

She is a past President of the South Texas County Judges and Commissioners Association and currently serves as trustee for the Texas Association of Counties Health and Employees Benefits Pool. She has the distinction of being the only commissioner from Webb County to have ever served on the Intergovernmental Relations Steering Committee for the National Association of Counties, based in Washington, D.C.

She is the Secretary for the Texas Council Board of Directors and serves on the board of the Texas Council of Community Mental Health Retardation Centers, Inc. (MHMR). She chairs the County's Villa Antigua Committee, a historical preservation project, as well as the Committee to create the new Webb County Morgue. She was appointed by Judge Mercurio Martinez to serve on the Purchasing Board and to chair an Art Committee for the New Administration Building. She has also been elected in the year 2002 to be President of the Webb County HFC. Commissioner Gutierrez also serves on the Board of Texas Association of Counties 2003 and on the Texas Association of Counties Health and Employee Benefits Pool since 2001. She was recognized as one of the 2003 Tiger Legends for Martin High School. She was recently asked to join the Mercy Health Center Advisory Board for 2003 as well as the Border Area Nutrition Council.

Judith G. Gutierrez was born in Laredo, Texas to Sabino and Olga Garza. She attended Laredo schools and holds an Associate of Arts degree from Laredo Junior College. A successful businesswoman, for more than a decade Gutierrez owned and operated La Hacienda Mexican Restaurant. Commissioner Gutierrez has her Real Estate license and is in the process of securing a Real Estate Brokers license. She is the mother of four and has two grandchildren.

Mr. Speaker, I am proud to have this opportunity to recognize Webb County Commissioner Judith Gutierrez.

REINTRODUCING “HOLLY’S LAW”

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 3, 2005

Mr. BARTLETT of Maryland. Mr. Speaker, today, I am reintroducing “Holly’s Law”—a bill that would suspend FDA approval of the drug RU-486. This bill has been introduced with 48 cosponsors. Senator JIM DEMINT has reintroduced Holly’s Law in the Senate.

Holly’s Law is named in memory of Holly Patterson, an 18-year-old Californian who died after taking the drug in 2003. When I tell people that the FDA approved a drug to treat a life-threatening illness that has killed three pregnant women and seriously injured dozens of other pregnant women in the United States, they’re shocked. They want to know why the FDA and Congress would allow a drug that kills and injures young women to stay on the market. RU-486 is a drug that always kills babies and sometimes kills and seriously injures healthy young women.

I urge my colleagues to support Holly’s Law to take the dangerous and unsafe drug RU-486 off the market.

TRIBUTE TO AM 1490 WMBM, SOUTH FLORIDA’S FIRST BLACK-OWNED AND OPERATED RADIO STATION—NEW BIRTH BROADCASTING CORPORATION CELEBRATES 10 YEARS IN RADIO

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 3, 2005

Mr. MEEK of Florida. Mr. Speaker, I would like to take this opportunity to extend my congratulations to Bishop Victor T. Curry, D.D., Min, President and CEO, and to everyone at the New Birth Broadcasting Corporation as they celebrate their 10th year in radio.

Celebratory events will begin with a community worship service at 7 p.m. on March 9th and will feature Pastor Jeffrey A. Johnson, Sr. of the Eastern Star Church of Indianapolis, Indiana.

Since the purchase of AM 1490 WMBM, the landscape of gospel radio has changed dramatically. WMBM has received local as well as national recognition for its contribution to our local community, for it not only plays the best in gospel music, but it also provides its listeners with late-breaking news and inspirational, life-changing programming. WMBM, the first black-owned and operated station in South Florida, is one of the first radio stations to stream its broadcast via the internet. WMBM also publishes a quarterly nationally distributed magazine and an annual directory of black-owned and supported businesses.

I want to extend my warmest congratulations to Bishop Curry and his staff for doing such an important job so well, and my best wishes for another outstanding decade in broadcasting.

JOB TRAINING IMPROVEMENT ACT OF 2005

SPEECH OF

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2005

The House in Committee of the Whole House on the State of the Union, had under consideration the bill (H.R. 27) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes:

Mr. SCOTT of Virginia. Mr. Chairman, I submit the following information regarding H.R. 27 for the RECORD.

MARCH 2, 2005.

THE REAL DEMOCRATIC RECORD ON
CHARITABLE CHOICE,

DEAR COLLEAGUE: I wanted to be sure you had a copy of the Real Democratic Record on Charitable Choice. I hope this is helpful as we debate H.R. 27, containing a vast expansion of Charitable Choice to federally-funded job training programs for the first time since 1965.

THE 2004 DEMOCRATIC PLATFORM

“We honor the central place of faith in the lives of our people. Like our Founders, we

believe that our nation, our communities, and our lives are made vastly stronger and richer by faith and the countless acts of justice and mercy it inspires. We will strengthen the role of faith-based organizations in meeting challenges like homelessness, youth violence, and other social problems. At the same time, we will honor First Amendment protections and not allow public funds to be used to proselytize or discriminate. Throughout history, communities of faith have brought comfort to the afflicted and shaped great movements for justice. We know they will continue to do so, and we will always protect all Americans’ freedom to worship.”

THE CLINTON ADMINISTRATION RECORD ON
CHARITABLE CHOICE

1996—The Clinton Administration submitted amendments as part of its technical corrections package to Congress regarding concerns over the constitutionality of Charitable Choice provisions contained in welfare reform. They filed the following comments with the amendment: “[P]rovisions of sec. 104 and its legislative history could be read to be inconsistent with the constitutional limits. . . . We recommend amending sec. 104 to clarify that it does not compel or allow States to provide TANF benefits through pervasively sectarian organizations, either directly or through vouchers redeemable with these organizations.” Congress did not act on those amendments.

1998—The Clinton Administration issued a signing statement placing limitations on the Charitable Choice provisions contained in the Community Services Block Grant: “The Department of Justice advises, however, that the provision that allows religiously affiliated organizations to be providers under CSBG would be unconstitutional if and to the extent it were construed to permit governmental funding of ‘pervasively sectarian’ organizations, as that term has been defined by the courts. Accordingly, I construe the Act as forbidding the funding of pervasively sectarian organizations and as permitting Federal, State, and local governments involved in disbursing CSBG funds to take into account the structure and operations of a religious organization in determining whether such an organization is pervasively sectarian.”

2000—The Clinton Administration issued a signing statement placing limitations on the Charitable Choice provisions contained in the reauthorization of the Substance Abuse Mental Health Services Act (SAMHSA): “The Department of Justice advises, however, that this provision would be unconstitutional to the extent that it were construed to permit governmental funding of organizations that do not or cannot separate their religious activities from their substance abuse treatment and prevention activities that are supported by SAMHSA aid. Accordingly, I construe the Act as forbidding the funding of such organizations and as permitting Federal, State, and local governments involved in disbursing SAMHSA funds to take into account the structure and operations of a religious organization in determining whether such an organization is constitutionally and statutorily eligible to receive funding.”

Very truly yours,

ROBERT C. “BOBBY” SCOTT,
Member of Congress.

FEBRUARY 28, 2005.

DEAR REPRESENTATIVE: The undersigned organizations are writing to urge you to vote against H.R. 27, the Job Training Improvement Act, unless it is modified to address the concerns outlined in this letter, and to oppose any effort to expand the block grant authority in the bill along the lines of the Administration’s “WIA Plus” proposal.

H.R. 27 fails to make meaningful improvements to the Workforce Investment Act (WIA) that would enhance the training and career opportunities of unemployed workers. Instead, the legislation would eliminate the dislocated worker training program, undermine state rapid response systems, end the federal-state labor exchange system, roll back protections against religious discrimination in hiring by job training providers, and potentially undermine the stability of other important programs.

In particular, we are concerned about the following provisions in H.R. 27:

NEW BLOCK GRANT

H.R. 27 consolidates into a single block grant the WIA adult and dislocated worker programs with the Wagner-Peyser employment service program and reemployment services for unemployment insurance recipients. In doing so, it will eliminate job training assistance specifically targeted to workers dislocated by off shoring and other economic changes, pit different types of workers against each other, and lead to future funding reductions. The block grant also eliminates the statewide job service, which provides a uniform statewide system for matching employers and jobseekers, replacing it with a multiplicity of localized programs that would have no incentive or ability to cooperate and function as a comprehensive labor exchange system. Eliminating the employment service, which is financed with revenue from the unemployment insurance (UI) trust fund, breaks the connection between the unemployment insurance program and undermines the UI “work test,” which ensures that UI recipients return to work as quickly as possible.

