a sense of community;

Whereas the President and the Vice President, along with congressional organizations such as the Renewal Alliance, have recognized the importance of community renewal and have recently promoted strategies designed to rebuild communities to empower faith-based organizations on the front lines of renewal in our country; and

Whereas a concerted effort to empower community institutions, encourage community renewal, and implement educational reform will help those who reside in inner cities and distressed rural communities to gain their share of America's prosperity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends gratitude to the private nonprofit organizations and volunteers whose commitment to meet human needs in areas of poverty is key to long-term renewal of urban centers and distressed rural communities;

(2) seeks to empower the strengths of America's communities, local leaders, and mediating institutions such as its families, schools, spiritual leaders, businesses and nonprofit organizations;

(3) should work to empower community- and faith-based organizations to promote effective solutions to the social, financial, and emotional needs of urban centers and rural communities, and the long-term solutions to the problems faced by our culture; and

(4) should work with the Senate and the President to support a compassionate grassroots approach to addressing the family, economic, and cultural breakdown that plagues many of our Nation's urban and rural communities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 207 which recognizes a significant role that neighborhood community- and faith-based organizations are playing in the renewal and empowerment of struggling families and communities around this country. Today we want to commend and extend our gratitude to the private nonprofit organizations and volunteers whose commitment to meeting human needs compassionately and effectively in areas of poverty is key to the long-term renewal of our urban centers and distressed world communities.

It is the strength of mediating institutions such as families, churches, schools, nonprofit organizations, local leaders and businesses which empower individuals and communities. These are the unsung heroes in my district and throughout the country that are making the difference in the lives of people.

As a renewal alliance, our desire is to eliminate barriers which may hinder the effective community building work of these groups. We can assist legislatively by helping lessen the tax on regulatory burdens on our most distressed communities as H.R. 815, the American Community Renewal Act, does in a bipartisan manner with a hundred cosponsors, including 19 Democrats.

We can also seek to empower charities and faith-based organizations around this country by providing a level playing field so that they can also compete for government funds when they are providing services which the government is contracting out. Just last week, the House of Representatives extended this principle of religious nondiscrimination in charitable choice to juvenile justice programs by an overwhelming bipartisan vote of 346 to 83.

This principle has been in law since 1996 when we passed it in welfare re-

form and more recently in 1998, when we included it in the Community Services Block Grant Reauthorization. It may not be as glamorous or as newsworthy as our debates on guns and/or the Ten Commandments, but the fact is we have been moving ahead systematically over a number of years of expanding charitable choice.

Another way that we can help these community builders is by encouraging charitable donations to these effective charities. I have my own legislation which encourages giving to charities in general, the Giving Incentive and Volunteer Encouragement Act which increases the charitable deduction 120 percent of individuals' contribution, allows non-itemizers to once again receive a deduction for charitable contributions, eliminates the cap on how much people can give and deduct, and extends the charitable contribution deadline to April 15.

This House can also encourage State charity tax credits, as we did in the Community Services Block Grant where we gave flexibility—the gentleman from Ohio (Mr. KASICH) in H.R. 1607, the Charity Empowerment Act, which I cosponsored, extends this discretion past what we did to other Federal block grants and expands the principle of charitable choice in a manner and addition consistent with what Vice President Gore.

Not only has the leading Republican contender, Governor Bush, but now Vice President Gore, has started promoting charitable choice. States as varied as Texas, Maryland, Indiana are partnering with faith-based organizations in the effort to assist those groups most able to walk alongside those individuals in greatest need. Local communities and taxpayers are impressed with the results. Government can be a partner rather than a hindrance in a barrier to renewed communities.

I urge the support for this resolution to commend and thank all those unsung heroes throughout this country who are working to restore hope to all segments of American society.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia (Mr. SCOTT) will control 20 minutes pursuant to the rule.

There was no objection.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the notion that faith-based organizations should be able to receive Federal funds where constitutionally appropriate to provide services for individuals in need. We all recognize the contributions that these organizations have made. Some of them, in fact, do a better job than other nonprofits that are not religiously affiliated.

But while I support the underlying premise of H. Res. 207, and recognizing the contributions that faith-based organizations have made, I take issue

with the reference in the resolution, in H.R. 815, the American Community Renewal Act. This legislation presents considerable policy and constitutional issues relating to faith-based organizations.

Mr. Speaker, under current law, religiously affiliated organizations such as Catholic Charities or Lutheran Services in America and the United Jewish Communities are generally permitted to provide social services with government funds so long as the program receiving the funds is not pervasively sectarian or religiously discriminatory.

The American Community Renewal Act is a dramatic and extreme departure from current law as it seeks to fund pervasively sectarian organizations to administer substance abuse benefits on behalf of the government. Pervasively sectarian programs are those defined by the United States Supreme Court in which, and I quote, religion is so pervasive that a substantial portion of their function is subsumed in their religious mission.

In various cases, the Supreme Court has listed several criteria to be used to help to determine if the program is pervasively sectarian such as is it located near a house of worship and abundance of religious symbols on the premises, religious discrimination in the institution's hiring practices, the presence of religious activities, or the purposeful articulation of religious mission.

Specifically this resolution and this legislation that is commented by the resolution allows providers to require program participants to, 1, actively participate in religious practice worship and instruction; and 2, to follow the rules of behavior devised by the organizations that are religious in content and origin.

Thus, as proposed, the American Community Renewal Act would authorize the use of taxpayer funds to directly coerce government beneficiaries to practice certain religious beliefs, and it does so without adequately notifying participants that they have a right to seek nonreligious services. In addition, it would allow faith-based organizations to engage in employment discrimination based on religion, with public funds.

Now title VII of the 1964 Civil Rights Act provides for a specific exemption for religious organizations from the prohibition against discrimination on the basis of religion and private employment. For example, a church in hiring the minister can require the minister to have to belong to that particular religion, but this exemption has never been applied to employees of Federal programs sponsored by a religiously affiliated organizations.

As proposed, H.R. 815, in 815 those organizations who are receiving Federal funds may deny, for example, drug counselors' employment based on their religion. For example, this bill allows an exemption as follows: Quote, a religious organization that is a program

participant may require that an employee rendering services adhere to, A, the religious beliefs and practices of that organization, and B, the rules of the organization regarding the use of alcohol. This means that a federally funded drug program sponsored by a religiously affiliated organization could for the first time since we had meaningful civil rights laws say that drug counselors of other religions need not apply.

Beyond the considerable constitutional implications of this legislation there are also several serious policy concerns that should be mentioned. Of particular note is the concern that the legislation would override State licensing and certification of drug and alcohol treatment counselors.

Additionally, there is an inclusion of an absolutely absurd congressional finding that, quote, formal educational qualifications for counselors and other program personnel in drug treatment programs may undermine the effectiveness or even may hinder or prevent the provision of needed drug treatment services. To suggest that formal educational qualifications for counselors and other personnel may be counterproductive is not anything that we have evidence to support.

Mr. Speaker, there is a reason why we have laws separating church and State activities. We have a long line of Supreme Court cases showing how this could be done and how it is appropriate to be done.

□ 1515

This legislation, which references H.R. 815, is an extreme and dramatic departure from that long line of cases, and for that reason the resolution ought to be opposed.

Mr. Speaker, I reserve the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

I would like to point out for the record that we have already adopted, as I said earlier, this three times; and I understand there are some differences on the Democratic side, but the Vice President of the United States, on his home page, on Gore 2000, actually says that "where faith can play a unique and effective role such as drug treatment." He also said in his speech, "I believe the lesson for our Nation is clear in those instances where the unique power of faith can help us meet the crushing social challenges that are otherwise impossible to meet, such as drug addiction."

So he is specifically referring to some of these programs where they have the drug addiction.

In his longer speech, the gentleman from Virginia (Mr. SCOTT), where he was referring to pervasively sectarian, that is directly contrary to the Vice President's speech where he said, "I have seen the transformative power of faith-based approaches." He talks about: While I believe strongly in separation of church and state, but freedom

of religion need not mean freedom from religion. There is a better way. He specifically talks about an organization where his wife practices. He says, my wife, Tipper, practices her faith and sees its power through her work with homeless people who come to Christ House.

Now, if it is pervasively sectarian, in fact, it would undermine the very principle that both parties are backing

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today on behalf of House Resolution 27.

Members of this House have the distinct opportunity to join our efforts today and stand behind the idea of community renewal. A lot has been written and spoken lately about the idea of "compassionate conservatism." Even Presidential candidates of both parties have enjoyed extolling the success of faith-based and private institutions.

Well, all of us, from both sides of the aisle, have the opportunity to support legislation that compassionately looks out for the poor among us. Yet it does this by using the resources of government to spur the local economy and market incentives for the improvement on low-income neighborhoods and communities.

For the last year, the Renewal Alliance, a group of Senators and Members committed to assisting poor neighborhoods through civic and legislative solutions and nongovernmental solutions, has recognized private sector solutions to poverty and despair all across the country. We have found neighborhood organizations and communities that are efficiently solving the problems of poverty in ways that a government-run program can only dream of. We must realize that although there is a role for government, we cannot allow it to shackle the very institutions which are providing hope to these communities.

That is why the Renewal Alliance has developed the "Real Life" agenda, the legislation the gentleman referred to, to strengthen social entrepreneurs who are changing lives and stimulating economic development in our urban centers. They primarily do it in three ways: through community renewal, a charity tax credit; through economic incentives, for investment in poor communities; and through educational opportunities for low-income children.

The Great Society program, which was initiated by the liberals, had its \$30 billion experiment with government programs. Let us now turn our efforts towards empowering grass-roots leaders who are working to eliminate poverty. These leaders are united in a commitment to offering help and healing to those in need. They have been dedicated to meeting the physical and spiritual and emotional needs of individuals.

I have made many stops to small, nonprofit, faith-based charities in my

district, and throughout all of my visits, over and over, it is confirmed to me that those whose work springs from a heart dedicated to following a standard larger than themselves do not stop work at 5 o'clock. They do not leave their work at work. They live it, and they breathe it. They are committed to helping our society's weakest members and doing the true, time-intensive work of transforming lives and communities.

Just as the character of a person is seen in the most precious objects of its love, it has also been said that the character of a nation is shown by how it treats its weakest members. Grass-roots, neighborhood, and community-based healers are found throughout this Nation, and such organizations within the communities have the ability to demonstrate success within a new paradigm, which is often, although not always, a faith component.

We must look past the think tanks, past the lofty theories; we must look past the government programs and wasted dollars. We must embrace the common-sense community answers which already exist and are already changing lives in our midst. They do not have hefty budgets. They are places that are not quasi-government, they are charitable in nature, and the Renewal Alliance has made it its business to seek out these kinds of solutions and promote them.

It is within these groups time and again that we have seen remarkable transformations taking place, not only in the lives of individuals, but in their families and in surrounding communities. For instance, Teen Challenge of Philadelphia, a faith-based drug and alcohol recovery program, has success rates of 70 to 80 percent compared to single-digit success rates of government programs. Yet it is continually hassled and charged to have the so-called correct staffing requirements which existed in a State-run drug treatment program which had single-digit success rates.

