

May 10, 2022

U.S. House of Representatives  
Washington, DC 20515

Dear Representative:

As leaders of faith-based service organizations, religious freedom advocates, and people of faith, we strongly implore you and your colleagues to retain the Charitable Choice provisions when reauthorizing the Community Services Block Grant [CSBG]. The current language of H.R. 5129, the Community Services Block Grant Modernization Act of 2021, would replace the detailed Charitable Choice provisions with a bare sentence. This would be a negative change that creates a harmful precedent. We ask the House instead to reaffirm Charitable Choice in the CSBG program by retaining the Charitable Choice provisions currently in the CSBG statute.

The Charitable Choice provisions (42 U.S. Code 9920) give faith-based organizations an equal opportunity to compete for CSBG funding and safeguard their religious character while also protecting beneficiary rights by prohibiting the use of CSBG grant funds for explicitly religious activities. The presence of this detailed language in the statute is a billboard announcing a welcome for faith-based organizations to compete for funding.

The provisions were added to the CSBG program in 1998 in a reauthorization bill co-sponsored by Republican Senators Dan Coats (IN) and Jim Jeffords (VT) and Democratic Senators Ted Kennedy (MA) and Christopher Dodd (CT). They sought to improve the effectiveness of CSBG spending by prohibiting local governments and Community Action Agencies [CAAs] from marginalizing faith-based organizations. Protecting participation in CSBG funding by faith-based providers and houses of worship ensures that the procurement process is competitive and that CAAs utilize the most effective and accountable service providers.

The Charitable Choice provisions extend to faith-based organizations no novel or unconstitutional rights.<sup>1</sup> Its principles are codified in the Equal Treatment regulations that apply to Department of Health and Human Services funding programs (45 CFR 87), but only partially to CSBG. CSBG has its own regulations, similar but distinct. If Charitable Choice is taken out of the CSBG statute, CAAs would have no guarantee that they will be afforded the same rights and protections due to other faith-based organizations under the Equal Treatment regulations. It would be better to retain the CSBG statutory language and the accompanying regulations. Statutory language provides more certainty over time to Community Action Agencies and to faith-based organizations interested in partnering with them in service.

---

<sup>1</sup> Direct funding in federal programs, permitting participation of all providers without regard to religion but excluding religion from the funded services, was upheld in *Mitchell v. Helms*, 530 U.S. 793 (2000). Indirect funding, which permits inclusion of services that incorporate religious teaching and activities, was upheld in *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002).

Some in the CAA movement claim that the Charitable Choice language is dispensable because, despite its presence, few faith-based organizations receive CSBG funding.<sup>2</sup> If participation is truly low, then the remedy is action by Congress and the Office of Community Services in HHS to remove the non-statutory barriers that inhibit more extensive partnerships, not to remove the protections that enable the participation of those few.

The addition of Charitable Choice in 1998 to the CSBG program was the second time that Congress and the Clinton administration added such language to a federal program (Charitable Choice was first added to the TANF program in 1996). These actions launched the faith-based or partnership initiative. The four succeeding administrations of both parties (Bush, Obama, Trump, and Biden) have worked with energy to ensure that federal social programs are maximally effective because they partner with the best non-government organizations, including faith-based organizations, with full protection for the religious freedom of the ultimate beneficiaries.

Senators Coats, Jeffords, Kennedy, and Dodd were right to add Charitable Choice to the CSBG program. Removing it will be detrimental to the participation of faith-based organizations, when it is their greater involvement that will most benefit the communities that CSBG funding is intended to serve. Removing it will create a terrible precedent by signaling that Congress is no longer as boldly committed to equal opportunity for service organizations of every faith or none.

We ask the House to reaffirm Charitable Choice in the CSBG program by amending HR 5129 to restore this language before the reauthorization moves forward.

Thank you for your consideration of this important matter.

Signed --

[University professors sign in their personal capacities only. Their employing universities take no position on this bill, and are listed only to help identify the individual signers.]

Stanley Carlson-Thies  
Senior Director, Institutional Religious Freedom Alliance  
Washington, D.C.

Stephanie Summers  
CEO, Center for Public Justice  
Washington, D.C.

His Eminence Timothy Cardinal Dolan, Archbishop of New York  
Chairman, U.S. Conference of Catholic Bishops Committee for Religious Liberty  
Washington, D.C.

Rev. Dr. Galen Carey  
Vice President of Government Relations, National Association of Evangelicals  
Columbia, MD

---

<sup>2</sup> Memorandum from Community Action Program Legal Services, "The Community Services Block Grant (CSBG) Act and Charitable Choice," January 24, 2019.

Rabbi Abba Cohen  
Vice President for Government Affairs and Washington Director, Agudath Israel of America  
Washington, D.C.

