

Disaster Assistance Nonprofit Fairness Act of 2013. The bill was introduced in the House of Representatives on Friday, February 8, 2013. It would amend Sections 102(10)(B) and 406(a)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(10)(B) and 5172(a)(3)), to clarify that houses of worship are eligible for disaster relief and emergency assistance on the same terms as other nonprofit facilities providing certain defined essential services to the public. Stated differently, houses of worship that are otherwise eligible for relief and assistance are not to be discriminated against because of their religious character.

FEMA's current policy is set forth in its memorandum captioned "Houses of Worship—FEMA Public Assistance Eligibility." Concerning multiple-use facilities, FEMA denies relief and assistance to otherwise eligible houses of worship unless the primary use of the space in a facility is for essential services of a governmental nature. FEMA converts "primary use" into a simple fifty-percent (50%) rule, but it does not state the legal authority for the rule.

The matter of interest is compliance with the Establishment Clause in the First Amendment to the U.S. Constitution. The United States Supreme Court has formulated a neutrality principle to assess general programs of aid to the nongovernmental sector. The principle requires: (i) that the program have a secular purpose, and (ii) that the recipients of the aid be eligible without regard to religion. Under the above-referenced bill, Section 102(10)(B) defines an eligible private nonprofit (PNP) as a facility that provides: (a) essential services; (b) while not by government, of that "nature;" and (c) available to the public. The three-part definition is secular in purpose. True, the bill expressly mentions houses of worship as eligible. But that makes sense and is secular in purpose, because in the past they were sometimes excluded by FEMA. So Congress, in passing this amendment, is just bringing matters back from a discriminatory situation to one of religious neutrality.

A parenthetical in 102(10)(B) gives several examples of such eligible PNP facilities providing essential services. If a private "museum" is an essential service in the "nature" of "governmental," the eligible recipients are not as narrowly limited as might at first appear. "Community centers" are expressly named as eligible, and this bill has "houses of worship" as a type of community center. The findings in Section 2(5) of the bill further help to define how houses of worship serve as a type of community center. The findings also help to explain how a community center provides "essential services," namely activities central to community rebuilding and reconstruction after a natural disaster.

Several U.S. Supreme Court cases prepared the way for the neutrality principle as we presently recognize it. In *Bowen v. Kendrick*, 487 U.S. 589 (1988), the Court upheld a congressional program funding counseling centers targeting adolescent sexuality that was available to religious as well as secular providers. In *Zobrest v. Catalina Foothills Sch. Dist.*, 509 U.S. 1 (1993), the Court held that a public school district had to provide the same special education services to a student when he switched enrollment from a public to a religious high school. In *Witters v. Washington Dep't of Servs. for the Blind*, 474 U.S. 481 (1986), the Court upheld a state vocational rehabilitation program, available without regard to religion, even when it resulted in aid to a student to attend a seminary.

The neutrality principle became fully grounded with the Court's decision in *Agostini v. Felton*, 521 U.S. 203 (1997). *Agostini*

involved the implementation of federal funding for K-12 special educational services in schools in the State of New York. The special educational services were rendered by special education teachers employed by the local public school district. For those special education students in religious schools, it was more effective and less costly to have the teachers travel to the religious school campus to deliver the services. But this had been barred by prior case law. In *Agostini*, the Court overruled its prior precedent and approved the delivery of services to all special needs students on a basis neutral as to religion. The services were secular, and there was no reason because of the Establishment Clause to discriminate against children enrolled in the religious schools.

The *Agostini* secular-purpose/religion-neutral analysis was carried forward by the Supreme Court in *Mitchell v. Helms*, 530 U.S. 793 (2000). The case involved a challenge to a part of the Primary and Secondary Education Act of 1965, which provide educational materials and services to all K-12 schools without regard to religion. The challengers wanted the aid denied to religious schools. The nature of the educational materials was secular. Accordingly, the Court upheld the practice of treating all schools neutrally. These religious schools were intensely religious, but that was no reason to discriminate against them. Care should be exercised so that no governmental aid is diverted from its intended secular purpose, in particular that the aid not be diverted to an explicitly religious purpose.

It is my opinion that the above-referenced proposed amendment to the Robert T. Stafford Disaster Relief and Emergency Assistance Act is consistent with the Establishment Clause of the First Amendment to the U.S. Constitution.

Thank you for your kind consideration of this letter opinion.