INFRASTRUCTURE AND CORE SERVICES FUNDING

A principal criticism of WIA has been the substantial decline in actual training compared to its predecessor, the Job Training Partnership Act. While there are various reasons for the reduction in training, including the sequence of services requirement in current law, the use of WIA resources by local boards and operators to build new one-stop facilities and bureaucracies, without any limitation, has contributed substantially to the decline in training. This is despite the fact that many WIA partner programs also contribute operating funds to one-stop operations.

H.R. 27 gives governors even broader discretion to transfer additional resources from the WIA partner programs to pay for WIA infrastructure and core services costs—without any assurance that more training would result. These programs include the vocational rehabilitation program, veterans employment programs, adult education, the Perkins post secondary career and technical education programs, unemployment insurance, trade adjustment assistance, Temporary Assistance for Needy Families (TANF), and, if they are partners, employment and training programs under the food stamp and housing programs, programs for individuals with disabilities carried out by state agencies, including state Medicaid agencies, and even child support enforcement. By relying on funding transfers from these programs to guarantee resources for WIA infrastructure and core services, H.R. 27 will disrupt and weaken services provided by these non-WIA programs, which also will face substantial pressures for funding reductions in the next few years.

The infrastructure and related provisions start the commingling of funds from these non-WIA programs. In doing so, they transform the original one-stop idea of a better-coordinated workforce system into a mechanism for reducing resources for and block granting these programs in the future. A

more effective and simple solution to ensuring adequate training services would be to require that a certain percentage of WIA funds be used for training as provided in previous job training programs and to create a separate WIA funding stream for one-stop operations, if necessary.

PERSONAL REEMPLOYMENT ACCOUNTS

H.R. 27 includes permanent and unlimited authority for the Secretary to conduct “personal reemployment account” (PRA) demonstrations even though the Department of Labor recently initiated a PRA demonstration without strong interest among the states. Although nine states could have participated, only seven are doing so.

Since this demonstration already is in process, we see no justification for this provision and can only surmise that it is an attempt to implement PRAs more broadly, despite a lack of Congressional support for a full-scale program in the past.

Unlike current WIA training programs, the PRAs would limit the cost of training that an unemployment insurance recipient can receive and would bar that individual from WIA training services for a year after the PRA account is established. This is the wrong way to go. With longterm unemployment at historically high levels, there is a much greater need for continued unemployment benefits for the long-term unemployed who have found it so difficult to become re-employed.

RELIGIOUS-BASED EMPLOYMENT DISCRIMINATION

H.R. 27 repeals longstanding civil rights protections that prohibit religious-based employment discrimination by job training providers. These protections have been included in job training programs, which received bipartisan support, since 1982. At no time have the civil rights provisions prohibited religious organizations from effective participation in federal job training programs. This rollback of civil rights protections is especially incongruous in a program designed to provide employment and career opportunities in an evenhanded manner and should be rejected.

WIA PLUS PROPOSAL

The Administration has proposed giving Governors authority to merge five additional programs into the WIA block grant. The proposal would eliminate specialized assistance to unemployed, disabled and homeless veterans, critical job training services for workers under the Trade Adjustment Assistance Act whose jobs have been outsourced or lost to foreign competition, and specialized counseling and customized help for people with disabilities through state vocational rehabilitation agencies. These individuals would have to compete with each other for a declining share of resources without the protections and requirements under current law. Furthermore, the proposal abrogates accountability for the expenditure of federal taxpayer dollars by eliminating program reporting requirements. We strongly urge you to oppose any effort to adopt this misguided plan.

In summary, H.R. 27 strays far from the appropriate mission for federal job training programs of enhancing training opportunities for workers and providing skilled workers for employers. We strongly urge you to oppose this legislation unless amendments are adopted to delete the block grant, PRA demonstration and religious-based discrimination provisions and to modify the infrastructure provisions as recommended.

American Association of People with Disabilities.

American Civil Liberties Union.

American Counseling Association.

American Federation of Government Employees (AFGE).

American Federation of Labor-Congress of Industrial Organizations (AFL-CIO).

American Federation of State, County and Municipal Employees (AFSCME).

American Federation of Teachers (AFT).

American Humanist Association.

American Jewish Congress.

American Psychological Association.

American RehabACTION Network.

Americans for Democratic Action (ADA).

Americans for Religious Liberty.

Americans United for Separation of Church and State (AU).

Association for Career and Technical Education.

Baptist Joint Committee.

Brain Injury Association of America.

Brotherhood of Locomotive Engineers and Trainman.

Campaign for America's Future.

Center for Community Change.

Communications Workers of America (CWA).

Council of State Administrators for Vocational Rehabilitation (CSAVR).

Easter Seals.

Equal Partners in Faith.

Goodwill Industries.

Institute for America's Future.

Interfaith Alliance.

International Association of Machinists and Aerospace Workers.

International Brotherhood of Teamsters.

International Union of Painters and Allied Trades.

National Advocacy Center of the Sisters of the Good Shepherd.

National Alliance For Partnerships in Equity.

National Association of State Directors of Career Technical Education Consortium.

National Association of State Head Injury Administrators.

National Council of Jewish Women.

National Education Association.

National Employment Law Project.

National Head Start Association.

National Immigration Law Center.

National Law Center on Homelessness & Poverty.

National League of Cities.

National Organization for Women.

National Rehabilitation Association (NRA).

National WIC Association.

National Women's Law Center.

NETWORK, A National Catholic Social Justice Lobby.

OMB Watch.

Paralyzed Veterans of America.

Patient Alliance for Neuroendocrineimmune Disorders; Organization for Research and Advocacy.

Plumbers and Pipe Fitters Union.

Professional Employees Department, AFL-CIO.

Protestants for the Common Good.

Service Employees International Union (SEIU).

The Arc of the U.S.

United Cerebral Palsy.

Unitarian Universalist Service Committee.

United Auto Workers (UAW).

United Church of Christ Justice and Witness Ministries.

United Mineworkers of America.

United Steelworkers of America.

USAAction.

Welfare Law Center.

Wider Opportunities for Women.

Women Employed.

Women Work! The National Network for Women's Employment.

YWCA USA.

9to5, National Association of Working Women.

AMERICAN HUMANIST ASSOCIATION,
Washington, DC, February 25, 2005.

DEAR REPRESENTATIVE: On behalf of the American Humanist Association, the oldest and largest Humanist organization in the nation, I write in opposition to the Job Training Improvement Act (H.R. 27). The Act is included in legislation reauthorizing the Workforce Investment Act of 1998, the main job training program in the United States.

The Job Training Improvement Act eliminates the protection against employment discrimination in federally funded job training programs. If passed the measure would erode civil rights protections in these programs that have been in place since President Ronald Reagan signed the Job Training Partnership Act into law in 1982.

While the AHA supports job training, we urge you to oppose this Act because it would further entrench a constitutionally questionable faith-based initiative and would legally sanction discrimination.

An amendment to reinstate civil rights protections will be offered on the floor by Representative Bobby Scott. We ask you to support this amendment because it would alleviate the civil rights rollback included in the bill.

As Humanists we strive for religious freedom and equal treatment regardless of one's beliefs or lack thereof. As it's written, this legislation gives the freedom for faith-based organizations funded with taxpayer dollars to hire on the basis of religious beliefs, opening the door to religious and ideological employment criteria. Along with other religious, civil rights, labor, education, health, and advocacy organizations, the American Humanist Association opposes H.R. 27.

Sincerely,

TONY HILEMAN,
Executive Director.

THE AMERICAN JEWISH COMMITTEE.
Washington, DC, February 25, 2005.

DEAR REPRESENTATIVE: I write on behalf of the American Jewish Committee, the nation's oldest human relations organization; with more than 150,000 members and supporters represented by 33 chapters nationwide, to urge you to support, if offered, the Scott-Van Hollen-Woolsey amendment to H.R. 27, the Job Training Improvement Act of 2005. We further urge that, absent the amendment, you vote to oppose H.R. 27; without the amendment, the bill would repeal longstanding civil rights protections designed to protect workers in federally-funded job training programs from religious discrimination.

Beginning with the inception of the federal job-training programs encompassed by the Job Training Partnership Act of 1982, religion-based employment discrimination has been prohibited in federally funded job-training programs, including programs operated by religious institutions. The bipartisan Job Training Partnership Act, which included the provision prohibiting religious discrimination that H.R. 27 would now make inapplicable to religious organizations, was originally sponsored by Senator Dan Quayle (R-IN), reported out of the Senate HELP Committee under Chairman Orrin Hatch (R-UT) and signed into law by President Ronald Reagan. In 1998, the provision once again received strong bipartisan support in both the House and the Senate when the Workforce Investment Act combined earlier job-training programs and recodified the original nondiscrimination provision included in the 1982 law.

