

CONGRESSMAN JUSTIN AMASH
3rd Congressional District of Michigan

Explanation for Opposition to HR 592 Regarding Funding Houses of Worship
<https://www.facebook.com/repjustinamash>

I voted no on the motion to suspend the rules and pass H R 592, Federal Disaster Assistance Nonprofit Fairness Act of 2013. Proponents describe the bill as giving houses of worship the same eligibility as secular nonprofits for federal disaster assistance grants, but this misrepresents what current law allows and what it was intended to achieve. In fact, this bill skews the law away from fairness.

Current law already allows houses of worship to receive facility repair grants on the same basis as other private nonprofit facilities-that is, so long as at least 50 percent of the facility (the "primary use") is dedicated to "essential services of a governmental nature" as outlined by statute and implementing regulations. These eligible services range from education and medical services to library and homeless shelter functions. A facility used primarily to provide one or more of these services is eligible for disaster assistance regardless of whether it's owned and operated by a house of worship or a secular nonprofit organization.

Like other facilities whose primary use is not "essential services of a governmental nature," religious sanctuaries themselves-churches, mosques, synagogues, and temples-are not eligible for disaster assistance grants. Religious sanctuaries aren't singled out for ineligibility; they join countless other nonprofit facilities that are ineligible because they aren't dedicated to "essential services of a governmental nature." Other ineligible facilities include those whose primary purpose is recreational, athletic, political, and advocacy, just to name a few.

H R 592 does two things: (1) It adds "houses of worship" to a list of facilities that may be eligible for federal disaster assistance grants because they perform "essential services of a governmental nature," and (2) it requires that houses of worship receive grants "without regard" to "the primary religious use of the facility."

I have two major concerns with this bill. First, houses of worship aren't "of a governmental nature." To suggest that they are challenges the independence of these institutions, undermines First Amendment protections, and threatens religious liberty. Second, the bill exempts just houses of worship from the requirement that eligible facilities be used primarily for "essential services of a governmental nature." Under this bill, it appears that houses of worship (and specifically sanctuaries) will be eligible for disaster assistance no matter what-an assurance far beyond what any other private nonprofit facility enjoys. Because "facility" includes furnishings, equipment, and sometimes art, the federal government will be paying to repair and replace religious-themed stained glass windows, prayer books, and other religious icons.

Houses of worship should be treated the same as other nonprofits. And current law **already** treats religious and secular nonprofits equally with respect to disaster assistance grants. The Supreme Court has held that federal funding of religious institutions doesn't violate the Establishment Clause so long as the funding is provided to a broad array of beneficiaries on a neutral basis and with an appropriate secular end. This bill violates that requirement, improperly exempting houses of worship from the neutral criteria that all other potential beneficiaries must satisfy.

The bill passed 354-72.