Sincerely,

CARL H. ESBECK,  
R.B. Price Professor of  
Law and Isabelle  
Wade & Paul C.  
Lyda Professor of  
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#### HONORING NATHAN CONRAD STAHL

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2013

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Nathan Conrad Stahl. Nathan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many scout activities. Over the many years Nathan has been involved with scouting, he has not only earned 31 merit badges, but also the respect of his family, peers, and community. Most notably, Nathan has led his troop in various positions including Troop Guide and has earned the rank of Warrior in the Tribe of Mic-O-Say. Nathan has also contributed to his community through his Eagle Scout Project. Nathan built a handrail along concrete steps in the parking lot at Hillcrest Transitional Housing in Kansas City, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Nathan Conrad Stahl for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### RECOGNIZING TIME WARNER CABLE

#### HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2013

Mr. REED. Mr. Speaker, I rise today to recognize Time Warner Cable for its Connect a Million Minds (CAMP) initiative. This program is designed to inspire the next generation of problem solvers by connecting young people to the wonders of science, technology, engineering, and math (STEM) outside of the classroom.

This campaign includes original public service announcements and programming, grants to support nonprofit organizations that introduce students to STEM, and the creation of "The Connector," a one-of-a-kind resource that allows parents to find kid-centric STEM learning opportunities in their own backyards. The CAMP initiative also encourages Time Warner Cable employees to volunteer at science fairs, robotics competitions, and local Connect a Million Minds events.

The STEM fields have become increasingly important for the development of our country as the world continues to modernize at a rapid pace. The performance of U.S. students in STEM subjects has fallen behind their international peers. Today, more and more employers report having a difficult time finding qualified applicants for STEM jobs. This problem will continue to grow as it is estimated that the number of jobs in STEM fields will increase 17% by 2018. Given this figure, it is difficult to understate the importance of STEM education for both our nation's collective economic future and the future of our nation's students.

The CAMP program has focused resources across several Congressional Districts, including the 23rd District of New York. With increased attention and support from community and industry leaders that will someday hire students in STEM fields, programs like CAMP are critical to building a pool of future qualified employees. I commend Time Warner Cable for its CAMP initiative; and I want my colleagues to understand the importance of such initiatives and their positive impact on all of our communities.

#### REINTRODUCTION OF THE LENA HORNE RECOGNITION ACT

#### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2013

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to reintroduce the Lena Horne Recognition Act. This bill would award Lena Horne with a Congressional Gold Medal in recognition of her achievements and contributions to American culture and the Civil Rights Movement. A symbol of elegance and grace, Lena

Horne created a legacy by not only entertaining Americans for over 60 years, but by breaking many racial barriers as a singer, dancer, and actress. Ms. Horne passed away in New York City on May 9, 2010 at the age of 92.

Lena Mary Calhoun Horne was born on June 30, 1917 in Brooklyn, New York. Her path to international stardom began in Harlem's Cotton Club, where she was first hired as a chorus dancer at the age of 16. From there, her career continued in Charlie Barney's jazz band, where she became one of the first African-American women to tour with an all white band, to Hollywood and Broadway.

In the 1940s, Ms. Horne was discovered by a Metro Gold Mayer talent scout and moved to Hollywood to be an actress. She was the first black artist to sign a long-term contract with a major studio. Despite her beauty and talent, however, she was limited to minor acting roles because of her race. She was passed over for the role of Julie in the movie *Show Boat* because the studio did not want the film to star a black actress, and the Motion Picture Code did not allow the depiction of interracial relationships. Nonetheless, she dazzled audiences and critics in a number of films, including *Cabin in the Sky* and *Stormy Weather*.

The struggle for equal and fair treatment was an inseparable and increasingly political part of Ms. Horne's life. During WWII, she toured extensively with the United Service Organizations on the West Coast and in the South in support of the troops. Ms. Horne was outspoken in her criticism of the way black soldiers were treated. She refused to sing for segregated audiences or to groups where German prisoners of war were seated in front of the African-American servicemen.

During the period of McCarthyism in the 1950s, Ms. Horne was blacklisted as a communist for seven years due to her civil rights activism and her friendships with Paul Robeson and W.E.B. DuBois. Despite facing continued discrimination, Ms. Horne's career flourished in television and onstage throughout the country. It was during this time that she also established herself as a major recording artist. In 1957, she recorded *Lena Horne at the Waldorf Astoria*, which reached the Top 10 and became the best selling album by a female singer in RCA Victor's history.

Ms. Horne used her talent and fame to become a powerful voice for civil rights and equality. In 1963, she participated in the historic March on Washington for Jobs and Freedom. She also performed at rallies throughout the country for the National Council for Negro Women and worked with the National Association for the Advancement of Colored People (NAACP).