The nondiscrimination provision that the Scott-Van Hollen-Woolsey amendment would reinstate has, over the past 23 years, allowed religious organizations to participate in federally funded job-training programs while

protecting religious liberty and maintaining fundamental civil rights standards. We are committed to maintaining and respecting the autonomy of religious organizations, including their right to look to religious standards when making employment decisions for positions funded with private resources. But preserving the autonomy of those institutions must not entail the wholesale repeal of longstanding civil rights safeguards that protect workers from religious discrimination in federally-funded positions.

Respectfully,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

NATIONAL COUNCIL OF JEWISH WOMEN,
Washington, DC, February 23, 2005.

DEAR REPRESENTATIVE: On behalf of the 90,000 members and supporters of the National Council of Jewish Women (NCJW), I am writing to you regarding the Job Training and Improvement Act (H.R. 27) introduced by Rep. Howard McKeon (R-CA). This legislation includes dangerous language that would repeal longstanding civil rights protections designed to protect against religious discrimination in employment in federally funded job training programs. I urge you to support an amendment that would strike this provision, or oppose the bill if such an amendment is not included.

Current federal law prohibits discrimination based on religion in federally funded programs. This twenty-three year old provision has worked well, allowing religious organizations to provide essential government services while maintaining their own sectarian identity and America's core commitment to protecting both civil rights and religious liberties. The language in H.R. 27 would remove these existing civil rights protections and allow faith-based groups to discriminate based on religion in their hiring practices. While such discrimination may be appropriate in some situations, such as hiring a rabbi, priest or imam, it has no place in the hiring of providers of secular services funded by taxpayer dollars. Faith-based organizations receiving government funding must be held to the same civil rights standards as other social service providers and doing so has not prevented these groups from partnering with the government to provide important services.

NCJW joins scores of religious leaders, denominational offices, and faith-based organizations in opposition to this divisive and unnecessary legislation. I urge you to oppose the Job Training and Improvement Act and uphold our nation's commitment to eradicating employment discrimination.

For over a century, NCJW has been at the forefront of social change, raising its voice on important issues of public policy. Inspired by our Jewish values, NCJW has been, and continues to be, an advocate for the needs of women, children, and families and a strong supporter of equal rights and protections for everyone.

Sincerely,

MARSHA ATKIND,
President.

OMB WATCH,

Washington, DC, February 25, 2005.

VOTE "NO" ON WIA REAUTHORIZATION UNLESS SCOTT AMENDMENT PASSES! PROTECT CIVIL RIGHTS—STOP FEDERALLY FUNDED RELIGIOUS DISCRIMINATION

Re Scott Amendment to H.R. 27, the Jobs Training Improvement Act.

DEAR REPRESENTATIVE: OMB Watch strongly urges you to support the Scott Amendment to H.R. 27, the Jobs Training Improvement Act of 2005. The Scott Amendment will restore civil rights protections to people

wishing to be employed by religious organizations participating in federally funded programs.

The need for the Scott Amendment is underscored by a decision made by the Supreme Court in Chief Justice Rehnquist's majority opinion in *Bowen v. Kendrick*, 487 U.S. 589 (1988). The Court stated that although the Constitution does not bar religious organizations from participating in federal programs, it requires (1) that no one participating in a federal program can "discriminate on the basis of religion" and (2) that all federal programs must be carried out in a "lawful, secular manner." *Id.* at 609, 612.

H.R. 27 seeks to codify discrimination in hiring for federally funded positions by religious organizations. The bill repeals longstanding civil rights protections designed to protect workers against this kind of religious discrimination. Since their inception in 1982, these job training programs have included important civil rights protections against employment discrimination based on religious beliefs in programs that receive federal funding.

The Scott Amendment will make H.R. 27 consistent with *Bowen v. Kendrick* and President Reagan's original intent when he signed the first Workforce Investment Act in 1988. This twenty-one year old provision has been successfully implemented since the inception of the job training program, allowing religious organizations to provide essential government services while maintaining a commitment to protecting civil rights and religious liberty.

VOTE "YES" ON THE SCOTT AMENDMENT; VOTE "NO" ON FINAL PASSAGE IF THE SCOTT AMENDMENT FAILS

Although religious employers have the right under Title VII to apply religious tests to employees, the Constitution requires that the direct receipt and administration of federal funds remove that exemption. In addition, the federal government has constitutional obligations reinforced by *Bowen v. Kendrick* to refrain from religious discrimination. The Scott Amendment will restore the civil rights provisions into H.R. 27.

For these reasons, OMB Watch encourages you to vote "YES" on the Scott Amendment and "NO" on final passage if the Scott Amendment fails. If you have any questions, please contact Jennifer Lowe at 202-234-8494. Thank you for your attention to this matter.

Sincerely,

GARY BASS,
Executive Director.

PEOPLE FOR THE AMERICAN WAY,
Washington, DC, February 24, 2005.

DEAR MEMBER OF CONGRESS: On behalf of the over 675,000 members and supporters of People For the American Way, we are writing to voice our opposition to the Job Training Improvement Act (H.R. 27) as it would repeal longstanding civil rights protections designed to protect workers against religious discrimination in federally-funded job training programs. We urge you not to eliminate the civil rights of thousands of Americans by exempting religious organizations from anti-discrimination requirements established over twenty years ago. These critical requirements were signed into law by President Ronald Reagan in 1982 under the Job Training Partnership Act and were reaffirmed in 1998 during the passage of the re-titled Workforce Investment Act (WIA). We ask that you support the Scott amendment which would restore this necessary protection. If Congress were to do otherwise, it would be allowing direct federal funding of discrimination. This is unacceptable.

Maintaining the separation between church and state is fundamental to maintaining the religious freedoms of all Americans. However, this can not be accomplished when organizations receiving federal funds are allowed to deny employment opportunities based upon an individual's religious beliefs.

There is no need to exempt religious organizations from anti-discrimination laws in order to protect the religious identity of that organization. Provisions already exist that allow an organization that is the recipient of federal funds to separate its religious content from the provision of services through the creation an independent 501(c)(3) organization. This allows the religious organization to maintain its religious identity without government interference, while also providing needed services in the community.

Any exemption for religious organizations receiving federal funds should not be permitted for it would undermine a half century of public policy aimed at protecting individuals from discrimination in the workplace, and further erode the fundamental protections against discrimination based on one's religion that are absolutely central to our democracy.

We ask that you uphold the religious liberties of all Americans and not allow federal funding of employment discrimination under H.R. 27. Therefore, we strongly urge you to support the Scott amendment, which may be offered on the floor, to restore current law and continue to protect critical civil rights protections within the Job Training Improvement Act. Furthermore, we ask that you vote no on the final passage of H.R. 27 if this amendment is not adopted. Thank you.

Sincerely,

RALPH G. NEAS,
President
TANYA CLAY,
Deputy Director of Public Policy.

PRESBYTERIAN CHURCH (USA),
Washington, DC, March 1, 2005.

DEAR REPRESENTATIVE: As you consider H.R. 27 and the issue of Faith-Based Hiring, I would like to alert you that the official policy of the Presbyterian Church (USA) is to oppose the kind of discrimination that could arise in the name of religion through the passage of this bill. Religious freedom and liberty has been a key component of the beliefs held by members of this historic denomination.

On Charitable Choice/Faith Based Initiatives—The 1988 General Assembly of the Presbyterian Church (USA) “has recognized for many years that, apart from question of constitutionality, the church faces serious issues related to its own liberty of faith and action when it receives government funds. The 1969 General Assembly noted the distinction between “church-controlled” and “church-related” and urged that “temporary or permanent community agencies qualified to receive public funds be established at church initiative to maintain such programs;” and, “if church control was temporarily necessary for start up or experimental programs, that any permanent program resulting . . . be removed from church control and put under the control of independent community-based bodies.” Holding that “in the conduct of social services church agencies should accept necessary and proper governmental regulation and supervision . . .” (Minutes, 1988, p. 559).

Also, General Assembly policy has consistently and clearly stated that government has the primary responsibility for caring for the poor, along with the private sector: The

1997 General Assembly stated (and the 1999 General Assembly reaffirmed), “that while the church, voluntary organizations, business, and government must work cooperatively to address the needs of poor persons and communities, the government must assume the primary role for providing direct assistance for the poor” (Minutes, 1997, pp. 553). The General Assembly has noted that the private sector is incapable of caring for the needy on its own. The 1996 General Assembly asserted that “churches and charities, including many Presbyterian congregations and related organizations, have responded generously to growing hunger but do not have the capacity to replace public programs” (Minutes, 1996, p. 784).

As with all institutions and organizations, there will be those who may hold a differing view from that of the parent body. Congress may receive letters from organizations that may cause confusion about where the official policy of the Church is on this issue.

The General Assembly of the Presbyterian Church is the highest governing body of the 216 year denomination. There are approximately 11,500 congregations with 2.5 million members. Please contact me if you have further questions.

