July 13, 2023

The Honorable Marco Rubio
U.S. Senate
284 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Rubio:

On behalf of Catholic Charities USA (CCUSA), representing 167 local Catholic Charities member agencies serving more than 15 million people in need across the country and the U.S. territories, and the U.S. Conference of Catholic Bishops’ (USCCB) Committee for Religious Liberty, we gladly support your legislation, the “Lifting Local Communities Act” (S. 75).

Throughout our country and around the world, the Catholic Church and its ministries have had a long history of serving vulnerable people and communities in the provision of humanitarian assistance in multiple need areas. Our agencies and ministries provide vital aid in the areas of hunger and nutrition, affordable housing, disaster services, health care, support for pregnant and parenting women and their children, immigration and refugee services, international development, education, and more. They collaborate with government at all levels to work for the common good and often work through federally-funded social service programs.

The relationship between religious organizations and the government is more effective when the government respects religious freedom and safeguards faith-based organizations’ ability to serve people in need in a manner consistent with their faith and values. S. 75 is important and needed legislation that honors and ensures the protection of religious freedom for faith-based organizations and their work and ministry to serve people in need as a hallmark of our nation’s history by recognizing the importance of this cherished principle in the following ways:

- **Prohibiting discrimination** by Federal, State or local governments, or pass-through entities against religious organizations in receipt and administration of Federal financial assistance on the basis of “an organization’s religious exercise” which means “on the basis of covered conduct or motivation, to disfavor an organization in a selection process or in oversight.” A key element in the proposed statutory definition of “covered conduct or motivation” is the “actual or suspected religious motivation for the organization’s religious exercise.” These and other provisions and definitions in S. 75 leave no room for doubt as to congressional intent of not allowing discrimination against or disqualification of religious organizations on the basis of their religious exercise to include their “character,” “affiliation,” “practices,” “beliefs” and “mission.”

- **Ensuring equal treatment** for religious organizations in Federal provision of social services, grantmaking, and contracting on the same basis as a private nonreligious organization and prohibiting improper burdens on religious organizations.

- **Protecting the religious character and freedom** of religious organizations by ensuring that they shall retain their independence from Federal, State, and local governments, including their autonomy, right of expression, religious character or affiliation, authority over their internal governance and activities, and other aspects of their operational independence that involve religious practices. It is significant that these protections include the right to “select, promote or dismiss” the members of the organization’s governing body and the organization’s employees on the basis of “their acceptance of or adherence to the religious tenets of the organization.”

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1 Sec. 3(k)(1)(A)-(B)(iii).
2 See Secs. 3(b)(2), (E)(i); 3(c)(2)(B).
3 Sec. 3(a)-(b).
4 Sec. 3(c)(1)-(2).
• **Protecting religious organizations’ exemptions** from prohibitions in employment discrimination in Title VII of the Civil Rights Act of 1964 and other Federal discrimination statutes by providing that those exemptions “shall not be waived because of the religious organization’s participation in, or receipt of funds from, a social services program funded with federal financial assistance.”

• **Protecting the religious freedom of individuals and families in need**, including by expanding their ability to choose to receive federally funded social services from religious organizations.

We welcome the language in Section 3(d)(3) of S. 75 that places the responsibility on the Federal, State or local government agency that funds the program of providing a referral for alternative services to beneficiaries who have an objection to the religious character of an organization providing services.

The Catholic Church and its ministries respond to the Gospel mandate to love both God and neighbor, always mindful that whatever we do to serve the least of our sisters and brothers, we are doing it for Christ. Your bill is a meaningful step toward affording religious organizations the liberty to continue exercising their ministry to serve the needy in the most effective way possible.

We look forward to working with you on this legislation and urge your colleagues to sign on as cosponsors of S. 75.

Thank you for your consideration,

His Eminence Timothy Cardinal Dolan
Archbishop of New York
Chairman, USCCB Committee for Religious Liberty

Sister Donna Markham, OP, Ph.D.
President & CEO
Catholic Charities USA

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5 Sec. 3(e). The topic of waivers of religious exemptions under Title VII as well as the “religious tenets” protections referred to above (Fn. 4) are the subject of a Notice of Proposed Rulemaking, Partnerships with Faith-Based and Neighborhood Organizations, 88 Fed. Reg. 2395, (NPRM) issued by nine Federal agencies on Jan. 13, 2023. CCUSA and the USCCB submitted comments to the NPRM objecting to the proposal by five Federal agencies to remove language from the 2020 Federal Rule on Faith-Based Partnerships (85 Fed. Reg. 82128, 82141) indicating that the Title VII religious employer exemptions allow hiring of persons on the basis of their “acceptance of or adherence to religious tenets of the organization.” S. 75 codifies the 2020 Rule protections.

6 Sec. 3(d).