Another type of program we must recognize is one like Dorothy Harrell's Abbotsford Tenant Management Association in Philadelphia. Dorothy, unfortunately, cannot hire the residents of her housing facility to perform maintenance tasks around the community because of a government labor law requiring highly-paid workers from outside to come in and do simple tasks. That is absurd.

It is the goal of Renewal Alliance not only to bring these wrongs to light, but to promote these "beacons of hope" to a larger community.

We know that with government programs, 70 percent of every dollar designated to serve the poor goes not to the poor, but to those who serve the poor, the poverty industry. Therefore, there is a proprietary interest in maintaining people in poverty. This is exactly what we need to work against, and it is why we brought this important issue to the forefront of debate today.

We as an institution, as Members, must embrace the work of these groups. So today, I urge and challenge my colleagues to support the truly compassionate and, yes, conservative approach to renewing our low-income programs in this community. Support the American Community Renewal Act, a common-sense, next step to restore our cities to vibrancy. I urge support of this resolution so that we can take the next step towards commitment to communities in this Nation.

Mr. SCOTT. Mr. Speaker, could I inquire as to how much time we have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Virginia (Mr. SCOTT) has 14½ minutes remaining; the gentleman from Indiana (Mr. SOUDER) has 10½ minutes remaining.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. EDWARDS).

(Mr. EDWARDS asked and was given permission to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, the issue before the House today is not whether faith-based organizations can be an effective tool in solving America's social problems. The real question is whether, in effect, an unconstitutional direct funding of churches, synagogues, mosques and other houses of religion would empower faith-based organizations or shackle them with Federal regulations.

I am going to put aside my prepared remarks and ask the gentleman from Pennsylvania if he would allow us to exchange a discussion and questions. Since this did not go through a committee hearing process, I think it would be very helpful if the gentleman would answer some questions about the intent of this legislation, if the gentleman from Pennsylvania (Mr. PITTS) would allow me to have that exchange.

Now, if I could ask the gentleman, under this bill, and H.R. 815 which it supports, it says, the program can basically require a participant in a drug and alcohol abuse program to, quote, "actively participate in religious practice, worship and instruction, and follow rules of behavior devised by the organizations that are religious in content and/or origin."

Now, if a Wiccan organization, Wiccan organization were to win a drug and alcohol abuse grant funding program from the Federal Government, can I ask, could a Christian participant in that Wiccan program be forced to participate in a religious ceremony honoring the sun or the moon?

I would like to ask the author of the legislation, since only can we know by hearing from the author of the legislation, what the intent of this important legislation is that goes to the heart of the very idea and principle of the first amendment of the Constitution.

Mr. SOUDER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana for an answer to that question.

Would a Christian under the gentleman's legislation and H.R. 815 who is participating in a program run by the Wiccans be forced to participate in a Wiccan religious service?

Mr. SOUDER. Mr. Speaker, the answer is no. Clearly, there will be matters of interpretation. In most of these laws, we have specifically that one cannot use specific religious indoctrination, but one does not have to change the character of the program.

For example, religious people can teach it; a priest could be in a collar, you could have religious symbols in the room.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I would ask the gentleman, if on page 75, line 23, the American Community Renewal Act says, "A religious organization that is a program participant may require a program beneficiary who is elected to receive program services from the organization; one, can require them to actively participate in religious practice, worship and instruction; and two, to follow the rules of behavior devised by the organization that are religious in content or origin."

Is that in the bill?

Mr. EDWARDS. Mr. Speaker, that is in the bill. And reclaiming my time, the point I would make is, that direct language in the bill directly conflicts with the gentleman's answer to my question.

Let me ask the gentleman another question about the intent of this legislation and H.R. 815, which he is supporting.

Under this legislation, would a Christian organization that has won a grant program for alcohol and drug abuse programs be able to take Federal funds to hire and fire employees, and could it then refuse to hire an employee, a perfectly qualified employee, because that person is Jewish?

Mr. SOUDER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Speaker, the fundamental underlying answer to your question is nobody is required to go to this program, there is an opt-out provision; and the answer is, yes, the integrity of the hiring organization, a Jewish organization can fire a Protestant if they chose.

Mr. EDWARDS. Mr. Speaker, reclaiming my time, I appreciate the gentleman admitting that under this legislation, we are going to endorse for the first time perhaps in this country's history federally-funded job discrimination based on race, sex, religion, marital status.

I think that would be as good of an argument as I could make against this legislation.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, did I understand the gentleman to say that if one church ran a drug counseling program, that they could have a sign on their door that said Jewish drug counselors need not apply for a job under a federally-funded program?

Mr. EDWARDS. Mr. Speaker, the answer is absolutely. Absolutely.

Mr. Speaker, reclaiming my time, I think this point, these answers to these fundamental questions are an example of why it is a poor reflection upon this House that an issue as important as religious freedom is defended by the first 16 words of the Bill of Rights. The last two times this was debated it was debated at 12 a.m. and 1 a.m. respectively, and today it is debated during a suspension calendar. Maybe that is appropriate. We are suspending the religious freedoms guaranteed by the first amendment of the Bill of Rights under the suspension calendar today. This deserves more consideration, and this measure should be defeated.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

I think it is fair to point out that in the Civil Rights Act there are also rights for those who want to practice their belief, and we should not say Christian counselors or Jewish counselors need not apply if they are going to practice their faith. There is no mandatory requirement to go into this program. The Vice President has supported this. This House has supported a similar provision in a welfare reform and social services block grant and now in juvenile justice.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, let me, first of all, thank the gentleman from Indiana for yielding me this time.

Mr. Speaker, I rise in support of this important resolution. I do so because despite the rosy vision of our economy, which some believe has brought prosperity to all Americans, the fact remains that millions of Americans are unemployed, are underemployed. Decent jobs and other economic opportunities are desperately needed in low-income, cash-strapped communities.

If the future looks bright for some, there are millions of others who obviously are not looking through that same lens. The fact of the matter is that in my congressional district, in the Seventh District of Illinois, there are 175,000 people who live at or below the poverty level.

That is why, Mr. Speaker, I and 100 other Members of this body have joined in sponsoring the American Community Renewal Act, H.R. 815.

Mr. Speaker, community economic development requires one to examine the reality of one's community, including the economic and social activities of its residents, small businesses and other organizations. Traditionally, government agencies often use tax incentives and regulations to attract

large businesses. That is because many Members think big business brings prosperity. This thinking has resulted in destructive competition among States and local areas to attract and retain these businesses.

□ 1530

The fact of the matter is only so many large businesses and corporations exist to go around. Not every community can have one. However, every community has a family-owned and operated small business. Every community has a church that actively participates in the lives of its people. ACRA directs government support to these valued resources, holding onto the idea that community residents should be the first people to benefit.

This is no absolute panacea, but I can tell the Members, in spite of all the conversations that we hear, there are communities all across America that are dying on the vine because they cannot get the resources into those communities to the people who need them.

While I strongly believe in the First Amendment, while I strongly believe in the separation of church and State, I am not convinced that by allowing programs to be operated by individuals who have Christian principles, who believe in certain values and are willing to espouse those, as it has already been indicated, Mr. Speaker, there is an opt-out provision, and this program does not require or this legislation does not require anyone to come into any program. That would be established.

However, it does allow programs that have proven to be effective where in addition to the professional modalities that are used people also inject faith into them.

So with all due respect to my colleagues who see this differently, it is my hope, my desire, and my wish that we would support this resolution, that we would support the American Community Renewal Act, and give an additional tools to those communities that nobody else has found a way to save.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague for yielding time to me.

Mr. Speaker, I rise today to express my strong opposition to House Joint Resolution 207. While this resolution is nonbinding and sounds innocent enough, the truth is that this resolution represents an assault on the separation of church and State.

The separation of church and State is a concept that underlies our constitutional democracy and dates back to the founding of our great Nation. On the walls of the Jefferson Memorial are inscribed these words: No man shall be compelled to frequent or support any religious worship or ministry or shall otherwise suffer on account of his religious opinion or belief." Yet, House Joint Resolution 207 endorses a law which would compel a citizen through his tax dollars to do just that.

The American Community Renewal Act, which this resolution endorses, would change current law and allow the beneficiaries of church-based social services to be proselytized. In some cases this could mean that getting help requires getting saved. Let me repeat that again. In some cases, this could mean that getting help requires getting saved, getting saved.

That is not right. It is not fair. It is not just. It is not the role of or government to subsidize the spread of God's word. That is the role of the church, the synagogue, the mosque, the temple.

The American Community Renewal Act would also appear to sanction religious discrimination against employees. This bill would override State civil rights laws and allow religious-based employers providing social services to discriminate on the basis of a person's religious tenets or beliefs.

There are many religious institutions providing good and worthwhile social services to people in need throughout our Nation. These groups and institutions are to be applauded. But as a government and as a Nation, we should not violate the separation of church and State. It has guided our country for more than 220 years. Our forefathers in their wisdom devised a system of government that protects the religious liberty of all Americans. This Congress should do nothing to undermine this great system of our great Constitution.

Mr. Speaker, I urge my colleagues to defeat House Resolution 207.

(Mr. SOUDER asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, nothing in this legislation requires anybody to be saved or to participate in any program. In other words, there is an opt-out provision. I believe it will unleash the incredible influence and power of the African-American church in America. The Hispanic churches are actually very effective at the grass roots level.

Mr. Speaker, I include the following material for the Record:

THE AMERICAN COMMUNITY RENEWAL ACT  
ANSWERS TO OBJECTIONS RAISED TO FAITH  
BASED DRUG TREATMENT PROVISIONS ON THE  
AMERICAN COMMUNITY RENEWAL ACT (H.R. 815)

Objection 1: It's Unconstitutional—it violates the separation of church and state:

This is untrue. Currently, two voucher programs have been successfully and legally implemented. First, the Child Care Block grant was voucherized in 1993 so that parents could use federal daycare dollars at the provider they choose—religious or secular. Second, the new welfare law allows states to contract out their social services to both religious or non-religious providers.

ACRA's drug treatment provision is the same. It voucherizes the Substance Abuse Block grant and other treatment block grants and allows the addict to decide where to use the voucher.

The Court has ruled that as long as the voucher recipient has a choice among providers both religious and non-religious and the participant makes the decision, then the choice is Constitutional.

Consider it this way: If you oppose this provision of ACRA, you oppose Pell Grants. With a Pell Grant, students use this federal grant money to attend Notre Dame, Providence College, or Yeshiva University without raising constitutional concerns. The Substance Abuse Block grants are no different.

Objection 2: There is no certification of counselors in the bill.

Why would you exclude a program that is the most successful? Let's keep our priorities straight. What is more important—curbing addicts or enforcing certification requirements?

ACRA places its priorities on helping addicts—not on who has what credentials. ACRA will not allow for a program to be discriminated against if it has a high success rate—even if there is no formal certification of its counselors.

Bob Woodson of the National Center for Neighborhood Enterprise works with some of the most successful faith-based drug treatment programs around the country has testified before the House Small Business Committee saying, "The silver bullet of the success of faith based substance abuse programs is staff composed of men and women who have themselves overcome addictions and can establish a basis of trust and openness necessary for addicts to be freed from their habits."