Rev. ELENORA GIDDINGS IVORY,
Director, Washington Office.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
Washington, DC, February 24, 2005.

DEAR REPRESENTATIVE: On behalf of the Union for Reform Judaism, whose 900 congregations across North America encompass 1.5 million Reform Jews, and the Central Conference of American Rabbis (CCAR) whose membership includes over 1800 Reform rabbis, I strongly urge you to oppose the Job Training and Improvement Act of 2005 (H.R. 27). H.R. 27 does not meet the job training needs of either job seekers or employers and would repeal civil rights laws by permitting government-funded faith-based job training programs to practice religious discrimination in employment.

H.R. 27 fails to make meaningful improvements to the Workforce Investment Act of 1998 and would weaken the federal government's job training programs. H.R. 27 consolidates several worker training programs into a single block grant and gives states broad discretion in their use of funds. Experience with block grants suggests that this wider discretionary power is a precursor to federal funding cuts. Under WIA, states and local governments have also been allowed more discretion in the use of job training funding, and states have used this discretion to fund new job training facilities rather than focus on providing new services.

The Job Training and Investment Act would also appeal civil rights law by permitting government funded faith-based job training programs to engage in religious discrimination when making employment decisions. While the interrelated issues of whether the Constitution permits federally funded religious entities to discriminate in hiring on the basis of religion and the legitimate need to recognize the religious autonomy of churches, synagogues, and houses of worship are complex, government-funded discrimination is deeply problematic on a policy level. The notion that a job notice could be placed in the newspaper seeking employees for a government-funded social service program run by a Protestant church that reads “Jews, Catholics, Muslims need not apply” or “No unmarried mothers will be hired” is profoundly troubling. According to an April 2001 Pew Forum on Religion and Public Life

poll, 78 percent of Americans oppose allowing government-funded religious organizations to hire only those who share their religious beliefs.

Religious institution can, and do, play a vital role in helping provide employment services. However, the government must ensure that religious organizations that accept government funding are prohibited from practicing religious discrimination.

We urge you to address the real and distinct needs of different types of workers and job seekers and to protect longstanding civil rights by opposing the Job Training and Improvement Act of 2005 (H.R. 27).

Yours sincerely,
Rabbi DAVID SAPERSTEIN,
Director and Counsel.

THE INTERFAITH ALLIANCE,
Washington, DC, February 28, 2005.

DEAR MEMBERS OF CONGRESS: I write to you today as the president of The Interfaith Alliance, a nonpartisan, national grassroots organization dedicated to promoting the positive and healing role of religion in public life, to urge you to support the amendment, offered by Representative Bobby Scott (D-VA), to the Job Training Improvement Act/H.R. 27 that would restore civil rights protections. If an amendment like this fails, I urge you to oppose the Job Training Improvement Act/H.R. 27 because it is an unjustified assault on religious liberty and civil rights protections.

Section 127, entitled “Non-Discrimination” exempts religious organizations that receive Federal funds from the prohibition of discrimination that is standard practice for all other organizations that contract with the federal government. Specifically, under the subsections entitled “Prohibition of Discrimination Regarding Participation, Benefits and Employment,” and “Exemption for Religious Organizations,” the bill states, that standard nondiscrimination policies “shall not apply to a recipient of financial assistance under this title that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion . . .”

This provision represents a dramatic shift in government policy towards religion as it repeals longstanding civil rights protections which have traditionally protected people of faith and goodwill from religious employment discrimination in federally funded job-training programs.

Since its inception in 1982, when it was called the Job Training Partnership Act (JTPA), this program has been the largest Federal employment training program in the nation, serving dislocated workers, homeless individuals, economically disadvantaged adults, youths and older workers. When signed into law by President Ronald Reagan, this program contained the very language protecting against religious discrimination that H.R. 27 seeks to repeal.

As an organization comprised of 150,000 people of faith and goodwill spanning over 70 faith traditions, I urge you to support the Scott amendment to the Job Training Improvement Act/H.R. 27 that would restore civil rights protections. If an amendment like this fails, I urge you to oppose the Job Training Improvement Act/H.R. 27 because it is an unjustified assault on religious liberty and civil rights protections.

America's unemployed citizens and those who wish to train them should not be subjected to a religious test under a Federal program. If you need further information on our position on this matter, please do not hesitate to contact Kim Baldwin, Director of

Public Policy and Voter Education, at 202-639-6370.

Sincerely,

Rev. Dr. C. WELTON GADDY,
President, *The Interfaith Alliance*.

UNITARIAN UNIVERSALIST ASSOCIATION OF CONGREGATIONS, WASHINGTON OFFICE FOR ADVOCACY,
Washington, DC.

To: Members of the House of Representatives.

DEAR REPRESENTATIVE: I write on behalf of over 1,000 congregations that make up the Unitarian Universalist Association of Congregations (UUA). Unitarian Universalists have a long and proud history of opposing the convergence of religion and state in ways that compromise both entities. I write today to urge you to oppose provisions in H.R. 27, The Job Training Improvement Act that would do just that.

We ask you to oppose religious discrimination in employment procedures included in Section 128 of H.R. 27. If Section 128 were included as written, The Jobs Improvement Act would allow religious organizations receiving government funds to discriminate on the basis of religion when hiring employees for taxpayer-funded positions. This would jeopardize both civil rights and religious freedom. We urge you to support the amendment offered on the floor by Representative SCOTT that would restore protections contained in current law that guard the freedom of religious belief and expression to all people seeking employment of federally funded positions.

While The Unitarian Universalist Association affirms the critical role of faith as a source of healing in our society, we strongly believe that all legally qualified social service providers should be considered for employment without the imposition of religious tests or proscription. By accepting government funds, houses of worship are—and should remain subject to government oversight, as well as government regulation, including compliance reviews, audits, and upholding the protections against civil rights violations such as religious discrimination.

If an amendment restoring current law by requiring federally funded religious organizations to comply with civil rights protections is not passed on the floor, we urge you to oppose H.R. 27, the Job Training Improvement Act as written. The protection of the religious expression of people of all faiths is the responsibility all Americans, including religious organizations such as ours and legislators such as yourself. We ask for your vote against religious discrimination in the workplace in order to protect the civil rights and religious freedom of all people and remain true to one of the core principles of our nation's commitment to liberty for all.

Sincerely,

ROB KEITHAN,
Director.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
WASHINGTON BUREAU,
Washington, DC, February 25, 2005.

MEMBERS,
House of Representatives,
Washington, DC.

Re Support the Scott Amendment to H.R. 27, the Job Training Improvement Act of 2005, which would restore protections against discrimination in current law.

DEAR REPRESENTATIVE: On behalf of the National Association for the Advancement of Colored People (NAACP), the nation's oldest, largest and most widely recognized grassroots civil rights organization, I urge you, in the strongest terms possible to support the

amendment being offered by Congressman Bobby Scott to H.R. 27 that would retain the civil rights protections when using federal funds in the current law. If the bill's existing language becomes law, civil rights protections that have been in place for decades will be eliminated and the result will be federally funded discrimination. Given the importance of this issue to the NAACP and our membership, I would also urge you to vote against final passage of the bill should the Scott amendment fail.

Because of our Nation's sorry history of bigotry, for decades it has been illegal to discriminate in employment and make hiring decisions based on race or religion. The only exception is faith-based organizations that are exempted from anti-discrimination provisions in programs using their own money; although until now they had to adhere to basic civil rights laws when using federal monies to support a program.

There should be no question that Faith Based institutions should, like all other recipients of federal funds, adhere to basic civil rights laws when using federal funds. It is a fundamental American principle that no citizen should have to pass someone else's racial, ethnic or religious test to qualify for a taxpayer-funded job and has been the law since 1982 when our federally-funded national job training programs were consolidated under the Job Training Partnership Act. H.R. 27 would eliminate the protections and advancements in the current law, provisions which have never been controversial.

Congressman Scott's amendment would restore protections against religious discrimination in hiring for jobs funded through the Job Training Improvement Act. This amendment is consistent with the civil rights laws passed of the mid-1960's and with the basic principles of our Constitution and would reassert traditional and well-established employment rights, civil rights and anti-discrimination protections.

Make no mistake; enactment of this provision will not make it easier for faith-based organizations to get federal contracts; they still need to apply, compete, and are subject to audit. Any program that can get funded under this bill can get funded anyway; Faith based organizations must simply comply with decades-old civil rights laws; they must not discriminate in hiring.

While there can be no question as to the invaluable role that faith-based organizations have played and continue to play in meeting many of the needs facing our nation today, it is also true that there are a few organizations which may, unfortunately, use religious discrimination as a shield for racial or gender discrimination. Thus I urge you, again in the strongest terms possible, to support Congressman Scott's amendment and ensure that tax dollars are not being used to support discrimination in any form.