Ms. Horne finally received the break she had been waiting for her in 1981, which was a one woman Broadway show. *Lena Horne: The Lady and Her Music*, was the culmination of her triumphs and struggles. The show enjoyed a 14-month run and earned her a Tony Award and two Grammy Awards.

Furthermore, she received two stars on the Hollywood Walk of Fame for her work in both motion pictures and recordings, as well as a footprint on the International Civil Rights Walk of Fame at the Martin Luther King, Jr. National Historic Site.

Mr. Speaker, Lena Horne was an extraordinary woman who refused to give up her dreams and used her beauty, talent, and intel-

ligence to fight racial discrimination. I urge my colleagues to support the Lena Horne recognition Act, in order to honor her life and legacy with a Congressional Gold Medal.

#### PERSONAL EXPLANATION

#### HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2013*

Mr. DeFAZIO. Mr. Speaker, unfortunately I was unable to record my vote on H.R. 267, the Hydropower Regulatory Efficiency Act. I was detained by a very important meeting with Oregon Governor John Kitzhaber about issues critical to my rural communities and State.

I am a strong supporter of renewable energy and agree there's enormous untapped potential for hydropower. Reducing red tape, process, and cost to approve small, non-controversial hydropower projects is a no-brainer. I am pleased the bill passed 422-0 and would have voted "yea" had I been available. I look forward to supporting H.R. 267 in the future if the bill is amended and comes back to the House from the Senate.

#### NORTHERN ILLINOIS UNIVERSITY—REMEMBERING THOSE LOST ON FEBRUARY 14, 2008

#### HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2013*

Mr. FOSTER. Mr. Speaker, it is with a heavy heart that I rise today to ask the House to observe a moment of silence for the tragedy that occurred at Northern Illinois University five years ago. On February 14, 2008, we lost five very bright and energetic young students—students who had hoped to one day become the future of our nation.

Each year since that tragic day, members of the community gather to remember those students and to present the memorial wreathes. Gayle Dubowski, Catalina Garcia, Julianna Gehant, Ryanne Mace, and Daniel Parmenter will never be forgotten, for they will always be in our hearts. Their memories will live on through their family and friends, as well as Northern Illinois University.

"Forward, Together Forward," three simple words that stem from the University's Fight Song, teach us a lesson that we can all learn from. It reminds us that even in the darkest of situations, when all seems lost, if we come together as a community there is nothing that we cannot get through. It gives us the strength and motivation to move forward.

Mr. Speaker, I ask my colleagues to join me in remembering those lost and to support all who were affected by this tragedy.

#### HONORING ALAN P. LESSENDEN

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Alan P.

Lessenden. Alan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Alan has been very active with his troop, participating in many scout activities. Over the many years Alan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Alan has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Alan P. Lessenden for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### HONORING JANICE ATKINSON, COUNTY CLERK-RECORDER ASSESSOR REGISTRAR OF VOTERS

#### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 14, 2013*

Mr. THOMPSON of California. Mr. Speaker, I rise today, along with my colleague JARED HUFFMAN, to recognize Janice Atkinson, who is retiring as county clerk-recorder assessor and registrar of voters.

Janie Atkinson is a third generation Sonoma County native and comes from a long line of public servants. She began her public service career in election administration in 1972 with the Registrar of Voters Division of the County Clerk's Office. She worked her way up through the division, was appointed division chief in 1979 and assumed the position of assistant department head in 1995. She was elected to the position of County Clerk-Recorder Assessor of the County of Sonoma on June 6, 2006, and assumed office on January 8, 2007.

Ms. Atkinson's primary area of expertise is in the field of election administration. As Assistant Registrar of Voters, she headed the division responsible for the conduct of all elections in Sonoma County including city, school and special district elections. The division maintains the files of approximately 600 elected officials, 249,554 registered voters and the boundaries of all political subdivisions in the County.

Under Ms. Atkinson's leadership, Sonoma County removed barriers to participation in the democratic process by administering a highly successful vote-by-mail program. In November 2006, Sonoma County's voter turnout of 75.49 percent exceeded the statewide average turnout by almost 20 percent. Sonoma County's high voter turnout can be attributed to the high number of permanent absentee voters in the County (roughly 52 percent of the registered voters) and the efforts of the department to keep the voter files up-to-date. Ms. Atkinson implemented an accessible voting system for voters with disabilities, all while maintaining paper-based voting systems, assuring voter confidence in elections.

Ms. Atkinson was an active member in the California Association of Clerks and Election Official from 1976-2012. She served on the board of directors from 2002-2012, as Correspondence Secretary from 1988-2011 and