Objection 3: Advancing these faith-based programs is an untested idea even according to a GOP commissioned GAO report:

Faith-based programs work. According to the National Institute on Drug Abuse, faith-based programs have a 60-80% cure rate. In sharp contrast, a RAND Corporation issued a report showing conventional treatment programs have only a 6-13% success rate.

In addition to being more successful, faith-based programs are almost always cheaper. Teen Challenge in PA spends only \$25 to \$35 a day compared with \$600 a day for conventional, therapeutic hospital-based care.

Objection 4: ACRA forces religion on people:

ACRA forces religion on no one. It only makes highly successful programs accessible to more people.

The language is very clear that the individual makes the choice of where to get the treatment—not the state. Even if they are not happy with their choice, addicts can leave the program and use their voucher at another program at anytime.

Objection 5: H.R. 815 allows for faith-based programs to discriminate against hiring people with different religious backgrounds:

Doesn't it make sense that a church can have the ability to pick their staff based on their religious beliefs? If that is a part of their recipe for success, then they should be able to hire those that believe.

Essentially, this is no different than publicly run programs discriminating against counselors because they don't have a masters degree.

[From the Brookings Review, Mar. 22, 1999]

"NO AID TO RELIGION?"

(By Ronald J. Sider and Heidi Rolland Unruh)

As government struggles to solve a confounding array of poverty-related social problems—deficient education, un- and underemployment, substance abuse, broken families, substandard housing, violent crime, inadequate health care, crumbling urban infrastructures—it has turned increasingly to the private sector, including a wide range of faith-based agencies. As described in Stephen Monsma's *When Sacred and Secular Mix*, public funding for nonprofit organizations with a religious affiliation is surprisingly high. Of the faith-based child service agencies Monsma surveyed, 63 percent reported that more than 20 percent of their budget came from public funds.

Government's unusual openness to cooperation with the private religious sector arises in part from public disenchantment with its programs, but also from an increasingly widespread view that the nation's acute social problems have moral and spiritual roots. Acknowledging that social problems arise both from unjust socioeconomic structures and from misguided personal choices, scholars, journalists, politicians, and community activists are calling attention to the vital and unique role that religious institutions play in social restoration.

Though analysis of the outcomes of faith-based social services is as yet incomplete, the available evidence suggests that some of those services may be more effective and cost-efficient than similar secular and government programs. One oft-cited example is Teen Challenge, the world's largest residential drug rehabilitation program, with a reported rehabilitation rate of over 70 percent—a vastly higher success rate than most other programs, at a substantially lower cost. Multiple studies identify religion as a key variable in escaping the inner city, recovering from alcohol and drug addiction, keeping marriages together, and staying out of prison.

#### THE NEW COOPERATION AND THE COURTS

Despite this potential, public-private cooperative efforts involving religious agencies have been constrained by the current climate of First Amendment interpretation. The ruling interpretive principle on public funding of religious nonprofits—following the metaphor of the wall of separation between church and state, as set forth in *Everson v. Board of Education* (1947)—is "no aid to religion." While most court cases have involved funding for religious elementary and secondary schools, clear implications have been drawn for other types of "pervasively sectarian" organizations. A religiously affiliated institution may receive public funds—but only if it is not too religious.

Application of the no-aid policy by the courts, however, has been confusing. The Supreme Court has provided no single, decisive definition of "pervasively sectarian" to determine which institutions qualify for public funding, and judicial tests have been applied inconsistently. Rulings attempting to separate the sacred and secular aspects of religiously based programs often appear arbitrary from a faith perspective, and at worst border on impermissible entanglement. As a result of this legal confusion, some agencies receiving public funds pray openly with their clients, while other agencies have been banned even from displaying religious symbols. Faith-based child welfare agencies have greater freedom in incorporating religious components than religious schools working with the same population. Only a few publicly funded religious agencies have been challenged in the courts, but such leniency may not continue. While the no-aid principle holds official sway, faith-based agencies must live with the tension that what the government gives with one hand, it can take away (with legal damages to boot) with the other. The lack of legal recourse leaves agencies vulnerable to pressures from public officials and community leaders to secularize their programs.

The Supreme Court's restrictive rulings on aid to religious agencies stand in tension with the government's movement toward greater reliance on private sector social initiatives. If the no-aid principle were applied consistently against all religiously affiliated agencies now receiving public funding, government administration of social services would face significant setbacks. This ambiguous state of affairs for public-private cooperation has created a climate of mistrust

and misunderstanding, in which faith-based agencies are reluctant to expose themselves to risk of lawsuits, civic authorities are confused about what is permissible, and multiple pressures push religious organizations into hiding or compromising their identity, while at the same time, many public officials and legislators are willing to look the other way when faith-based social service agencies include substantial religious programming.

Fortunately, an alternative principle of First Amendment interpretation, which Monsma identifies as the "equal treatment" strain, has recently been emerging in the Supreme Court. This line of reasoning—as in *Widmar v. Vincent* (1981) and *Rosenberger v. Rector* (1995)—holds that public access to facilities or benefits cannot exclude religious groups. Although the principle has not yet been applied to funding for social service agencies, it could be a precedent for defending cooperation between government and faith-based agencies where the offer of funding is available to any qualifying agency.

The section of the 1996 welfare reform law known as Charitable Choice paves the way for this cooperation by prohibiting government from discriminating against nonprofit applicants for certain types of social service funding (whether by grant, contract, or voucher) on the basis of their religious nature. Charitable Choice also shields faith-based agencies receiving federal funding from governmental pressures to alter their religious character—among other things, assuring their freedom to hire staff who share their religious perspective. Charitable Choice prohibits religious nonprofits from using government funds for "inherently religious" activities—defined as "sectarian workshop, instruction, or proselytization"—but allows them to raise money from non-government sources to cover the costs of any such activities they choose to integrate into their program. Clearly, Charitable Choice departs from the dominant "pervasively sectarian" standard for determining eligibility for government funding, which has restricted the funding of thoroughly religious organizations. It makes religiosity irrelevant to the selection of agencies for public-private cooperative ventures and emphasizes instead the public goods to be achieved by cooperation. At the same time, Charitable Choice protects clients' First Amendment rights by ensuring that services are not conditional on religious preference, that client participation in religious activities is voluntary, and that an alternative nonreligious service provider is available.

#### THE FIRST AMENDMENT AND THE CASE FOR CHARITABLE CHOICE

Does Charitable Choice violate the First Amendment's non-establishment and free exercise clauses?

We think no. As long as participants in faith-based programs freely choose those programs over a "secular" provider and may opt out of particular religious activities within the program, no one is coerced to participate in religious activity, and freedom of religion is preserved. As long as government is equally open to funding programs rooted in any religious perspective whether Islam, Christianity, philosophic naturalism, or no explicit faith perspective—government is not establishing or providing preferential benefits to any specific religion or to religion in general. As long as religious institutions maintain autonomy over such crucial areas as program content and staffing, the integrity of their separate identity is maintained. As long as government funds are exclusively designated for activities that are not inherently religious, no taxpayer need fear that

taxes are paying for religious activity. While Charitable Choice may increase interactions between government and religious institutions, these interactions do not in themselves violate religious liberty. Charitable Choice is designed precisely to discourage such interactions from leading to impermissible entanglement or establishment of religion.

Not only does Charitable Choice not violate proper church-state relations, it strengthens First Amendment protections. In the current context of extensive government funding for a wide array of social services, limiting government funds to allegedly "secular" programs actually offers preferential treatment to one specific religious worldview.

In setting forth this argument, we distinguish four types of social service providers. First are secular providers who make no explicit reference to God or any ultimate values. People of faith may work in such an agency—say, a job training program that teaches job skills and work habits—but staff use only current techniques from the social and medical sciences without reference to religious faith. Expressing explicit faith commitments of any sort is considered inappropriate.

Second are religiously affiliated providers (of any religion) who incorporate little inherently religious programming and rely primarily on the same medical and social science methods as a secular agency. Such a program may be provided by a faith community and a staff with strong theological reasons for their involvement, and religious symbols and a chaplain may be present. A religiously affiliated job training program might be housed in a church, and clients might be informed about the church's religious programs and about the availability of a chaplain's services. But the content of the training curriculum would be very similar to that of a secular program.

Third are exclusively faith-based providers whose programs rely on inherently religious activities, making little or no use of techniques from the medical and social sciences. An example would be a prayer support group and Bible study or seminar that teaches biblical principles of work for job-seekers.

Fourth are holistic faith-based providers who combine techniques from the medical and social sciences with inherently religious components such as prayer, worship, and the study of sacred texts. A holistic job training program might incorporate explicitly biblical principles into a curriculum that teaches job skills and work habits, and invite clients to pray with program staff.

Everyone agrees that public funding of only the last two types of providers would constitute government establishment of religion. But if government (because of the "no aid to religion" principle) funds only secular programs, is this a properly neutral policy?

Not really, for two reasons. First, given the widespread public funding for private social services, if government funds only secular programs, it puts all faith-based programs at a disadvantage. Government would tax everyone—both religious and secular—and then fund only allegedly secular programs. Government-run or government-funded programs would be competing in the same fields with faith-based programs lacking access to such support.

Second, secular programs are not religiously neutral. Implicitly, purely "secular" programs convey the message that nonreligious technical knowledge and skills are sufficient to address social problems such as low job skills and single parenthood. Implicitly, they teach the irrelevance of a spiritual dimension to human life. Although secular

programs may not explicitly uphold the tenets of philosophical naturalism and the belief that nothing exists except the natural order, implicitly they support such a worldview. Rather than being religiously neutral, "secular" programs implicitly convey a set of naturalistic beliefs about the nature of persons and ultimate reality that serve the same function as religion. Vast public funding of only secular programs means massive government bias in favor of one particular quasi-religious perspective—namely, philosophical naturalism.

Religiously affiliated agencies (type two), which have received large amounts of funding in spite of the "no aid to religion" principle, pose another problem. These agencies often claim a clear religious identity—in the agency's history or name, in the religious identity and motivations of sponsors and some staff, in the provision of a chaplain, or in visible religious symbols. By choice or in response to external pressures, however, little in their program content and methods distinguishes many of these agencies from their fully secular counterparts. Prayer, spiritual counseling, Bible studies, and invitations to join a faith community are not featured; in fact, most such agencies would consider inherently religious activities inappropriate to social service programs.

Millions of public dollars have gone to support the social service programs of religiously affiliated agencies. There are three possible ways to understand this apparent potential conflict with the "no aid to religion" principle. Perhaps these agencies are finally only nominally religious, and in fact are essentially secular institutions, in which case their religious sponsors should be raising questions. Or perhaps they are more pervasively religious than they have appeared to government funders, in which case the government should have withheld funding.

The third explanation may be that these agencies are operating with a specific, widely accepted worldview that holds that people may need God for their spiritual well-being, but that their social problems can be addressed exclusively through medical and social science methods. Spiritual nurture, in this worldview, is important in its place, but has no direct bearing on achieving public goods like drug rehabilitation or overcoming welfare dependency. Such a worldview acknowledges the spiritual dimension of persons and the existence of a transcendent realm outside of nature. But it also teaches (whether explicitly or implicitly) a particular understanding of God and persons, by addressing people's social needs independently of their spiritual nature. By allowing aid to flow only to the religiously affiliated agencies holding this understanding, government in effect has given preferential treatment to a particular religious worldview.