Should you have any questions or comments on the NAACP position, I hope that you will feel free to contact me at (202) 463-2940. The NAACP considers this to be a very important civil rights vote, and your position will be relayed to our national membership.

Sincerely,

HILARY SHELTON,
Director.

AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL
EMPLOYEES,
AFL-CIO.

Washington, DC, February 25, 2005.

DEAR REPRESENTATIVE: I am writing on behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME) to urge you to vote against H.R. 27, the "Job Training Im-

provement Act of 2005" and to oppose any effort to expand the block grant authority in the bill along the lines of the Administration's "WIA Plus" proposal.

H.R. 27 fails to make improvements necessary to enhance the training and career opportunities of unemployed workers. Instead, the legislation completely eliminates the dislocated worker training program, undermines state rapid response systems, ends the federal-state labor exchange system, rolls back protections against religious discrimination in hiring by job training providers, and potentially undermines the stability of other important related programs. It also threatens the unemployment insurance-employment service partnership that has served the nation well for over 70 years.

We are especially concerned that H.R. 27 terminates the U.S. Employment Service (ES) system by folding it into a block grant with the WIA dislocated worker and adult training programs. Funded from the federal Unemployment Insurance Trust Fund, the ES has been a key part of the unemployment insurance (UI) system since its inception. Through state employment service agencies, the ES has administered the UI "work test" to determine whether UI claimants are actively seeking work in order to be eligible for UI benefits.

It is highly doubtful that local one-stop centers with multiple mandates could address the reemployment needs of UI claimants and the mandates of the UI law effectively. In addition, shifting the UI work test to one-stop centers, which private companies can operate, would privatize an important eligibility function for the UI program and set the stage for privatizing the administration of UI benefits. This is especially troubling in light of the importance of preserving the confidentiality of employer wage records.

Eliminating the Employment Service also advances a major objective of the Administration: the devolution of the federal unemployment insurance to the states, in effect ending this critical countercyclical program as a national system. Legislation to reduce the Federal Unemployment Tax (FUTA) by 75% over several years and turn the financing of UI operations back to the states has languished in Congress. H.R. 27 accomplishes one phase of this larger plan.

Block granting the dislocated and adult worker training programs with the ES eliminates the distinct objectives of each of these programs. Specifically, it ends targeted job training assistance for workers dislocated by off-shoring and other economic changes, pits different types of workers against each other, and it will lead to future funding reductions. It also replaces the current uniform statewide job service that matches employers and job seekers with a multiplicity of local programs that will have no incentive or ability to cooperate as a comprehensive labor exchange system.

AFSCME also strongly opposes provisions in H.R. 27 that give governors broad discretion to transfer resources from the WIA "partner programs" to pay for WIA infrastructure and core services costs.

By relying on funding transfers from these programs to guarantee resources for WIA infrastructure and core services, H.R. 27 will disrupt and weaken services provided by these non-WIA programs, which also will face substantial pressures for funding reductions in the next few years.

The infrastructure and related provisions begin the commingling of funds from these non-WIA programs and lay the foundation for future block granting of these programs. Any doubts that this is the long term objective should be dispelled by the Administration's current request to modify H.R. 27 to give governors authority to add up to five additional "partner programs" to the block

grant created in the legislation (“WIA Plus”). These programs include vocational rehabilitation, trade adjustment assistance, veterans employment and training programs, adult education and food stamp employment and training programs.

In addition to the block grant strategy in the legislation, H.R. 27 includes new demonstration authority for the Department of Labor to operate “personal reemployment account” (PRA) demonstrations. The PRAs would cap the cost of training that unemployment insurance recipients can receive and bar them from receiving free WIA services for a year after the PRA account is established. They represent a further contraction in the assistance the federal government provides workers, and, since the Labor Department already is running an experiment in seven states, they are entirely unnecessary.

Finally, the proposed PRAs or vouchers are complemented by the repeal of longstanding civil rights protections that prohibit religious-based employment discrimination by job training providers. This rollback of civil rights protections, designed to advance direct government funding of pervasively religious institutions, overturns decades of consensus on the need for non-discriminatory treatment in job training programs and should be rejected. We understand that Rep. Bobby Scott intends to offer an amendment that would restore to the bill the existing civil rights protections. We urge you to support this amendment.

In summary, H.R. 27 is a radical and partisan departure from previous workforce policy. It transforms the original one-stop idea of a better-coordinated workforce system into a mechanism for reducing resources and block granting programs in the future. It would undermine the role of Congress in national workforce policy, erode accountability for the expenditure of workforce funds, and retreat from important civil rights protections that have enjoyed bipartisan support for over 25 years. AFSCME strongly urges you to vote against H.R. 27.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, February 17, 2005.
Honorable JOHN BOEHNER,
Chairman, House Committee on Education and the Workforce, Washington, DC.

DEAR CHAIRMAN BOEHNER: On Thursday, February 17, the House Education and Workforce Committee will consider H.R. 27 to re-authorize the Workforce Investment Act. The AFL-CIO urges you to vote against this legislation, because it is a step backward in securing needed training and employment programs for our nation's unemployed and disadvantaged workers.

Good jobs that support families are the foundation of a strong economy and a strong nation, and creating and sustaining good jobs is the number one priority for Americans. Effective and meaningful job training programs and income support for jobless workers combined with job search assistance are key components of a comprehensive jobs strategy. H.R. 27 does nothing to create and sustain good jobs in America. At the same time it consolidates, block grants and cuts the funding for Workforce Investment Act programs designed to help unemployed workers and disadvantaged adults.

In particular, we are concerned about the following provisions in H.R. 27:

ELIMINATION OF THE EMPLOYMENT SERVICE

The AFL-CIO opposes repeal of the Wagner-Peyser Act, called for under H.R. 27. Re-

pealing the Wagner-Peyser Act eliminates the 60-year-old United States Employment Service (ES), a federal-state partnership that maintains a nationwide, free, publicly administered labor exchange matching job seekers and employers. It is also the first step toward dismantling the critical and historic federal role in the nation's unemployment insurance (UI) system, turning it over entirely to the states. Repealing the Wagner-Peyser Act and block granting ES funds will reduce, privatize and voucherize free public labor exchange programs.

WIA BLOCK GRANT

H.R. 27 consolidates into a single block grant the WIA adult and dislocated worker programs with the Wagner-Peyser Employment Service program and reemployment services for unemployment insurance recipients. In doing so, it destroys both the dislocated worker program, which has provided assistance to experienced workers permanently dislocated from their jobs, and the statewide job service, which provides a uniform statewide system for matching employers and jobseekers. The block grant will pit different types of workers against each other for assistance and lead to future funding reductions.

INFRASTRUCTURE FUNDING

H.R. 27 gives Governors broad discretion to transfer additional resources from the WIA partner programs to pay for WIA infrastructure and WIA core services costs—without any assurance that more training would result. By relying on funding transfers from these programs, H.R. 27, guarantees WIA one-stop funding at the expense of disrupting and weakening services provided by these non-WIA programs. A more effective and simple solution to ensuring adequate training services would be to require that a certain percentage of WIA funds be used for training as provided in previous job training programs and to create a separate WIA funding stream for one-stop operations, if necessary.

PERSONAL REEMPLOYMENT ACCOUNTS

H.R. 27 includes a demonstration program for the Secretary to conduct “Personal Reemployment Account” (PRA) demonstrations even though the Department of Labor recently initiated a PRA demonstration without strong interest among the states. Unlike current WIA training programs, the PRAs would limit the cost of training that an unemployment insurance recipient can receive and would bar that individual from WIA training services for a year after the PRA account is established. This is the wrong way to go. With long-term unemployment at historically high levels, there is a much greater need for continued unemployment benefits for the long-term unemployed who have found it so difficult to become re-employed.

RELIGIOUS-BASED EMPLOYMENT DISCRIMINATION

We are particularly concerned that this legislation would remove key civil rights protections against religious discrimination in publicly-funded programs. H.R. 27 repeals longstanding civil rights protections that prohibit religious-based employment discrimination by job training providers.

FUNDING

Since taking office, President Bush has made real cuts in job training and assistance programs to help unemployed and underemployed workers, including Workforce Investment Act programs for adults and dislocated workers and the Employment Service. In inflation-adjusted dollars, these proposed cuts total almost \$1.9 billion.

If implemented, the Bush WIA block grant proposals will cut \$284 million in real dollars

from WIA and Employment Service programs. If implemented, the new “WIA Plus” block grant proposal will cut \$354 million in real dollars from current TAA, Vocational Rehabilitation, Adult Education, Veterans Training and Food Stamp Employment and Training Programs. The Bush block grant proposals will mean a total of \$638 million in real cuts for existing programs.

