

Congress of the United States
Washington, DC 20515

March 13, 2009

The Honorable Henry Waxman
Chairman, Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Waxman:

As you consider legislation intended to reauthorize the Substance Abuse and Mental Health Services Administration (SAMHSA), we want to make you aware of our deep concerns with its "charitable choice" provisions. The charitable choice provisions in SAMHSA, which were added in 2000 without any debate, permit publicly funded employment discrimination on the basis of religion, may preempt state and local civil rights laws, and provide inadequate protections for beneficiaries.

We are troubled that these provisions encumber the First Amendment, which has allowed religious diversity and tolerance to flourish in our nation for more than 200 years, and that they create divisiveness among churches and religious faiths by allowing government-sanctioned discrimination using taxpayer dollars.

These dangerous provisions, which allow faith-based organizations to discriminate with government funds, exist in several laws, and were unfortunately slipped recently into H.R. 2, Children's Health Insurance Program Reauthorization Act of 2009 (CHIP), by referencing the SAMHSA provisions that allow discrimination. However, we now have the opportunity to take affirmative steps to nullify these provisions in SAMHSA and ensure a policy of nondiscrimination with taxpayer dollars. We are looking to your leadership to guarantee that any further legislation passed during this Congress will protect civil rights and religious liberty, and will affirmatively strike the anti-civil rights provisions of charitable choice.

The simple fact is that any program that can be funded under charitable choice could be funded without charitable choice so long as the program does not discriminate with public funds. All a program gains under charitable choice is the ability to engage in government-sanctioned discrimination, which we deeply oppose.

In addition, these provisions in SAMHSA increase the likelihood of taxpayer funding of self-reported faith-based strategies for mental health and substance abuse assistance that have yet to be rigorously examined by the scientific research community. These provisions allow for unregulated providers to have direct access to patients with no guarantee of the safety and quality of care provided. They also raise questions regarding oversight and regulation.

Many faith-based organizations and institutions are providing much-needed services to our citizens. We recognize the great impact houses of worship have in our communities

and we support and applaud them, but we also stand by the principle that we can partner with these entities without sacrificing religious freedom and without funding discrimination.

We are hopeful that our Democratic Congress will no longer affirm the troublesome discriminatory policies exploited during the Bush Administration. We therefore look forward to taking positive steps to ensure that future programs and future reauthorizations are free from this discriminatory language.

For the foregoing reasons, we ask that legislation introduced to reauthorize SAMHSA affirmatively strike out the charitable choice provisions of the U.S. Code. Specifically, the bill should repeal the following U.S. Code provisions: 42 U.S.C. 290kk – 290kk-3 and 42 U.S.C. 300x-65.

We respectfully request that you thoroughly review and address our recommendations in the SAMHSA reauthorization as well as any future legislation.

Sincerely,



CHEM EDWARDS
Member of Congress



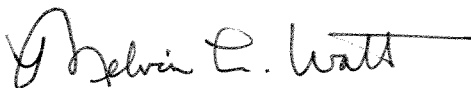
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