Holistic faith-based agencies (type four), on the other hand, operate on the belief that no area of a person's life—whether psychological, physical, social, or economic—can be adequately considered in isolation from the spiritual. Agencies operating out of this worldview consider the explicitly spiritual components of their programs—used in conjunction with conventional, secular social service methods—as fundamental to their ability to achieve the secular social goals desired by government. Government has in the past considered such agencies ineligible for public funding, though they may provide the same services as their religiously affiliated counterparts.

Some claim that allowing public funds to be channeled through a holistic religious program would threaten the First Amendment, while funding religiously affiliated agencies does not. But the pervasively sectarian standard has also constituted a gen-

uine, though more subtle, establishment of religion, because it supports one type of religious worldview while penalizing holistic beliefs. It should not be the place of government to judge between religious worldviews—but this is what the no-aid principle has required the courts to do. Selective religious perspectives on the administration of social services are deemed permissible for government to aid. Those who believe that explicitly religious content does not play a central role in addressing social problems are free to act on this belief with government support; those who believe that spiritual nurture is an integral aspect of social transformation are not.

The alternative is to pursue a policy that discriminates neither against nor in favor of any religious perspective. Charitable Choice enables the government to offer equal access to benefits to any faith-based nonprofit, as long as the money is not used for inherently religious activities and the agency provides the social benefits desired by government. Charitable Choice does not ask courts to decide which agencies are too religious. It clearly indicates the types of "inherently religious" activities that are off-limits for government funding. The government must continue to make choices about which faith-based agencies will receive funds, but eligibility for funding is to be based on an agency's ability to provide specific public goods, rather than on its religious character. Charitable Choice moves the focus of church-state interactions away from the religious beliefs and practices of social service agencies, and onto the common goals of helping the poor and strengthening the fabric of public life.

#### A MODEL FOR CHANGE

Our treasured heritage of religious freedom demands caution as we contemplate new forms of church-state cooperation—but caution does not preclude change, if the benefits promise to outweigh the dangers. Indeed, change is required if the pervasively sectarian standard is actually biased in favor of some religious perspectives and against others.

For church and state to cooperate successfully, both must remain true to their roles and mission. Religious organizations must refrain from accepting public funds if that means compromising their beliefs and undermining their effectiveness and integrity. Fortunately, Charitable Choice allows faith-based agencies to maintain their religious identity, while expanding the possibilities for constructive cooperation between church and state in addressing the nation's most serious social problems.

Ronald Sider, author of *Rich Christians in an Age of Hunger* (World Books, 1997), is president of Evangelicals for Social Action, where Heidi Rolland Unruh is a policy analyst. This article is drawn from "An (Ana) baptist Theological Perspective on Church-State Cooperation," in *Welfare Reform and Faith-Based Operations*, eds. Derek Davis and Barry Hankins (J.M. Dawson Institute of Church-State Studies, 1999).

#### THE GORE AGENDA: FAITH-BASED ORGANIZATIONS AND THE POLITICS OF COMMUNITY

"I believe the lesson for our nation is clear: in those instances where the unique power of faith can help us meet the crushing social challenges that are otherwise impossible to meet—such as drug addiction and gang violence—we should explore carefully-tailored partnerships with our faith community, so we can use approaches that are working best."—Al Gore, Atlanta, GA

Al Gore knows that faith is critical to strong families. That is why he has worked to promote the role of faith-based organizations in helping to strengthen families.

Through the Coalition to Sustain Success, an organization formed at the urging of the Vice President, he has worked to harness the best efforts of faith-based, community-based, and non-profit organizations to help former welfare recipients succeed in the workplace. His experiences with the Coalition have shown him that faith-based organizations are making a difference in addressing other challenges that have defied attempted solutions. Leaders of the new revolution of faith-based organizations call it "the politics of community."

Al Gore believes government can play a greater role in sustaining the quiet revolution of faith and values—not by dictating solutions from above, but by supporting the effective new policies that are rising up from the grassroots level. That is why he is proposing concrete actions to help faith-based organizations do what they do best—offer new hope for social progress.

#### EXTEND CHARITABLE CHOICE

The 1966 welfare reform law contains a provision called Charitable Choice that allows states to enlist faith-based organizations to provide basic welfare services and help move people from welfare to work—as long as there is a secular alternative for anyone who wants one, and as long as no one is required to participate in religious observances as a condition for receiving services. Al Gore believes we should extend this carefully-tailored approach to other vital services where faith can play a unique and effective role—such as drug treatment, homelessness, and youth violence prevention.

#### SCALING UP THE ROLE OF FAITH-BASED ORGANIZATIONS

Al Gore believes that the solutions faith-based organizations are pioneering should be at the very heart of our national strategy for building a better, more just nation. By "scaling up" the efforts of faith-based organizations and making them integral to strategic local, state, and national planning, we can invigorate civil society; empower faith-based and secular non-profits alike; create a myriad of new multi-sector partnerships; and bring a whole new leadership into the political process—that of the community.

#### ENCOURAGE PRIVATE SUPPORT FOR FAITH-BASED ORGANIZATIONS

We need to make sure the efforts of faith- and value-based organizations are recognized and supported across America. Right now it is common for employees to have their charitable contributions matched by their company, up to an annual limit. Rarely are faith-based programs approved for such matches. Al Gore calls upon the corporations of America to encourage and match contributions to faith and value-based organizations.

#### TEXT OF GORE REMARKS ON THE ROLE OF FAITH-BASED ORGANIZATIONS, MAY 24, 1999

I want to talk today about a dramatic transformation in America. It's one that you and your families are already a part of.

This transformation is a quiet one—and a good one. It is a movement that is entirely about solutions. And it is sweeping from home to home and neighbor to neighbor, right now in America.

In spite of the cultural soul sickness we've confronted recently, there is a goodness in Americans that, when mobilized, is more than a match for it. Americans are still the most decent people on earth—and are actually growing in service and in selflessness. America has the highest level of religious belief and observance of any advanced nation. Americans' volunteer work has doubled in twenty years, even as more women—the traditional mainstay of volunteer groups—have

moved into the workplace. Both adults and teenagers are just as likely to go to church or synagogue today as their counterparts were twenty years ago. And in many ways, our public policies have shown the face of that strong and growing commitment to decency: ever-fewer Americans tolerate bigotry and discrimination, and our journey as a society reflects that.

This hunger for goodness manifests itself in a newly vigorous grassroots movement tied to non-profit institutions, many of them faith-based and values-based organizations. A church's soup kitchen. A synagogue's program to help battered women. A mosque's after-school computer center that keeps teenagers away from gangs and drugs.

It's commonplace to say that people are turned off to politics. This transformation shows that in fact people are not turned off to politics—to organized community action; rather, they are turned off to too many of the ways they have seen Washington work.

What many people are struggling to find is the soul of politics, to use Jim Wallis' words. They are living their politics, by deciding to solve the problems they see, and by going out into the streets of their communities and serving those left out and left behind. People are engaged in the deeply American act of not waiting for government to deal with the problems on their own doorsteps. Instead, they are casting a vote for their own wise hearts and strong hands to take care of their own.

I came here today to say this: the moment has come for Washington to catch up to the rest of America. The moment has come to use the people's government to better help them help their neighbors.

Ordinary Americans have decided to confront the fact that our severest challenges are not just material, but spiritual. Americans know that the fundamental change we need will require not only new policies, but more importantly a change of both our hearts and our minds. If children are not taught right from wrong, they behave chaotically; if individuals don't do what's right by their kids, no new government programs will stanch that decay. Whether they are religious or not, most Americans are hungry for a deeper connection between politics and moral values; many would say "spiritual values." Without values and conscience, our political life degenerates. And Americans profoundly—rightly—believe that politics and morality are deeply interrelated. They want to reconnect the American spirit to the body politic.

For too long, national leaders have been trapped in a dead end debate. Some on the right have said for too long that a specific set of religious values should be imposed, threatening the founders' precious separation of church and state. In contrast, some on the left have said for too long that religious values should play no role in addressing public needs. These are false choices: hollow secularism or right-wing religion. Both positions are rigid; they are not where the new solutions lie. I believe strongly in the separation of church and state. But freedom of religion need not mean freedom from religion. There is a better way.

My wife Tipper practices her faith and sees its power through her work with homeless people who come to Christ House, in Washington, DC. Many at Christ House are struggling with substance abuse and mental health issues—but they often suffer from a feeling of spiritual emptiness as well. So Christ House does more than provide shelter and medical care. It creates a loving, trusting atmosphere that helps address the issues that led to homelessness in the first place. Its founder tells the story of a reporter who spend a week there, interviewing the pa-

tients. At the end of her time, she said: "What amazed me is that for all of the medical treatment, I didn't hear anyone talking about putting on bandages, or taking medication." Instead, the reporter said, they talk of "a much deeper type of healing."

I have seen the transformative power of faith-based approaches through the national coalition I have led to help people move from welfare to work—the Coalition to Sustain Success.

In San Antonio I met a woman named Herlinda. She had given up on finding work, and had gone on welfare. She had so many challenges to face. English was her second language. She didn't think she had the skills to hold a job. And she had begun to conclude that maybe she didn't deserve one. Then she signed up for job training at the Christian Women's Job Corps, which is part of our Coalition.

There, she met a woman who mentored her through prayer and Bible study, and she soon began to regain her self-confidence. Faith gave her a new feeling of self-worth, of purpose—something no other program, no matter how technically sophisticated, could give her. When I met her, she told me that for the first time in years, she had applied for a position at Wal-Mart. Then she looked me in the eye, and said with pride, "I know I'll get the job."

And she did. In fact, Herlinda was recently honored as employee of the month in her workplace.

In San Francisco, I met a woman named Vicki. Because of a drug addiction, she had lost custody of her two children, lost her job, and gone on welfare. She had tried without success to beat her addiction. Then she joined a faith and values-based program that was part of our Coalition, and finally gained the inner strength to become clean. She regained custody of her children. And she has kept a full-time job. When I asked what she could do for others in the same bind, she said, "unfortunately, nothing—unless they want to change first." For Vicki, it was faith that finally enabled her to pry open the vise grip of drug addiction.

This better way is working spectacularly. From San Antonio to San Francisco, from Goodwill in Orlando to the Boys and Girls Club in Des Moines—I have seen the difference faith-based organizations make.

Tipper and I also began to learn about this better way at our annual "Family Reunion" policy conferences, where we saw how the power of love can reconnect fathers with children they had abandoned, and how that surrendering commitment to the father-child bond has a transforming impact on men more powerful than any program ever tried. I've also seen this approach used to clean up the environment by many local congregations working in their own communities, and working on national and global issues under the umbrella of the Religious Partnership for the Environment.