“WIA PLUS” PROPOSALS

Though not part of HR 27, at present, the Bush Administration has proposed a “WIA Plus” initiative that would allow Governors to merge five additional programs into the WIA block grant: Trade Adjustment Assistance; Vocational Rehabilitation; Food Stamps Employment and Training Programs; Adult Education and Veterans Employment and Training Programs.

The legislation allows the Governor to: Ignore the requirements of each statute authorizing these programs. Treat individuals in different parts of the state differently. Consolidate reporting so that no information or tracking is provided on the nature and extent of services to special groups.

The “WIA Plus” proposal should be opposed because it: Bypasses existing public administration requirements permitting these programs to be contracted out. Eliminates the obligation to provide long-term training and income support to workers whose jobs have been outsourced or lost to foreign trade. Eliminates job training and other workforce assistance to unemployed, disabled and homeless veterans and eliminates state veterans employment specialists and disabled veterans employment specialists. Eliminates the specialized counseling and customized help for the disabled provided through state vocational rehabilitation agencies. Forces those in need to compete for a declining share of resources. Contains no assurance that individuals will receive the same quality of service.

For all of these reasons the AFL-CIO urges you to vote against H.R. 27 and oppose any amendments that would implement the Bush Administration’s “WIA Plus” program.

Sincerely,

WILLIAM SAMUEL,
Director, Department of Legislation.

HUMAN RIGHTS CAMPAIGN,
Washington, DC, March 2, 2005.

DEAR REPRESENTATIVE: On behalf of the more than 600,000 members of The Human Rights Campaign, we urge support for the Scott Amendment to the Job Training Improvement Act (H.R. 27) in order to protect workers against religious discrimination in federally-funded job training programs. This Amendment would restore current law and continue to protect critical civil rights protections thus preventing the alteration of a non discrimination policy that has been in place since it was signed into law by President Ronald Reagan. Passing this bill without such amendment will result in religious organizations being able to use Federal money to discriminate based on religion under this Act even when engaging in purely secular job training endeavors.

Absent the adoption of a civil rights amendment on the House floor, we urge you to vote “No” on final passage of H.R. 27.

The 1998 Workforce Investment Act consolidated earlier job-training programs and simply recodified the nondiscrimination provision included in the original Job Training Partnership Act of 1982. The 1998 legislation, which included this nondiscrimination provision, received strong bipartisan support from both the House and Senate at the time of its passage in the 105th Congress. Since its inclusion in the 1982 JTPA, it has enjoyed bipartisan support. This twenty-one year old

provision has worked well since the inception of this program, allowing religious organizations to provide government-funded services while maintaining America's bedrock commitment to protecting both civil rights and religious liberty.

In general, we do not object to faith-based organizations providing employment-related services or other social services provided that public funds are not used to discriminate. However as the Nation's largest gay, lesbian, bisexual and transgender civil rights organization, we summarily oppose using Federal funds to discriminate on any basis, including religion, which we have witnessed used as a proxy for sexual orientation and gender identity discrimination.

We strongly urge you to support the Scott Amendment and oppose the unjustified rollback of civil rights protections currently found in H.R. 27. We believe that tax payers should never fund discrimination and urge your support in efforts to restore these important protections.

As always, should you have any questions please do not hesitate to contact Shelley Simpson at 202-216-1586.

Sincerely,

DAVID M. SMITH,
Vice President for Policy & Strategy.
CHRISTOPHER LABONTE,
Legislative Director.

THE COALITION AGAINST
RELIGIOUS DISCRIMINATION.

February 23, 2005.

DEAR REPRESENTATIVE: We, the undersigned religious, civil rights, labor, education, health and advocacy organizations are writing to urge you to support Scott amendment to restore critical civil rights protections to the Job Training Improvement Act (H.R. 27), in order to protect workers against religious discrimination in federally-funded job training programs. Since their inception in 1982, these job-training programs have included important civil rights protections against employment discrimination based on religion in programs that receive federal funds. Absent the adoption of a civil rights amendment on the House floor, we urge you to vote "No" on final passage of H.R. 27.

The 1998 Workforce Investment Act consolidated these earlier job-training programs and simply recodified the nondiscrimination provision included in the original Job Training Partnership Act of 1982. The 1998 legislation, which included this nondiscrimination provision, received strong bipartisan support from both the House and Senate at the time of its passage in the 105th Congress. Since its inclusion in the 1982 JTPA, it has enjoyed bipartisan support. The original Job Training Partnership Act was sponsored by then Senator Dan Quayle, and was reported out of the Senate Labor and Human Resources Committee then chaired by Senator Orrin Hatch. Finally, President Ronald Reagan signed into law the Job Training Partnership Act, which contains the very same civil rights provision that H.R. 27 now seeks to repeal as it applies to religious organizations. This 23 year old provision has worked well since the inception of this program, allowing religious organizations to provide government-funded services while maintaining America's bedrock commitment to protecting both civil rights and religious liberty.

We strongly urge you to support the Scott civil rights amendment to H.R. 27 to restore current civil rights law and to oppose the unjustified and unnecessary assault in H.R. 27 on our nation's commitment to eradicating employment discrimination in government-funded jobs.

Sincerely,
AFL-CIO.

American Association of University Women.

American Civil Liberties Union.

American Counseling Association.

American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO.

American Federation of Teachers.

American Humanist Association.

American Jewish Committee.

American Jewish Congress.

Americans for Religious Liberty.

Americans United for Separation of Church and State.

Anti-Defamation League.

Baptist Joint Committee on Public Affairs.

Central Conference of American Rabbis.

Episcopal Church, USA.

Equal Partners in Faith.

Frances Kissling, Catholics for a Free Choice.

General Board of Church and Society of The United Methodist Church.

Hadassah, the Women's Zionist Organization of America.

Human Rights Campaign.

Leadership Conference on Civil Rights.

Legal Momentum (formerly NOW Legal Defense).

NAACP.

National Association of Social Workers.

National Council of Jewish Women.

National Education Association.

National Head Start Association.

National PTA.

OMB Watch.

People For the American Way.

Presbyterian Church (USA), Washington Office.

Service Employees International Union SEIU, AFL-CIO.

Texas Faith Network.

Texas Freedom Network.

The Interfaith Alliance.

The Secular Coalition for America.

Union for Reform Judaism.

Unitarian Universalist Association of Congregations.

United Auto Workers.

United Church of Christ Justice & Witness Ministries.

Women of Reform Judaism.

BAPTIST JOINT COMMITTEE,
Washington, DC, February 25, 2005.

DEAR REPRESENTATIVE: This week you will be asked to consider the Job Training and Improvement Act (H.R. 27). We write to request your support for the Scott amendment to restore critical civil rights protections. Without the adoption of this amendment, we urge you to reject this legislation because it would allow religious employment discrimination in positions funded with federal dollars.

Some religious organizations qualify for an exemption to the ban on religious discrimination in Title VII of the Civil Rights Act of 1964. We support Title VII's exemption for churches and other religious organizations. This exemption, when applied to privately funded activities and enterprises, appropriately protects the church's autonomy and its ability to perform its mission. Courts have interpreted this exemption not only to apply to clergy, but also to all of the religious organization's employees including support staff, and not only to religious affiliations, but also to religious beliefs and practices. While we support this exemption, we oppose its application in a publicly funded context.

Without the Scott civil rights amendment, H.R. 27 would allow tax-funded employment discrimination on the basis of religion. Allowing government to subsidize religious discrimination with tax dollars is arguably unconstitutional, and in any case, an unconscionable advancement of religion that si-

multaneously turns back the clock on civil rights.

Religion has flourished in this country since its founding precisely because the institutional spheres of church and state have operated separately. This type of legislation violates the separation of church and state and, therefore, threatens religion. We ask you to oppose H.R. 27 and provide protections from religious employment discrimination in federally funded job training programs.

Sincerely,

K. HOLLYN HOLLMAN.

AFRICAN AMERICAN MINISTERS,
Washington, DC, February 25, 2005.
House of Representatives,
Washington, DC.

DEAR MEMBER OF CONGRESS: As pastors and leaders of predominately African American congregations across the country, we urge you to protect the civil rights and religious freedom of all Americans and oppose the discriminatory provisions in the Job Training Improvement Act (H.R. 27). African American religious leaders and activists have worked tirelessly over the past decades to ensure civil rights protections. However, this bill would repeal these longstanding civil rights protections designed to protect workers against religious discrimination in federally-funded job training programs.

We believe that maintaining the separation between church and state is fundamental to maintaining the religious freedoms of all Americans. Therefore, as leaders of our respective congregations, we cannot compromise our principles by supporting legislation that allows religiously-affiliated organizations, to discriminate with Federal taxpayers' dollars. The role of the church is to promote our religious teachings, and this should not be confused with religious intolerance or discrimination.

