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November 28, 2017

The Honorable Bill Shuster
Chairman, Transportation & Infrastructure Committee
The Honorable Peter A. DeFazio
Ranking Member, Transportation & Infrastructure Committee
United States House of Representatives

Dear Chairman Shuster, Ranking Member DeFazio, and Committee Members,

I am writing on behalf of the Union of Orthodox Jewish Congregations of America (Orthodox Union)—the nation’s largest Orthodox Jewish umbrella organization—to express our support for H.R. 2405, the “Federal Disaster Assistance Nonprofit Fairness Act of 2017.” This legislation is contained in section 211 of H.R. 4460, the “Disaster Recovery Reform Act” and will ensure fair and equal treatment for houses of worship damaged in natural disasters.

In the aftermath of natural disasters—including Hurricane Sandy, the 2016 Houston flood, and this year’s devastation in Houston and Florida—churches, synagogues and other houses of worship offered essential response services to people in need. In many cases—especially following Hurricane Sandy and Hurricane Harvey—these houses of worship provided essential services while the church or synagogue itself was damaged. Unfortunately, in the case of Hurricane Sandy, FEMA officials refused to give emergency grants to houses of worship (even though these houses of worship otherwise qualified as nonprofit entities).

The Stafford Act provides that private nonprofit entities – such as schools, hospitals, museums and community centers – damaged in a natural disaster may receive financial grants from FEMA to repair their buildings. The Act does not list houses of worship among its list of examples of nonprofits so eligible; neither does the Act exclude houses of worship.

It is, therefore, entirely appropriate for FEMA’s aid program for private nonprofits to assist houses of worship with their rebuilding needs. Moreover, if houses of worship are excluded from this otherwise religion neutral program – that unfair treatment would be improper anti-religious discrimination.

Current Supreme Court jurisprudence makes clear that religious institutions may receive government financial aid in the context of a broad program administered on the basis of religion neutral criteria. This is why houses of worship and other religious nonprofits can, for example, currently receive grants from DHS to improve their security and the Interior Department for historic preservation.

The “Federal Disaster Assistance Nonprofit Fairness Act of 2017” clarifies the Stafford Act and consistent with these precedents and policies. We urge the Transportation & Infrastructure Committee and the full House of Representatives to support all nonprofit entities and pass the “Disaster Recovery Reform Act” as soon as possible.

Thank you,

Nathan J. Diament