Leaders of the new movement of faith-based organizations pervasively sectarian call it "the politics of community." In this new politics, citizens take local action, based on their churches, synagogues, and mosques, but reaching out to all—to do what all great religions tell good people to do: visit the prisoners, help the orphans, feed and clothe the poor. The men and women who work in faith- and values-based organizations are driven by their spiritual commitment; to serve their God, they have sustained the drug-addicted, the mentally ill, the homeless; they have trained them, educated them, cared for them, healed them. Most of all, they have done what government can never do; what it takes God's help, sometimes, for all of us to manage; they have loved them—loved their neighbors, no matter how beaten down, how hopeless, how despairing. And good programs and practices



seem to follow, born out of that compassionate care.

Here in Atlanta at the Salvation Army's Adult Rehabilitation Center, I see in you the powerful role of faith in nurturing a change of consciousness. All of the men here who are recovering from substance abuse start the day with a morning devotion period. Many of them work right here during the day refinishing and reupholstering furniture, doing the work of the Salvation Army. Captain Guy Nickum, who runs the Center, says: "Our belief in God is in all of the steps of recovery." That belief is giving new hope to many of the recovering people who are with us today.

That is why this transformation is different in many ways from what has come before. Some past national political leaders have asked us to rely on a fragile patchwork of well-intentioned volunteerism to feed the hungry and house the homeless. That approach, optimistic though it was, was not adequate for the problems too many Americans face. It left too many American children behind to suffer. If all the private foundations in America gave away all their endowments, it would cover about one year of our current national commitment to meeting social challenges. In contrast, faith- and values-based organizations show a strength that goes beyond "volunteerism." These groups nationwide have shown a muscular commitment to facing down poverty, drug addiction, domestic violence and homelessness. And when they have worked out a partnership with government, they have created programs and organizations that have woven a resilient web of life support under the most helpless among us.

Reverend Eugene Rivers, as I read recently in an article, has been widely celebrated for helping to take back the worst neighborhoods of Boston through faith. He remembers a hardened gangster telling him: "I'm there when Johnny goes out for a loaf of bread. I'm there, you're not. I win, you lose. It's all about being there." but Reverend Rivers resolved that he would be there, too. He was, and he faced down the gangs.

A second difference is that they give another kind of help than the help given in government programs, no matter how dedicated the employees. To the workers in these organizations, that client is not a number, but a child of God. Those on the front lines of our most intractable battles are surprised to discover how concrete a difference that makes. "You couldn't function effectively without ministers in Boston," says William J. Bratton, who was the city's police commissioner, talking to a reporter about the clergy who saved inner-city kids from gangs.

Partly because of Reverend Rivers and his fellow faith leaders, Boston went 18 months without losing a single child to gun violence.

These workers are motivated more by service than institutional allegiance, so they try to get every penny to go to alleviating suffering rather than upholding a program for the sake of professional credentialism. Unlike bureaucracies, which can sometimes be self-perpetuating, the churches want their helping programs to work so well that they become obsolete. Traditional "helping" often gives material aid to the poor or hungry—and that's all. FBO outreach gives food, shelter—but also the one-to-one caring, respect and commitment that save lives even more effectively than just a nourishing meal or a new suit of clothes.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I came to this floor to talk about the goodness that I saw in House Resolution 207. I did not realize that I would run into a constitutional argument, but I have, and I do not mind addressing it.

Mr. Speaker, I feel that, barring constitutional prohibitions, House Resolution 207 is a very good resolution. I want to tell the Members why. I represent a district where people are in need. They are in need of housing. They are in need of faith. They are in need of the resolution. They are in need of reparations for long lost things, so many things.

I saw the good in this resolution. Many times a booming stock market does not boom in some of the inner city neighborhoods that I represent. The constituents which I represent, we have pockets of poverty. Faith-based organizations have come to the rescue. To the residents of these communities and these churches, it has been clear that without the help that they are receiving, many people would be homeless.

Sometimes they are the only organization, Mr. Speaker, that will provide hope to the communities. Not only have they been paragons of faith and hope for the spiritual need of their members, but they have provided economic opportunity within the limits of their financial resources. I feel that they have aggressively and should continue to aggressively venture into businesses, for-profit businesses, and to provide services.

For these reasons, faith-based organizations in my opinion deserve our close attention to be sure that we are able to deliver something to these communities.

I stand here as a woman of faith and say that there is a lot to be gained from faith-based organizations helping. They have demonstrated a sincere commitment. They are able to get the message to the people. So barring the constitutional limitations which I have heard here today, we need to support the faith-based organizations movement.

Mr. SCOTT. Mr. Speaker I ask unanimous consent that the time of debate be extended by 10 minutes, 5 minutes per side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

(Mr. SCOTT asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. SCOTT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, first, I think it is important in terms of the requirement, the coercion of religious activity, I think it is important that I repeat what is on page 75 of the bill: "A religious organization that is a program participant may require a program beneficiary to actively participate in

religious practice, worship, and instruction, and to follow the rules of behavior devised by the organization that are religious in content and origin."

Mr. Speaker, let us see what some religious groups have to say about this particular piece of legislation. I have a letter from the Working Group for Religious Freedom and Social Services which says "We, the undersigned religious education, health, civil rights, and civil liberties organizations, are writing to urge you to oppose House Resolution 207 which endorses the substance abuse treatment section of H.R. 815, the American Community Renewal Act, because it would violate the religious liberty rights of Federal taxpayers and social service beneficiaries."

Mr. Speaker, it goes on to say that the bill will allow religious providers to engage in religious discrimination against employees who are paid through and work on taxpayer-funded substance abuse treatment programs. Although religious institutions are permitted to hire co-religionists in the context of private religious activity, ACRA overrides State civil rights laws and amounts to Federally-funded employment discrimination by requiring employees paid with public funds to adhere to the religious tenets and teachings of the organization.

In addition, the act undercuts States' rights by preempting State constitutional and statutory provisions, including civil rights laws. Furthermore, ACRA erroneously states that counselor training undermines effective substance abuse treatment, and the bill requires States that establish such training requirements to give equivalent credit for religious education such as Bible study to course work in drug treatment.

This letter is endorsed by 31 organizations, including the American Baptist Churches, American Civil Liberties Union, the American Counseling Association, American Federation of State, County, and Municipal Employees, the American Jewish Committee, the American Jewish Congress, and a whole host of other religious organizations.

Mr. Speaker, I include this letter for the RECORD.

The letter referred to is as follows:

THE WORKING GROUP FOR RELIGIOUS  
FREEDOM IN SOCIAL SERVICES,

Washington, DC, June 21, 1999.

DEAR REPRESENTATIVE: We, the undersigned religious, education, health, civil rights, and civil liberties organizations are writing to urge you to oppose H.J. Res. 207 which endorses the Substance Abuse Treatment section of H.R. 815, the "American Community Renewal Act" (ACRA) because it would violate the religious liberty rights of federal taxpayers and social service beneficiaries. The bill would amend the federal Substance Abuse and Mental Health Services Administration statute so that "pervasively sectarian" religious institutions, such as churches and other houses of worship, could receive public funds to provide services on behalf of the government.

Although many religiously-affiliated nonprofit organizations currently provide government-funded substance abuse treatment,



JUNE 21, 1999.

the "American Community Renewal Act" would change current law to permit churches and other religious organizations that include evangelism in their programs, to receive contracts and vouchers for programs in which government social service beneficiaries may be proselytized.

In addition to violating the Establishment Clause of the First Amendment, ACRA is an affront to the religious liberty rights of substance abuse and mental health beneficiaries. Although a beneficiary technically has the right to object to a religious provider, ACRA does not provide notice to the beneficiary of his or her right to object. This is particularly disturbing in the context of substance abuse treatment. It is difficult enough for those addicted to substances to seek help. Furthermore, in most instances, even if a beneficiary takes the initiative to seek an alternative provider, the bill makes the religious institution responsible for finding the alternative.

The bill would also allow religious providers to engage in religious discrimination against employees who are paid through, and work on, taxpayer-funded substance abuse treatment programs. Although religious institutions are permitted to hire co-religionists in the context of private religious activity, ACRA overrides state civil rights laws and amounts to federally-funded employment discrimination by requiring employees paid with public funds to adhere to the religious tenets and teachings of the organization.

Additionally, the "American Community Renewal Act" undercuts state rights by preempting state constitutional and statutory provisions (including civil rights laws). Furthermore, ACRA erroneously states that counselor training undermines effective substance abuse treatment, and the bill requires States that establish such training requirements to give equivalent credit for religious education, such as Bible study, to course work in drug treatment. This federal legislation overtly preempts state constitutions and statutes that protect religious liberty, civil rights, and training of treatment providers.

Of course, with government dollars comes government oversight. Such entanglement between government and religion violates the Establishment Clause, and demonstrates why the current law's distinction between "pervasively sectarian" and "religiously-affiliated" institutions better protects religious freedom. ACRA would obliterate this protection and open the door to other programs that provide taxpayer funds to religious institutions, such as school tuition vouchers.

For these reasons we strongly urge you to oppose H.J. Res. 207 which endorses the substance abuse section of H.R. 815, the "American Community Renewal Act."

Sincerely,

American Baptist Churches; American Civil Liberties Union; American Counseling Association; American Federation of State, County and Municipal Employees; American Jewish Committee; American Jewish Congress; Americans United for Separation of Church and State; Anti-Defamation League; Baptist Joint Committee on Public Affairs; Catholics for a Free Choice; Central Conference of American Rabbis; CHILD Inc.; Friends Committee on National Legislation (Quaker); General Board of Church and Society, United Methodist Church; General Conference of Seventh Day Adventists; Hadassah; Jewish Council for Public Affairs; Legal Action Center; Na'amat USA; National Association of Alcoholism & Drug Abuse Counselors; National Association of State Alcohol and

Drug Abuse Directors; National Council of Jewish Women; National Jewish Democratic Council; People for the American Way; Presbyterian Church (U.S.A.); Washington Office; The Rabbinical Assembly; Union of American Hebrew Congregations; Unitarian Universalist Association; United Church of Christ, Office for Church in Society; Women's American Ort; Workmen's Circle.

Mr. Speaker, I also have a letter from a number of drug counseling institutions which says, "The undersigned organizations oppose House Resolution 207 and the portions of the American Community Renewal Act which will hurt provision of professionally competent alcohol and drug treatment services."

"Unfortunately, the Community Renewal Act will undermine treatment effectiveness. The Act will override State licensure and certification of alcohol and drug counselors, crushing State guarantees of safety in alcoholism and drug addiction treatment."

"The Act actually states that alcohol and drug treatment counseling is not a professional field and that formal education for counselors is detrimental to the practice of effective counseling. This is simply inaccurate. Alcoholism and drug addiction is a disease. Consequently, alcohol and drug counseling has long required specialized knowledge and training compelling the use of professional practitioners. Education equals effective alcoholism and drug addiction treatment."

"Even more troubling, the Act will require States which require formal education to deliver services to 'give credit for religious education and training equivalent to credit given for secular course work in drug treatment. . . .'"

"Alcohol and drug treatment is a medical service requiring medical knowledge. Treatment professionals specialize in diagnosis and treatment of psychoactive disorders and other substance abuse/use dependency. These counselors and other professionals possess a constellation of knowledge that is unique to the alcoholism and drug abuse counseling profession, and distinguishes ADCs from other related professions and specialties. Religious education and training is not equivalent to training given to the medical specialty of alcohol and drug treatment."