Since 1982, anti-discrimination requirements have been included in the Job Training Partnership Act, re-titled the Workforce Investment Act in 1998. It is important to recognize that religiously affiliated organizations have not requested an exemption. Furthermore, there is no need to exempt religious organizations from these anti-discrimination laws. Houses of worship can create independent 501(c)(3) organizations in order to separate religious content from the provision of services. This allows our religious organizations to maintain their religious identity without government interference, while also providing needed services in the community.

Not only is the exemption in H.R. 27 unnecessary, it is also detrimental to the fundamental protections against discrimination based on one's religion that are absolutely central to our democracy. The current language in H.R. 27 does not protect the civil rights cherished in our communities, but instead encourages federally-funded discrimination.

For these reasons, we ask that you prevent unnecessary and unacceptable religious discrimination and show your commitment to upholding critical civil rights protections within H.R. 27.

Sincerely,

Reverend TIMOTHY McDONALD,
BOARD MEMBERS

Rev. Wendell Anthony, Fellowship Chapel United Church of Christ, Detroit, MI.

Rev. Dr. FLoyd W. Davis, High Street Baptist Church, Roanoke, VA.

Elder Kevin A. Ford, St. Paul UCGC, Chicago, IL.

Rev. Julius C. Hope, New Grace Missionary Baptist Church, Highland Park, MI.

Rev. Dr. Arnold W. Howard, Enon Baptist Church, Baltimore, MD.

Rev. Leonard B. Jackson, First A.M.E. Church, Los Angeles, CA.

Rev. Dr. Clarence Pemberton, Jr., The New Hope Baptist Church, Philadelphia, PA.

Rev. James B. Sampson, First New Zion Missionary Baptist Church, Jacksonville, FL.

Rev. L. Charles Stovall, Camp Wisdom UMC, Dallas, TX.

Rev. Dr. Rolen Womack, Jr., Progressive Baptist Church, Milwaukee, WI.

Rev. Albert Love, Love In Action Ministries, 5410 Skyview Drive, SW., Atlanta, GA.

Rev. Robert Shine, Berachah Baptist Church, 2043 Eastburn Ave., Philadelphia, PA.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, February 25, 2005.

Re the Job Training Improvement Act (H.R. 27) Creates an Unconstitutional Loophole Allowing Government-Funded Religious Discrimination.

DEAR REPRESENTATIVE: The American Civil Liberties Union strongly urges you to support the Scott amendment to the Job Training Improvement Act (H.R. 27) to restore current law and to continue to defend critical civil rights protections designed to protect employees against religious discrimination in federally-funded job training programs. Since their inception in 1982, these federally-funded job training programs have included important civil rights protections against employment discrimination. H.R. 27 will create an unconstitutional loophole to the enforcement of this longstanding prohibition against government-funded religious discrimination in Federal job training programs.

H.R. 27 CHANGES LONGSTANDING CIVIL RIGHTS LAW THAT WAS NEVER CONTROVERSIAL

H.R. 27 explicitly authorizes federally-funded religious organizations receiving funds from the Act's job training programs to discriminate against their employees based on religion. Current law prohibits participants in Federal job training programs from discriminating based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief. 29 U.S.C. 2938 (a)(2). H.R. 27 would allow taxpayer dollars to fund religious organizations that discriminate against their employees in the delivery of federally-funded services.

The civil rights provision barring federally-funded religious discrimination has never been controversial. In fact, the provision was first included in the Federal job training legislation that then-Senator Dan Quayle sponsored, which passed through a committee chaired by Senator Orrin Hatch, and was signed by President Ronald Reagan. Throughout its 21-year history, the civil rights provision has not been an obstacle to the participation of religiously-affiliated organizations in Federal job training programs. In fact, many religiously-affiliated organizations participate in the programs and comply with the same civil rights provision that apply to everyone else.

THERE IS LITTLE SUPPORT FOR THE ANTI-CIVIL RIGHTS PROVISION IN THE SENATE

In the 108th Congress, the Senate passed its version of the faith-based initiative after stripping out any provisions that could have created any special advantages for federally-funded religious organizations. The sponsors of the legislation realized that a majority of the Senate supported the eradication of religious discrimination in federally-funded employment positions—and did not want to roll-back any civil rights protections. The civil rights community joins a significant portion of the religious community in urging

the House to make the same decision to oppose Federal taxpayer support for religious discrimination by federally-funded employers.

H.R. 27 WOULD REVERSE THE GOVERNMENT'S LONG STANDING PROTECTION AGAINST FEDERALLY FUNDED DISCRIMINATION

H.R. 27 attacks the very core of civil rights protections historically supported by the federal government. More than 60 years ago, one of the first successes of the modern civil rights movement was a decision by President Franklin Roosevelt to bar federal contractors from discriminating based on race, religion, or national origin. From that first presidential decision through the Supreme Court's decision allowing the Federal government to deny special tax advantages to Bob Jones University, which claimed a religious right to retain the tax benefits while pursuing racist practices, the Federal government has made the eradication of federally funded discrimination among its highest priorities.

In *Bob Jones Univ. v. United States*, 461 U.S. 574 (1983), the Supreme Court held that Federal government could deny a religiously-run university tax benefits because the university imposed a racially discriminatory anti-miscegenation policy. *Id.* at 605. The Court decided that the Federal government's compelling interest in eradicating racial discrimination in education superceded any burden on the university's religious exercise of enforcing a religiously-motivated ban on students interracial dating. *Id.* at 604.

H.R. 27 would allow a religious organization, such as Bob Jones University, that discriminates based on religion, to participate in Federal job training programs. In a disturbing result, Bob Jones University could be denied tax benefits because of its racist policies toward its students, but could receive Federal job training money under H.R. 27 to discriminate against employees working in the Federal job training program—simply because the employees do not meet Bob Jones University's religious tests. Moreover, in the many religious organizations in which most, if not all, of the adherents are of a single race, the result of federally-funded religious discrimination will effectively be federal funds going to the employment of persons of a single race.

The Federal government clearly has a compelling interest in applying the Workforce Investment Act's current civil rights provision to everyone receiving federal funds—including religious organizations seeking to discriminate on the basis of religion in hiring persons to work in Federal job training programs. H.R. 27 is inconsistent with the leading Supreme Court case on the use of federal funds by religious organizations that discriminate.

There is no meaningful difference between the government prohibiting tax benefits to organizations that discriminate based on race and the Workforce Investment Act's statutory prohibition on discrimination based on religion in Federal job training programs. In fact, the United States itself—during the current Administration—squarely rejected the proposition that intentional religious discrimination gets less protection under the Equal Protection Clause than intentional racial discrimination. In its October 26, 2001 brief defending the religion prong of Title VII from an Eleventh Amendment attack, the United States stated that “[c]ontrary to Defendant's contention that the Supreme Court has 'distinguished claims involving differential treatment on the basis of race and speech from those involving religion,' there can be no doubt that the Equal Protection Clause subjects State governments engaging in intentional discrimina-

tion on the basis of religion to strict scrutiny.” Brief of Intervenor United States in *Endres v. Indiana State Police* (N.D. Ind. Oct. 26, 2001) (brief is available on www.usdoj.gov). Congress should not now take the position that it cannot or will not enforce a civil rights ban on federal funds going to an organization claiming a right to discriminate based on religion when the Supreme Court specifically authorized the United States to enforce a civil rights ban on federal tax benefits going to an organization making a directly analogous religious exercise claim to discriminate based on race. Thus, the sponsors' statement that the Congress has no duty to fully enforce the non-discrimination statute is contrary to law—and abandons one of the seminal decisions in civil rights, namely *Bob Jones Univ.*

H.R. 27 IS UNCONSTITUTIONAL

H.R. 27 abets unconstitutional employment discrimination based on religion. Its exemption of religious organizations from the prohibition on religious discrimination in the program is contrary to constitutional law and will open the door to government-funded discrimination.

Proponents of allowing religious organizations to use Federal funds to discriminate against their employees argue that their position is consistent with a provision in Title VII of the Civil Rights Act of 1964 that generally permits religious organizations to prefer members of their own religion when making employment decisions. However, that provision does not consider whether federally-funded religious groups can discriminate with federal taxpayer dollars. Moreover, although the Supreme Court upheld the constitutionality of the religious organization exemption in Title VII, *Corporation of Presiding Bishop v. Amos*, 483 U.S. 327, 336-39 (1987), the Court has never considered whether it is unconstitutional for a religious organization to discriminate based on religion when making employment decisions in programs that the government finances to provide governmental services.

