



Working to Reduce Poverty in America

September 16, 2019

Harvey D. Fort
Acting Director
Division of Policy and Program Development
Office of Federal Contract Compliance Programs
Room C-3325
200 Constitution Avenue NW
Washington, DC 20210

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RE: Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption---RIN 1250-AA09

Dear Mr. Fort:

Catholic Charities USA (CCUSA) respectfully submits these comments in response to the Department of Labor Office of Federal Contract Compliance Program proposed regulations related to the religious exemptions set forth in section 204(c) of Executive Order ("EO") 11246. 84 Fed. Reg. 41677 (Aug. 15, 2019), Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption.

CCUSA is a national membership organization representing more than 167 diocesan Catholic Charities member agencies. These member agencies operate more than 2,600 service locations across the 50 states, the District of Columbia, and five U.S. territories. Their diverse array of social services reached more than 10 million individuals in need last year.

For more than 125 years, the Catholic community has employed a dedicated and diverse workforce. Today, Catholic Charities agencies across the country employ close to 41,000 employees who are from all faith traditions, gender, ethnicities and race. These persons are essential in our commitment to alleviate, reduce and prevent poverty and to carry out CCUSA's mission to provide service to people in need, advocate for justice in social structures and to call the entire church and other people of good will to do the same.

In its history Catholic Charities agencies have enjoyed a cooperative partnership with government at all levels to work for the common good by serving those most in need. Such cooperation has been predicated on valuing diverse perspectives and mutual respect. CCUSA has consistently urged that this respect should not come at the expense of the religious identity, values and mission of faith-based entities. The importance of broad religious exemptions allow for this cooperative relationship to continue in a way that serves the mission of faith-based organizations and the good of the nation.



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The proposed regulations are important and effective steps to clarify several points concerning the application, latitude and meaning of the religious exemption contained in EO 11246. In particular, three proposed regulations merit support.

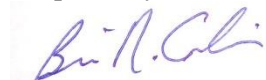
First, the proposed regulations seek to clarify that “religion” is to be properly understood as “not limited to religious belief but also includes all aspects of religious observance and practice” (84 Fed. Reg. at 41691). This reasonable definition further supports the effective service faith-based organizations like Catholic Charities agencies perform to engage in “activities” and services directly related to the organization’s faith commitment and values to serve poor and vulnerable persons in need.

The proposed regulations also seek to clarify that religious organizations have a right to favor in employment those persons who “adhere” and or “accept” the religious tenets of the religious employer (84 Fed. Reg. at 41690-91). This reasonable definition not only applies to those who share the same religion as an employer but also to those, though not of the same religious affiliation, who conduct their role and duties in a manner consistent with the values and mission of the employer.

Lastly, the proposed regulations clarify the understanding of what type of organizations can be considered as “religious.” This reasonable proposal clarifies that it does not simply apply to churches proper “but employers that are organized for a religious purpose, hold themselves out to the public as carrying out a religious purpose, and engage in exercise of religion consistent with, and in furtherance of, a religious purpose” (84 Fed. Reg. at 41679). This important clarification supports the very mission and work of CCUSA and its membership to provide essential services to people in need stemming from our deeply held convictions that all persons are created in God’s image and imbued with an inviolable dignity.

CCUSA wishes to thank the Department for these proposed regulations to clarify the application of the religious exemptions in EO 11246. We request that these proposals be adopted as the final rule.

Respectfully submitted,



Brian R. Corbin
Executive Vice President,
Member Services
Catholic Charities USA