

110TH CONGRESS
1ST SESSION

H. R. 289

To protect the religious freedom of providers of adoption or foster care services.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Mr. ENGLISH of Pennsylvania introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To protect the religious freedom of providers of adoption or foster care services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Religious Freedom for
5 Providers of Adoption, Foster Care, and Child Welfare
6 Services Act”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds as follows:

9 (1) The Constitution of the United States
10 grants the Congress the power to provide for the

1 general welfare of the people of the United States,
2 and prohibits the enactment of laws that violate the
3 freedom of religion guaranteed by the First Amend-
4 ment.

5 (2) Among the many ways that Congress pro-
6 vides for the general welfare is by providing approxi-
7 mately \$7,000,000,000 annually in Federal funds to
8 support the provision of foster care, adoption, and
9 other child welfare services to children and families
10 in need of such services.

11 (3) One of the most important of these services
12 is the placement of foster or adoptive children with
13 families who are capable of providing appropriate
14 care for these needy children.

15 (4) Religious organizations have played a long-
16 standing role in the effective provision of these serv-
17 ices, especially placement services.

18 (5) Some State and local governments have in
19 effect laws, policies, or procedures under which li-
20 censes necessary for religious organizations to pro-
21 vide foster care and adoption services are denied, or
22 threatened to be denied, unless these organizations
23 violate their own religious principles and beliefs and
24 agree to place foster or adoptive children with cou-

1 ples whose marriage is not recognized by Federal
2 statute.

3 (6) These actions by State and local govern-
4 ments inhibit the religious freedom of religious orga-
5 nizations that seek to provide these services, by dis-
6 criminating against them for providing these services
7 in a manner that does not violate their religious
8 principles and beliefs.

9 (7) An appropriate and effective method of en-
10 couraging cooperation with the Federal policy of
11 supporting the provision of these services in a man-
12 ner consistent with the freedom of religion is to
13 withhold Federal funds from State or local govern-
14 ments who act in violation of this policy.

15 (8) Therefore, this Act provides for the with-
16 holding of Federal funds for foster care and adop-
17 tion assistance to States that restrict the freedom of
18 religious organizations to provide foster care and
19 adoptive services consistent with the fundamental re-
20 ligious beliefs and principles of these organizations.

21 **SEC. 3. PROTECTING RELIGIOUS FREEDOM OF ENTITIES**
22 **THAT PROVIDE ADOPTION OR FOSTER CARE**
23 **SERVICES.**

24 Section 474 of the Social Security Act (42 U.S.C.
25 674) is amended by adding at the end the following:

1 “(g) PROTECTING RELIGIOUS FREEDOM OF ENTI-
2 TIES THAT PROVIDE ADOPTION OR FOSTER CARE SERV-
3 ICES.—None of the funds made available to carry out this
4 part may be made available to a State or local government
5 that discriminates against any entity on the basis that—

6 “(1) the only couples to whom the entity pro-
7 vides adoption or foster care services are couples
8 united in marriage (as defined in section 7 of title
9 1, United States Code); or

10 “(2) the only individuals to whom the entity
11 provides adoption or foster care services are those
12 whose conduct is in accordance with the religious
13 principles and practices of the entity.”.

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