

# Equal Opportunity for Faith-based Providers

## *A Plea for Action*

The federal Charitable Choice provision authorizes faith-based organizations to compete to provide federally funded welfare and social services. It protects their religious character and also the religious liberty of people needing assistance. Charitable Choice applies to state and local spending of TANF, Welfare-to-Work, Community Services Block Grant, and certain substance abuse treatment funds.

To make a difference for persons and families needing help and for houses of worship and religious non-profits that wish to compete to provide that help, state and local governments must change their procurement policies and practices to bring them into compliance with Charitable Choice.

As of September, 2000, only a handful of states had reviewed their procurement procedures and brought them into compliance. In the many states and localities that are not yet complying, faith-based organizations continue to encounter barriers when they seek an equal chance to compete for funds to provide assistance. (Turn page over for more information.)

We, as members of faith communities or as leaders or staff of faith-based assistance programs, respectfully request that our state and local officials take immediate action to ensure compliance with Charitable Choice. We request a formal review of procurement policies and practices to assess compliance. We request that officials urgently pursue any necessary changes in regulations, statutes, and the language and requirements of RFPs, grants, and contracts. We request that officials closely monitor procurement to ensure that restrictive attitudes and practices are changed.

We ask for no special favors, but only an equal opportunity to compete. We respectfully seek the full protection of the religious character of our organizations promised by Charitable Choice. We affirm our intention to fulfill all due obligations and to respect and to serve as best we are able all who are authorized to receive services.

***Sign, circulate, and deliver to your state and local officials . . .***

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**The Center for Public Justice**  
**www.cpublicjustice.org      1-866-cpublicjustice**

## Complying with Charitable Choice

State and local governments must change procurement policies and practices that are too restrictive. To be compliant, officials must go beyond their past practice of contracting with religiously affiliated providers for secular services. They must go beyond being more open and flexible in working with religious providers.

Charitable Choice specifies particular rules that must now guide procurement:

- *Eligibility*: religious organizations, even if “pervasively sectarian,” can compete for funds to provide services (houses of worship can be required to establish separate nonprofits, but the nonprofits do not have to be secular);
- *New Freedoms*: religious organizations can display religious symbols, and use moral and religious concepts, and they may keep their exemption to use religion in hiring and firing;
- *Obligations*: religious organizations must serve clients without regard to religion, allow clients to sit out religious activities, carefully account for their use of funds, and not use government contracts or grants to pay for worship, doctrinal instruction, or proselytizing;
- *Client Rights*: clients must be served without religious coercion, and must be given an alternative by government if they object to a religious provider.

## Funds Covered by Charitable Choice

- *Temporary Assistance for Needy Families* (TANF) [1996 federal welfare reform law]
- *Welfare-to-Work* program [1997 amendment to 1996 federal welfare reform law]
- *Community Services Block Grants* (funds for Community Action Agencies) [1998 reauthorization]
- *SAMHSA* substance abuse treatment funds [reauthorization in Children’s Health Act of 2000]

## Most States Fail on Compliance

The Center for Public Justice “National Report Card on Charitable Choice Compliance” (Sept. 2000) gave these grades:

**Pass** (A, B, or C): Arkansas, Arizona, California, Illinois, Indiana, Michigan, North Carolina, Ohio, Pennsylvania, Texas, Virginia, Wisconsin.

**Fail**: Alaska, Connecticut, District of Columbia, Delaware, Florida, Georgia, Hawaii, Iowa, Idaho, Kentucky, Kansas, Louisiana, Massachusetts, Maryland, Maine, Minnesota, Missouri, Mississippi, Montana, Nebraska, North Dakota, New Hampshire, New Jersey, New Mexico, Nevada, New York, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Washington, West Virginia, Wyoming, Guam, Puerto Rico, Virgin Islands.

Colorado has just started to work on compliance. Insufficient information was available on Alabama and South Dakota.

To see the Report Card, *A Guide to Charitable Choice*, and other information on Charitable Choice, visit [www.cpjustice.org](http://www.cpjustice.org) and select the Charitable Choice link.

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