Mr. Speaker, this letter is endorsed by the American Counseling Association, the National Association of Alcohol and Drug Abuse Counselors, the National Association of State Alcohol and Drug Abuse Directors, the National Association of Student Assistance Professionals, the National Coalition of State Alcohol and Drug Treatment and Prevention Associations, the Partnership for Recovery, which includes the Betty Ford Center, the Valley Hope Medical Association, and a whole host of other organizations.

Mr. Speaker, I also place this letter in the RECORD.

The letter referred to is as follows:

MEMBERS,  
*House of Representatives,*  
*Washington, DC.*

DEAR MEMBERS OF CONGRESS: The undersigned organizations oppose H. Res. 207 and the portions of the American Community Renewal Act which will hurt the provision of professionally competent alcohol and drug treatment services.

Unfortunately, the Community Renewal Act will undermine treatment effectiveness. The Act will override state licensure and certification of alcohol and drug counselors, crushing state guarantees of safety in alcoholism and drug addiction treatment.

The Act actually states that alcohol and drug treatment counseling is not a professional field and that formal education for counselors is detrimental to the practice of effective counseling. This is simply inaccurate. Alcoholism and drug addiction is a disease. Consequently, alcohol and drug counseling has long required specialized knowledge and training compelling the use of professional practitioners. Education equals effective alcoholism and drug addiction treatment.

Even more troubling, the Act will require States which require formal education to deliver treatment services to "give credit for religious education and training equivalent to credit given for secular course work in drug treatment. . . ." Alcohol and drug treatment is a medical service requiring medical knowledge. Treatment professionals specialize in the diagnosis, assessment and treatment of psychoactive disorders and other substance abuse/use/dependency. These counselors and other professionals possess a constellation of knowledge that is unique to the alcoholism and drug abuse counseling profession, and distinguishes ADCs from other related professions and specialties. Religious education and training is not equivalent to training given for the medical specialty of alcohol and drug treatment.

The Act also mandates States to waive their formal educational requirements under certain circumstances or face lawsuits. Finally the legislation attempts to remedy a problem that does not exist. Religious organizations are already entitled to receive federal funding by complying with the rules for charitable organizations.

All of our organizations seek to include spirituality in the lives of individuals. Spirituality is an important component of treatment, and mechanisms already exist to bring this aspect of recovery to patients without changing current law.

However, by stating that establishing formal education requirements may hinder treatment and by attempting to equate religious education with knowledge about alcoholism and drug dependence, the Community Renewal Act undermines treatment efforts and removes scarce funding from effective treatment programs. Unfortunately, this legislation ensures that the millions of people suffering from addiction, their families, employers and communities will be harmed by incompetent treatment.

The Community Renewal Act will hurt the provision of professionally competent alcohol and drug treatment services. For this reason, we urge you to vote against H. Res. 207.

Sincerely,  
The American Counseling Association;  
The American Methadone Treatment Association; The American Society of Addiction Medicine; The Association of Halfway House Alcoholism Programs of North America; College on Problems of Drug Dependence; Legal Action Center; The National Association of Addiction Treatment Providers; The National Association of Alcoholism and Drug

Abuse Counselors; The National Association of State Alcohol and Drug Abuse Directors; The National Association of Student Assistance Professionals; The National Coalition of State Alcohol and Drug Treatment and Prevention Associations; The National Council for Community Behavioral Healthcare; The National Council on Alcoholism and Drug Dependence; National TASC; The Partnership for Recovery; The Betty Ford Center; The Caron Foundation; Hazelden, Inc.; The Valley Hope Medical Association; The Research Society on Alcoholism; Therapeutic Communities of America.

#### CHARITABLE CHOICE WILL HURT THE PROVISION OF PROFESSIONALLY COMPETENT ALCOHOL AND DRUG TREATMENT SERVICES

NAADAC Opposes the Appropriation of Federal Funding to Sectarian Treatment Providers Because Such Funding Will Undermine Licensure Laws and Certification Requirements in the States.

History: Since 1995, Senator John Ashcroft (R-MO) has been offering "charitable choice" amendments and legislation which would require federal agencies to allow sectarian (religious) organizations to receive federal funding to provide community services, including alcohol and drug counseling. Senator Ashcroft has, in past years, placed a hold on reauthorization of the Substance Abuse and Mental Health Services Administration (SAMHSA) in order to force a vote in the Senate to apply charitable provisions to SAMHSA. In 1996 Representatives J.C. Watts (R-OK) and James Talent (R-MO) introduced the "American Community Renewal Act" an "enhanced" charitable choice legislation to require that SAMHSA permit a "faith-based" substance abuse treatment centers to receive federal funding. NAADAC considers this to be an enhanced charitable choice provision since it specifically exempts sectarian organizations from complying with federal employment law. In November 1997, Senators Spencer Abraham (R-MI), Tim Hutchinson (R-AR) and Dan Coats (R-IN) introduced "The Effective Substance Abuse Treatment Act," which parallels the substance abuse portion of the Community Renewal Act. On January 21, 1999, Senator Abraham re-introduced his bill, re-titled "The Faith-Based Drug Treatment Enhancement Act".

#### CHARITABLE CHOICE ANALYSIS

NAADAC strongly supports the requirement of individual certification and licensure for alcohol and drug counselors. Such regulations establish an organized system which ensures that the delivery of this vital health care service is provided by trained and experienced professionals who have met rigorous educational and training requirements. Licensure laws protect consumers from unethical and ineffective practices. Under charitable choice, sectarian institutions could claim exemption from state regulations, (even where legislation explicitly attempts to subject religious providers to state regulations) because the First Amendment of the U.S. Constitution prevents excessive government entanglement with religious institutions. Sectarian providers would not be required to hire certified or licensed competent professionals. Charitable choice would create a system in which non-sectarian providers must meet state requirements while sectarian providers would be freed from meeting state licensure and other employment standards. Such a dual system is untenable. Religious organizations are already entitled to receive federal funding by complying with the rules for charitable organizations.

Charitable choice undermines state requirements. The millions of people suffering

from addiction, their families, employers and communities may be left unprotected from incompetent treatment.

#### LEGISLATIVE ANALYSIS

Issues/Legislation: S. 289—"The Effective Substance Abuse Treatment Act"—Senator Spencer Abraham (R-MI), Co-Sponsors—Senators Paul Coverdell (R-GA), Tim Hutchinson (R-AR), Sen. Jeff Sessions (R-AL), Sen. John McCain (R-AZ) and Sen. Rod Grams (R-MN)

Areas of Concern: This legislation will override state alcoholism and drug licensure and certification laws, undermining state guarantees of safety in alcoholism and drug addiction treatment. This bill states that alcohol and drug treatment counseling is not a professional field and that formal education for counselors is detrimental to the practice of effective counseling. In fact, education enhances the provision of alcoholism and drug addiction treatment. Finally the legislation remedies a problem that does not exist. Religious organizations are already entitled to receive federal funding by complying with the rules for charitable organizations.

Provisions of Concern: The language at issue is contained in Title IV of the Community Renewal Act, and Section 2 of the Effective Substance Abuse Treatment Act. Both would amend Title V, Sec. 585 of the Public Health Service Act (42 U.S.C. 290aa et seq.) The proposed provisions state that:

1. "... formal education for counselors ... may undermine the effectiveness of [treatment] programs." This statement is incorrect. As treatment has grown more complex, the need for continuing education and formal education has also grown. Those most aware of new treatment technologies and capabilities are better able to provide appropriate treatment for all patients.

2. "... educational requirements ... may hinder or prevent the provision of needed drug treatment services." Establishing standards and requirements for the administration of treatment ensures that treatment delivered to patients is effective. It does not deny access to those services. As with the treatment of all other diseases, holding treatment professionals accountable protects the safety of the public.

3. States which require formal education to deliver treatment services "shall give credit for religious education and training equivalent to credit given for secular course work in drug treatment ..." Alcohol and drug counselors (ADCs) constitute the one group of professionals who specialize in the diagnosis, assessment and treatment of psychoactive disorders and other substance abuse/use/dependency. These counselors possess a constellation of knowledge that is unique to the alcoholism and drug abuse counseling profession, and distinguishes ADCs from other related professions and specialties. Religious education and training is not equivalent to this knowledge.

4. States must waive their education qualifications for treatment personnel if, "(iv) the State ... has failed to demonstrate empirically that the educational qualifications in question are necessary to the operation of a successful program." This legislation undermines a State's ability to protect the public by licensing and certifying qualified treatment providers. It imposes a mandate from the Federal government requiring the States to fund religious programs or face the costs of defending requirements which the State and local governments believe are necessary for protection of the public. States will be required to conduct research without being provided the means to accomplish it. States are unlikely to have the resources to spend on a demanding empirical defense of their rule and consequently may relax treatment

standards to allow unfit organizations to deliver treatment with federal funding.

5. Under this legislation programs and state agencies are not required to notify individuals who are placed in religious programs, that they have the right to receive alternative services. Additionally, there is no requirement that alternative services be accessible. Individuals who enter treatment programs are frequently in a medically or mentally vulnerable situation. Despite this, S. 289 currently states that religious treatment providers may require active participation in religious practice worship and instruction. (Note: Unlike previous versions of the community renewal act, S. 289 no longer contains the specific requirement allowing sectarian providers to compel compliance with religious worship). Forced or coerced religious activity is inappropriate and may be unethical under counseling guidelines.

Conclusions: Spirituality is an important component of treatment, and mechanisms already exist to being this aspect of recovery to patients. Indeed, religious organizations are free to receive federal funds by creating a non-profit, "religiously affiliated" agency to provide services in compliance with state certification and licensure laws. However, by stating that establishing formal education requirements may hinder treatment and by attempting to equate degrees in theology with knowledge about alcoholism and drug dependence, charitable choice undermines treatment efforts and removes scarce funding from effective treatment programs.

The alcohol and drug treatment profession is currently engaged in efforts in almost every state to create and reinforce standards of practice for alcohol and drug treatment, just like the standards (licenses) states currently have for doctors and other health care providers. Such regulations establish an organized system which ensures that the delivery of this vital health care service is provided by trained and experienced professionals who have met rigorous educational and training requirements prior to serving in the sensitive position of Alcohol and Drug Counselors. Under this new legislation, "pervasively sectarian" institutions such as houses of worship, would be permitted to provide government services while claiming exemption from state regulations. This legislation would not allow the government to oversee the hiring practices of religious institutions even if complaints were made against the institution. Charitable choice would overrule the judgment of the states and would allow treatment to be provided without respect to minimal standards, undermining public safety in the provision of this necessary service. This legislation hurts the field of alcohol and drug addiction treatment along with the millions of people suffering from addiction, their families, employers and the communities in which they live.

Mr. Speaker, I reserve the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to point out for those who may be viewing this in their offices and elsewhere that this is not really a close vote situation. We had 346 Members for this earlier on juvenile justice last week; the Vice President supports this concept, particularly on drug treatment, as do most Republicans. We have already had several Democrats supporting this.

Mr. Speaker, I yield 3 minutes to my distinguished friend and colleague, the gentleman from Michigan (Mr. EHLERS).