Melissa Reid  
Director of Government Affairs, Seventh-day Adventist Church - North American Division  
Columbia, MD

Rev. Dr. Jo Anne Lyon  
General Superintendent Emerita, The Wesleyan Church]  
Fishers, IN

Yaakov Menken  
Managing Director, Coalition for Jewish Values  
Baltimore, MD

Shirley V. Hoogstra  
President, CCCU - Council for Christian Colleges & Universities  
Washington, D.C.

Robert C. Andringa  
Ph.D. President Emeritus, CCCU  
Washington, D.C.

P. George Tryfiates  
Vice President for Public Policy & Legal Affairs, Association of Christian Schools International  
Washington, D.C.

Jedd Medefind  
President, Christian Alliance for Orphans  
Falls Church, VA

Ronald L. Sider  
Founder, Christians for Social Action  
Lansdale, PA

Gary W. Blackard  
President & CEO, Adult & Teen Challenge USA  
Ozark, MO

Ryan Jay VerWys  
CEO, ICCF Community Homes  
Grand Rapids, MI

Jonathan Bradford  
President and CEO Emeritus, ICCF Community Homes  
Grand Rapids, MI

Douglas Laycock  
Professor of Law, University of Virginia  
Charlottesville, VA

Carl H. Esbeck  
R.B. Price Emeritus Professor of Law, University of Missouri  
Columbia, MO

Phillip L. McIntosh  
Professor of Law, Mississippi College School of Law,  
Jackson, MS

Paul Marshall,  
Professor, Baylor University  
Washington, D.C.

Robert Osburn, Ph.D.  
Senior Fellow, Wilberforce International Institute  
Roseville, MN

Joseph M. Knippenberg  
Professor of Politics, Oglethorpe University  
Brookhaven, GA

Abby M. Foreman  
Professor, Dordt University  
Sioux Center, IA

Ryan T. Anderson  
President, The Ethics and Public Policy Center  
Washington, D.C.

Charles Leslie Glenn Jr.  
Professor emeritus of Educational Policy, Boston University  
Boston, MA

Gail Frances Jansen  
Retired Attorney, Former Trustee Center for Public Justice  
Tucson, AZ

James W. Skillen  
President (retired), Center for Public Justice  
Birmingham, AL

Marc Andreas  
Professor, Kuyper College  
Grand Rapids, MI

Michelle C. Kirtley  
Fellow, Center for Public Justice  
Chapel Hill, NC

Chelsea Langston Bombino,  
Fellow, Center for Public Justice  
Catonsville, MD

Bruce Rowell  
Chief Clinical Officer, Lawndale Christian Health Center  
Chicago, IL

Rev. Girien R. Salazar,  
Minister, Ciudad de Esperanza  
Farmers Branch, TX

Rev. Marian Edmonds-Allen  
Executive Director, Parity  
New York, NY

Mr. Roger Metcalf  
Chairman Board of Trustee, Oklahoma Wesleyan University  
Gresham, OR

Michael Kozlarek  
City Director, The Navigators  
San Diego, CA

Mark Rodgers  
Principal, Clapham Group  
Burke, VA

James B. Boldts  
Lead Pastor, Victory Church  
Yorktown, VA

Joyce Campbell  
Concerned community member, Christian Reformed Church  
Greenbelt, MD

Randall Kroll  
Executive Consultant, Platinum Group  
Minneapolis, MN

Kathryn Vasselkiv  
Not for profit board member, St Moses Church  
Baltimore, MD

Deanna Stacy  
Former Associate Director, HHS Center for Faith-Based and Community Initiatives  
Alexandria, VA

Ashley Weiss  
Staff, Youth with A Mission  
Lakeside, MT

Greg Enas  
Venture Catalyst, Innovatov LLC  
Indianapolis, IN

Jerry S. Herbert  
Elder, Washington Community Fellowship  
Washington, D.C.

Karyl Savageau  
Capitol Hill Pregnancy Center  
Washington, D.C.

Clarke Cochran  
Deacon, St. Peter Catholic Church  
Charlotte, NC

Carol Veldman Rudie  
Board member, Association for Public Justice  
Minneapolis, MN

Dr. Paul Wrobbel  
Head of School, Trinity Oaks Christian Academy  
Cary, IL

Bethany Schuttinga  
PhD, President, Avail Academy  
Minneapolis, MN

Steven Groen  
Principal, Avail Academy  
Edina, Minnesota

Andrew Ryskamp  
Christian Reformed Church in North America  
Grand Rapids, MI

Perry Recker  
Librarian emeritus and Ruling Elder, Eastminster Presbyterian Church  
Pittsburgh, PA

Rev. Dr. Steven J. Koster  
Pastor of Congregational Life, Grace Church  
Grand Rapids, MI

David E. Campbell  
Christian Reformed Church of Washington, D.C.  
Washington, D.C.

Henry G Gunnink  
Regional Pastor, Classis Lake Superior of the Christian Reformed Church of North America  
Inver Grove Heights, MN

Randall Hedman  
Donor Relations, World Renew  
Bloomington, MN