Several courts have considered whether a religious organization can retain its Title VII exemption after receipt of indirect Federal funds, *e.g.*, *Siegel v. Truett-McConnell College, Inc.*, 13 F. Supp.2d 1335, 1344 (N.D. Ga. 1994) (clarifying that its decision permitting a religious university to invoke the Title VII exemption is because the government aid is directed to the students rather than the employer), but only one federal court has decided the constitutionality of retaining the Title VII exemption after receipt of direct Federal funds, *Dodge v. Salvation Army*, 1989 WL 53857 (S.D. Miss. 1989). In that decision, the court held that the religious employer's claim of its Title VII exemption for a position “substantially, if not exclusively” funded with government money was unconstitutional because it had “a primary effect of advancing religion and creating excessive government entanglement.” *Id.* The analysis applied by the court in *Dodge* should apply with equal force to the Workforce Investment Act programs that would provide direct Federal funds to religious organizations.

In addition to causing the Establishment Clause violation cited by the court in *Dodge*, H.R. 27 would also subject the government and any religious employer invoking the right to discriminate with Federal dollars to liability for violation of constitutional rights under the Free Exercise Clause and the Equal Protection Clause. Although mere receipt of government funds is insufficient to trigger constitutional obligations on private

persons, a close nexus between the government and the private person's activity can result in the courts treating the private person as a state actor. *Rendell-Baker v. Kohn*, 457 U.S. 830 (1982).

It is beyond question that the government itself cannot prefer members of a particular religion to work in a federally-funded program. The Equal Protection Clause subjects governments engaging in intentional discrimination on the basis of religion to strict scrutiny. *E.g.*, *United States v. Batchelder*, 442 U.S. 114, 125 n.9 (1979); *City of New Orleans v. Dukes*, 427 U.S. 297, 303 (1976). No government could itself engage in the religious discrimination in employment accommodated and encouraged by the proposed rule's employment provision. Thus, the government would be in violation of the Free Exercise Clause and the Equal Protection Clause for knowingly funding religious discrimination.

Of course, a private organization is not subject to the requirements of the Free Exercise Clause and the Equal Protection Clause unless the organization is considered a state actor for a specific purpose. *West v. Atkins*, 487 U.S. 42, 52 (1988). The Supreme Court recently outlined the conditions necessary to establish that there is a sufficient nexus between the government and the private person to find that the private person is a state actor for purposes of compliance with constitutional requirements on certain decisions made by participants in the government program:

[S]tate action may be found if, though only if, there is such a 'close nexus between the State and the challenged action' that seemingly private behavior 'may be fairly treated as that of the State itself.' . . . We have, for example, held that a challenged activity may be state action when it results from the State's exercise of 'coercive power,' when the state provides 'significant encouragement, either overt or covert,' or when a private actor operates as a 'willful participant in joint activity with the State or its agents' . . .

Brentwood Academy v. Tennessee Secondary School Athletic Association, 121 S. Ct. 924, (2001) (citations omitted).

The extraordinary role that the current Administration—and the sponsors of H.R. 27—have taken in accommodating, fostering, and encouraging religious organizations to discriminate based on religion when hiring for federally-funded programs creates the nexus for constitutional duties to be imposed on the provider, in addition to the requirements already placed on government itself. The clear intent of the change in the civil rights provision in the Workforce Investment Act is to encourage certain providers receiving federal funds to discriminate based on religion.

The H.R. 27 provision allowing government-funded religious discrimination is part of a growing pattern of congressional, presidential, and regulatory actions taken specifically for the purpose of accommodating, fostering, and encouraging federally-funded private organizations to discriminate in ways that would unquestionably be unconstitutional if engaged in by the federal government itself. For example, in December of last year, President Bush signed Executive Order 13279, which amended an earlier executive order, which had provided more than 60 years of protection against discrimination based on religion by federal contractors. The Bush Order provides an exemption for religious organizations contracting with the government to discriminate in employment based on religion. In addition, the federal

government is simultaneously proposing regulations to allow religious organizations to discriminate based on religion in employment for federal programs involving substance abuse counseling, welfare reform, housing, and veterans benefits.

Although religious employers enjoy an exemption from Title VII allowing them to apply religious tests when hiring for positions funded with their own money, the Constitution requires that direct receipt and administration of federal funds removes that exemption. In addition, the federal government itself has constitutional obligations to refrain from religious discrimination or from establishing a religion. H.R. 27 fails to meet any of those constitutional mandates.

For these reasons, the ACLU strongly urges you to support the Scott amendment to H.R. 27. Thank you for your attention to this matter, and please do not hesitate to call Terri Schroeder at 202-675-2324 if you have any questions regarding this issue.

Sincerely,

LAURA W. MURPHY,
Director.
TERRI A. SCHROEDER,
Senior Lobbyist.

AMERICANS UNITED FOR SEPARATION
OF CHURCH AND STATE,
Washington, DC, February 24, 2005.

DEAR REPRESENTATIVE: Americans United for Separation of Church and State strongly urges you to support the Scott amendment to the Job Training Improvement Act (H.R. 27). The Scott amendment would restore longstanding civil rights protections in the Workforce Investment Act ("WIA"), which guards workers against discrimination in WIA-funded job training programs. Absent adoption of the Scott Amendment on the House floor, Americans United strongly urges you to vote "No" on final passage of H.R. 27.

Americans United represents more than 75,000 individual members throughout the fifty states, as well as cooperating houses of worship and other religious bodies committed to the preservation of religious liberty. The civil rights rollback contained in H.R. 27 would allow religious organizations operating government-funded programs under WIA to discriminate in employment on the basis of religion, religious practice, or religious beliefs. H.R. 27 thus has serious implications for the protection of civil rights and religious liberty, and must be opposed.

Section 128 of H.R. 27, entitled "Non-Discrimination," exempts religious organizations that receive Federal funds from the prohibition against discrimination on the basis of religion that is standard practice for all other organizations receiving funding under WIA. Since its inception in 1982, when it was called the Job Training Partnership Act ("JTPA"), this program has served as the largest federal employment training service in the nation, serving dislocated workers, homeless individuals, economically disadvantaged adults, youth and older workers. When signed into law by President Ronald Reagan, this program contained the very language protecting against religious discrimination that H.R. 27 seeks to repeal as to religious organizations.

The 1998 WIA consolidated these earlier job-training programs and simply recodified the nondiscrimination provision included in the original JTPA. The 1998 legislation, which included this nondiscrimination provision, received strong bipartisan support from both the House and Senate at the time of its passage in the 105th Congress. The original JTPA was sponsored by then-Senator Dan

Quayle, and was reported out of the Senate Labor and Human Resources Committee then chaired by Senator Orrin Hatch. Since its inclusion in the 1982 JTPA, it has enjoyed bipartisan support. This 23-year-old provision has worked well since the inception of this program, allowing religious organizations to provide government-funded services while maintaining America's bedrock commitment to protecting both civil rights and religious liberty.

Americans United strongly urges you to support the Scott amendment and to oppose the unjustified and unnecessary assault in H.R. 27 on our nation's longstanding commitment to eradicating employment discrimination in government-funded jobs. If you have any questions about H.R. 27 or would like further information on any other issue of importance to Americans United, please do not hesitate to contact Aaron D. Schuham, Legislative Director, at (202) 466-3234, extension 240.

Sincerely,

Rev. BARRY W. LYNN,
Executive Director.

TAIWAN STRAIT RELATIONS

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 3, 2005

Mr. LUCAS of Oklahoma. Mr. Speaker, On December 29 of last year, the Standing Committee of the Chinese National People's Congress took a highly provocative action when it voted to submit an "Anti-Secession Law" to the full Congress which convenes on March 5.

The text of this proposed law was not made public, but there can be no doubt about its intent. It is intended to create in China's national law the legal justification for a military attack against Taiwan.

The law would spell out a range of activities which, if taken by the Taiwanese people and their democratically elected leaders, would legally constitute secession. Many of these activities, such as Constitutional reform and popular referenda, are the mainstay of any democracy. Yet the Chinese would use them as a legal excuse for a military attack.

Mr. Speaker, this proposed "anti-secession" legislation which the National People's Congress plans to take up in March, is a significant and dangerous development. It goes far beyond the usual bellicose verbal threats of Chinese leaders. It would use Chinese national law as a rationale for military aggression against its democratic neighbor.

The United States, for more than 25 years since the passage of the Taiwan Relations Act, has made clear its determination that the future of Taiwan must be decided only by peaceful means, not by force of arms, and that any final determination must be in accord with the wishes of the people of Taiwan.

These are the fundamental building blocks upon which the future of the Taiwan Strait must rest: peace, and mutual consent between both sides. I urge the leadership of the PRC to put aside this ill-considered law as inimical to both peace and goodwill.