(Mr. EHLERS asked and was given permission to revise and extend his remarks.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all Members that they are to address their remarks to the Chair.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to speak in favor of this resolution, just as I supported charitable choice when it was a matter of discussion some years ago.

Mr. Speaker, when my wife and I moved to Grand Rapids, Michigan, in 1966, we decided that we wanted to join a church that would make a difference, a church that would make a difference in the community. In particular, we joined the Eastern Avenue Christian Reform Church, a member of a small but strong and wonderful denomination.

□ 1545

We have made a difference through that church, and that church has been a strong voice in the community. It is the type of faith-based effort that this country needs.

Through this small church, small but very active, we managed to start a food program which has fed many, many people through a cooperative effort. We were instrumental in starting a community center which has sprung off and become a multimillion dollar operation providing tremendous service to the community.

We were also instrumental in helping start a housing program which is now developed into an independent organization which has rehabilitated close to 100 houses at this point for low-income individuals, and they now are enjoying home ownership.

This, incidentally, happened before Habitat For Humanity was founded. Let me describe just a little bit the food program that we have established which operates in the church basement every Saturday morning.

Members of the church and other volunteers go to suppliers throughout the community. We acquire, through donation, produce, bread, many other vital essentials; and we bring them to our church basement.

We run a small supermarket there every Saturday morning. Individuals coming through can buy supplies that they need for their daily existence for roughly 10 cents on the dollar. A poverty stricken family can come in and for \$10 buy a couple of weeks worth of groceries and other essentials.

It has worked very well. It has served young and old, able and disabled, Hispanic and Vietnamese, black and white. It has served everyone. It has been a real boon to the community. Many of the volunteers have come from the community themselves, and many of them have worked for many, many years on this effort.

These are examples of activities carried on by faith-based organizations,

and they have proven to be far more effective per dollar expended than any government program I have ever seen.

I think it is simple common sense that the Federal Government encourage these faith-based organizations and, in fact, make use of them in trying to solve the problems of our Nation, particularly those dealing with poverty.

Two cautions I want to offer. First of all, we have to make sure that the churches do not proselytize, in other words, do not violate the separation of church and State in that sense, even though they are working in the name of God to serve the people around them.

Secondly, the government should take care not to try to govern the faith-based organizations.

I strongly support this resolution, and I hope many churches across this country will follow this example.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, it is the unanswered questions about this legislation that bother me the greatest. But I must say that I consider it an affront to the integrity of this House that we would debate such a fundamental constitutional issue, regardless of which side my colleagues are on on this resolution, fundamentally important constitutional issues such as church and State separation, the establishment clause of the first amendment, in fact the first 16 words of the Bill of Rights, under a Suspension Calendar with no committee consideration.

I think Mr. Jefferson and Mr. Madison would be ashamed of the process that we are going through today. But let us talk about what unanswered questions we have in this debate, in this little time for debate.

The gentleman from Indiana (Mr. SOUDER) has answered our questions by saying, yes, under this legislation, let me be clear, yes, under this legislation Federal funds will be allowed to hire and fire people based on race discrimination, religious discrimination, sex discrimination.

Mr. SOUDER. Point of personal privilege.

The SPEAKER pro tempore (Mr. PEASE). Does the gentleman from Texas (Mr. EDWARDS) yield to the gentleman from Indiana (Mr. Souder)?

PARLIAMENTARY INQUIRY

Mr. SOUDER. Mr. Speaker, parliamentary inquiry. Why is it not a point of personal privilege when a statement is made about racism which I did not make. The question was on religion.

The SPEAKER pro tempore. Statements in debate do not give rise to a question of personal privilege. Is the gentleman from Indiana (Mr. SOUDER) raising a point of order?

Mr. SOUDER. Mr. Speaker, I will withdraw my inquiry.

The SPEAKER pro tempore. The gentleman from Texas (Mr. EDWARDS) may proceed.

Mr. EDWARDS. Mr. Speaker, as I was saying, under this legislation, if one simply reads it, which most Members of this House have not yet done, a religious organization could say, based on their religious creed, they would not hire someone based on the fact that that person is a woman. A Christian may not hire someone because he is Jewish. A Jewish group may not hire someone because they are Christian. In some religious faiths, they may not hire someone because of the color of their skin.

This bill directly endorses job discrimination, and worse yet job discrimination using Federal taxpayers dollars. For that reason and that reason alone, this House should reject this legislation and H.R. 815 which it supports.

But that is the answered question. Let us look at the unanswered questions. According to this bill, if a participant in a program is Jewish, working in a Baptist Church that has won the government program, could that Jewish program be forced to say the Lord's Prayer? If the program is an Islamic mosque, would a Christian be forced to follow the rules of Islamic law, including women in America following the rules of Islamic law? If a Buddhist group is running a program, would Jewish and Christian citizens in the program be forced to pray to Buddha?

If a Baptist group is running a program, would the Catholic be forced to say the Protestant version of the Lord's Prayer? If reciting New Testament proceedings is basically a process that a church goes through that has won these Federal funds for this program, can they force an Islamic or a Muslim or a Jewish person to read from the New Testament?

Well, how about this. What about a Wiccam group? It says we are not going to discriminate based on the religion. The courts have said the Wiccams are religious group identified in this country. What if the Wiccam group has a religious service where they honor the sun and the moon and circle as they do with candles? And they actively participate in that process in my district in Central Texas. Can they force a Christian alcoholic to participate in the Wiccam religious services? If my colleagues say yes, that is religious discrimination.

What if the Santeria, a religion than practiced, and a religion as defined by the Supreme Court of the United States, what if the Santeria win a Federal grant to administer alcohol programs? Since my colleagues say they cannot discriminate based on religion, does that mean that the Santerias can force a Presbyterian to participate in the decapitation of a chicken's head, because that is part of the prayer ritual the Santeria religion?

The fact is, there are too many unanswered questions in this legislation that go to the heart, the reason why our Founding Fathers chose the first 16 words of our Bill of Rights, to be committed to protecting religion against

government intervention, that we should reject this legislation.

According to these proponents, we would think that the first 16 words of the Bill of Rights are a shackle on religious freedom. That is absolutely wrong. Mr. Jefferson, Mr. Madison, others involved in drafting that legislation did not write the establishment clause to shackle religion in America. They did it to shackle government from intervening into the religious freedom of individuals. Political conservatives should be terrified by this legislation.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas (Mr. EDWARDS) already knows, Title 7 of the 1964 Civil Rights Act allows a religious organization to discriminate in employment on the basis of religion. This amendment simply clarifies that in spite of all the statements on the floor.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I rise in support of the resolution and to point out that we just heard a very good example of what I call faith phobia. This faith phobia has taken over the country, that anyone with values and beliefs is a problem.

I support this resolution, not just to recognize what nonprofit community organizations, faith-based organizations are doing, but to point out that they are doing our work all across America better than we are.

There is an organization in my district called Mobile Meals. Every day, people from throughout the community rise at about 4:00 in the morning and feed about 1,700 people every day. They do it for one reason, to share the love of God with people in the community. They spend less than a million dollars a year. It compares with the federally funded group that does the same thing that spends over \$6 million a year.

If we look around my community and I am sure my colleagues' community, the people that are feeding the hungry, that are clothing the poor, that are freeing those enslaved to drugs, that are building homes for the homeless, and providing a place for people to live who need it all across the community, these are faith-based organizations working side by side with community organizations.

If, as a government, we are going to say that, because there is some faith involved, that we cannot use these organizations to help Americans, then we are going way down the wrong road. We need to recognize that we have been making a mistake. We have not been separating the State from religion. We have been separating religion from America. It is time that we stop that at the Federal level and recognize that, if we want to help Americans, let us let faith-based organizations work side by side with community and local governments to really help America.

Mr. SCOTT. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I would like to make two points. First is in response to the last speaker. I think the fact that the Baptist Joint Committee on Public Affairs strongly opposes this legislation today really undermines the gentleman's argument or suggestion that people of faith should be for this Federal funding and faith-based organizations.

Secondly, I would like to correct the statement made by the gentleman from Indiana (Mr. SOUDER) when he failed to point out that the Supreme Court in 1989 ruled that, when an organization such as this case, the Salvation Army was using Federal funds to hire people, they could not fire someone based on religion.

In this particular case, the Salvation Army could not fire a Wiccam because of his religious belief. So the gentleman is really in a quandary. Either one can endorse religious-based discrimination using Federal funds, or is one going to say to the Baptist Church of Waco, Texas that they must hire Wiccams. Perhaps they must hire Satanic worshipers. Perhaps they must hire people of religious faith that are inconsistent with their own.

Mr. SOUDER. Mr. Speaker, I inquire of the Chair how much time each side has remaining.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. SOUDER) has 2½ minutes remaining. The gentleman from Virginia (Mr. SCOTT) has 2 minutes remaining.

Mr. SOUDER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT), our third Democrat to speak on behalf of this in a rare bipartisan effort to try to reach out to those who are hurting.

Mr. TRAFICANT. Mr. Speaker, I think the Founders are rolling over in their graves. I do not believe any Founder intended to envision an America without school prayer or without support for faith-based programming. The Founders intended to ensure there would not be State-sponsored legislation creating one religion in America.

I believe all this technical mumbo jumbo has served to eliminate God from America. I want to be associated with those Members who will, in fact, look at the technicalities and include God. A Nation without God is a Nation that has invited the devil. Congress, open your eyes, because they have rolled out the carpet in America for the devil with a bunch of technical mumbo jumbo that is no more the intent of Founders than pornography.

I stand for this legislation, period. I think it is time, Mr. Speaker, to look at our cities, look at our schools. They could fund all the programs they want, but they are not going to be successful with a technical mumbo jumbo argument that God is the reason why they cannot do it because the Founders said so.

That does not work with JIM TRAFICANT at all. I believe the technicality has been stretched much too far.

I want to associate myself with the remarks of the gentlewoman from Florida (Mrs. MEEK) and with those who support this legislation. I believe they are right, and I urge the Congress, with a little bit of technical oomph, to vote aye on the legislation.

□ 1600

Mr. SCOTT. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I am a member of an African American church. I grew up in an African American church, a Baptist church. I attended seminary, and am a licensed and ordained Baptist minister. But I believe in the separation of church and state.

If the gentleman from Ohio (Mr. TRAFICANT) wants to consider and call the Bill of Rights mumbo jumbo, that is all right, he has that right, but for me and my house, I am going to stand with the Founding Fathers, not with the gentleman from Ohio.

Mr. SCOTT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, some prior speaker said this was a good resolution except for the unconstitutional parts, and I tend to agree with that.

I think there is a lot this resolution has to offer except for the parts that we have referred to. I think we just need to, so we know what the Founding Fathers might have envisioned, read what is in the bill that this resolution endorses.

First, on discrimination: It provides that a religious organization that is a program participant may require an employee rendering services to adhere to the religious beliefs and practices of such organization, and any rules of the organization regarding the use of alcohol and drugs.

Now, the gentleman from Indiana has acknowledged that discrimination may occur. In fact, he wants to extend the title 7 exemption to churches which are allowed to discriminate on a religious basis when they hire people who are ministers and things like that. But this would extend it to federally-sponsored drug programs. And it would be a new day in America when a federally-sponsored drug program can hang out a sign that says, people of certain religions need not apply for a job because of their religions.

Let us go along to whether we can have coerced religion. Page 75, line 23, a religious organization may require a program beneficiary to actively participate in religious practice, worship and instruction, and follow the rules of behavior devised by the organizations that are religious in content and origin.

The SPEAKER pro tempore (Mr. PEASE). The time of the gentleman from Virginia (Mr. SCOTT) has expired.

(By unanimous consent, Mr. SCOTT was allowed to proceed for 30 additional seconds.)

Mr. SCOTT. Mr. Speaker, there is also a part in here that has congressional findings. It says, Congress finds that establishing formal educational qualifications for counselors and other personnel in drug treatment programs may undermine the effectiveness of such programs, and such formal educational requirements for counselors may hinder or prevent provision of drug treatment services.

Mr. Speaker, I do not know whether people want discrimination or whether they want coerced religion, but religious groups oppose this, professional drug counselors oppose this, civil rights groups oppose it, and we should all oppose this resolution.

The SPEAKER pro tempore. The Chair has extended 30 seconds to each side.

## GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 207, the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SOUDER. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, we have heard some red herring arguments this afternoon about whether something violates separation of church and state. I might remind the Members that we are not voting on the American Community Renewal Act, which has been cited and debated and is merely cited in the resolution. We are voting on a Sense of the House Resolution that targets aid and money to poor communities across this Nation.

Regarding the issue of separation of church and state, if Members oppose that American Community Renewal Act on that basis, then they should oppose Pell grants. With a Pell grant students use Federal grant money to go to seminaries, to go to Notre Dame, Yeshiva University without raising constitutional concerns. The Substance Abuse Act grant that this cites is no different.

Currently, there are two voucher programs we have successfully, legally implemented, the child care block grant in 1993, so that parents could use Federal day care dollars at the provider they choose, religious or secular; second, the new welfare law allows States to contract out their social services to both religious and nonreligious providers.

The drug treatment provision is the same. It voucherizes substance abuse block grants and allows the addict to decide. They can opt out. I urge Members to support the resolution.

Mr. WATTS of Oklahoma. Mr. Speaker, the family unit is the core institution that instills in future generations the common values that we share as a society. Raising a child is a daunting task even in the most stable environ-

ments, but for families in distressed areas it is even more difficult.

We all know those pastors and community leaders in these neighborhoods—who have counseled that teenage mother—or prayed with the chronically unemployed—or lifted the spirits of those who sleep wherever they can lie their head. We do not have to list grave statistics about our inner cities or rural areas, because these are the people who are on the front-lines everyday.

That is why I support this resolution and the involvement of faith-based organizations in community development. In our urban and rural communities, the concerns of high unemployment, drug addiction and unsuitable housing have seemingly gone unnoticed during America's "economic boom." These problems can no longer be ignored—now is the time for our government to give faith-based organizations the opportunity to help resurrect America's neighborhoods.

For years our government has spent billions of dollars on Federal programs to help America's poor, and for the most part these offerings have not met with great success. It is painfully obvious that a new model is needed in revitalizing America's urban and rural communities. In February JIM TALENT, DANNY DAVIS, and I introduced the American Community Renewal Act. This legislation is designed to help communities and local leaders succeed where big government programs have failed. The American Community Renewal Act will help neighborhoods by—creating jobs—reducing burdensome regulation—increasing home-ownership—encouraging savings, and strengthening the institutions in these neighborhoods that have already begun making a difference.

However, community renewal must go beyond merely the scope of economics. We must provide support to the institutions that have historically held our country together—community, faith and family. With the eligibility of faith-based institutions to Community Renewal programs, we hope to achieve not only economic renewal but spiritual and moral renewal as well.

The essence of this resolution is not about ideology—it's about helping America's less fortunate. It's about providing a faith-based organization with the opportunity to reach out its hand, to pull that person out of the depths of drug or alcohol abuse. It is about that small businessperson providing a job to his or her neighbor. It's about putting a decent roof over somebody's head. But first and foremost, this resolution is about supporting the pillars of our country—community, faith, and family.

Mr. WAXMAN. Mr. Speaker, I rise to express my concerns regarding H. Res. 207 and its underlying legislation, H.R. 815, The American Community Renewal Act of 1999.

No one disputes the role that community and faith-based organizations play in sustaining and strengthening our communities and neighborhoods, our cities and towns. Throughout my career, I have shared the deep interest which motivates this resolution in harnessing the energy and creativity of community and faith-based organizations in developing solutions to our nation's persistent poverty and other serious social problems.

Instead, my concerns center on language in H.R. 815 which denigrates the importance of professional education and training to effective alcohol and drug treatment. H.R. 815 purports

to improve the availability of substance abuse treatment and counseling services. Instead, its provisions undercut the proven importance and competence of qualified service providers.

Let me specify the problematic sections of H.R. 815. In congressional findings, the bill states that "formal educational qualifications for counselors and other personnel in drug treatment programs may undermine the effectiveness of such programs" and "may hinder or prevent the provision of needed drug treatment services."

Mr. Speaker, this is simply untrue. Professional education is a foundation of effective substance abuse treatment and prevention. It is a critical basis for our country's longstanding efforts to treat and prevent substance abuse. Our current national drug control strategy is premised on the fundamental importance of medical and specialized training for substance abuse service providers.

Mr. Speaker, the accompanying provisions of H.R. 815 would undercut the States in certifying and licensing substance abuse service providers. They would require the States to accept religious education and training as wholly equivalent to drug treatment. Again, this runs headlong against our nation's efforts to work in partnership with the States, professional and community organizations in combating substance abuse. Indeed, religious organizations already play an important part in these efforts through federally funded and state-funded substance abuse programs.

I am deeply concerned that language of this kind is being contemplated to this time by the Congress. As a member of the Commerce Committee, I am involved in work which will lead to reauthorization of the Substance Abuse and Mental Health Services Administration (SAMHSA). These problematic provisions of H.R. 815 fly in the face of the vital accomplishments and continuing work of our Federal agencies on substance abuse treatment and prevention, including SAMHSA and the National Institute on Drug Abuse (NIDA), the National Institute of Mental Health (NIMH) and the National Institute on Alcohol Abuse and Alcoholism (NIAAA) at the National Institutes of Health.

At this time, I wish to include for the RECORD a letter in opposition to H. Res. 207 which I received from a wide range of national patient and provider organizations, including the National Association of State Alcohol and Drug Abuse Directors, the Partnership for Recovery and the American Society of Addiction Medicine.

JUNE 21, 1999.

MEMBERS,  
House of Representatives,  
Washington, DC.

DEAR MEMBER OF CONGRESS: The undersigned organizations oppose H. Res. 207 and the portions of the American Community Renewal Act which will hurt the provision of professionally competent alcohol and drug treatment services.

Unfortunately, the Community Renewal Act will undermine treatment effectiveness. The Act will override state licensure and certification of alcohol and drug counselors, crushing state guarantees of safety in alcoholism and drug addiction treatment.

The Act actually states that alcohol and drug treatment counseling is not a professional field and that formal education for counselors is detrimental to the practice of effective counseling. This is simply inaccurate. Alcoholism and drug addiction is a

disease. Consequently, alcohol and drug counseling has long required specialized knowledge and training compelling the use of professional practitioners. Education equals effective alcoholism and drug addiction treatment.

Even more troubling, the Act will require States which require formal education to deliver treatment services to "give credit for religious education and training equivalent to credit given for secular course work in drug treatment . . ." Alcohol and drug treatment is a medical service requiring medical knowledge. Treatment professionals specialize in the diagnosis, assessment and treatment of psychoactive disorders and other substance abuse/use/dependency. These counselors and other professionals possess a constellation of knowledge that is unique to the alcoholism and drug abuse counseling profession, and distinguishes ADCs from other related professions and specialties. Religious education and training is not equivalent to training given for the medical specialty of alcohol and drug treatment.

The Act also mandates States to waive their formal educational requirements under certain circumstances or face lawsuits. Finally the legislation attempts to remedy a problem that does not exist. Religious organizations are already entitled to receive federal funding by complying with the rules for charitable organizations.

All of our organizations seek to include spirituality in the lives of individuals. Spirituality is an important component of treatment, and mechanisms already exist to bring this aspect of recovery to patients without changing current law.

By stating that establishing formal education requirements may hinder treatment and by attempting to equate religious education with knowledge about alcoholism and drug dependence, the Community Renewal Act undermines treatment efforts and removes scarce funding from effective treatment programs. Unfortunately, this legislation ensures that the millions of people suffering from addiction, their families, employers and communities will be harmed by incompetent treatment.

The Community Renewal Act will hurt the provision of professionally competent alcohol and drug treatment services. For this reason, we urge you to vote against H. Res. 207.

Sincerely,

American Counseling Association; American Methadone Treatment Association; American Society of Addiction Medicine; Association of Halfway House Alcoholism Programs of North America; College on Problems of Drug Dependence; Legal Action Center; National Association of Addiction Treatment Providers; National Association of Alcoholism and Drug Abuse Counselors; National Association of State Alcohol and Drug Abuse Directors; National Association of Student Assistance Professionals; National Coalition of State Alcohol and Drug Treatment and Prevention Associations; National Council for Community Behavioral Healthcare; National Council on Alcoholism and Drug Dependence; National TASC; Partnership for Recovery; The Betty Ford Center; Caron Foundation; Hazelden Foundation; Valley Hope Association; Research Society on Alcoholism; Therapeutic Communities of America.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and agree to the resolution, House Resolution 207.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### PATRIOT ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 210 and ask for its immediate resolution.

The Clerk read the resolution, as follows:

#### H. RES. 210

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 659) to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio

(Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, before proceeding, I would like to take a minute to add my personal congratulations to those that have been extended from all my colleagues on both sides of the aisle on the tremendous honor that was recently bestowed on our colleague the gentleman from Ohio (Mr. HALL). The Nobel Peace Prize, for which the gentleman from Ohio has been nominated, is among the most extraordinary measures of individual achievement that can be accorded to any man or woman from any country anywhere in the world.

The gentleman's deep commitment to fight hunger throughout the world is well known to all of us here in the House, so I will not belabor that point. But clearly, this is a Member of Congress whose tireless efforts reach far beyond the walls of this building, indeed far beyond the borders of this country. Literally countless numbers of the world's neediest people have benefited from the often lonely and frequently tireless efforts of the gentleman from Ohio (Mr. HALL).

It is not my intention to embarrass my colleague, Mr. Speaker, but simply to take a moment and give credit where credit is due, which has also been done in a very deserving way, as evidenced by the nomination of this prestigious honor.

Mr. Speaker, H. Res. 210 would grant H.R. 659, the PATRIOT Act, an open rule providing 1 hour of general debate divided equally between the chairman and the ranking minority member of the Committee on Resources. The rule makes in order as an original bill for the purpose of amendment, the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The rule provides that the amendment in the nature of a substitute be considered for amendment by title.

Mr. Speaker, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on any postponed question if the vote follows a 15-minute vote.

Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

H.R. 659 is a relatively noncontroversial measure reported out of the Committee on Resources on April 28 by a