



The “Equality Act” Puts Charities At Risk

The Equality Act is a bill in Congress that would add the terms “sexual orientation” and “gender identity” to the definition of “sex” in federal law, and insert them into a range of civil rights and antidiscrimination laws. It would also explicitly prohibit the bipartisan Religious Freedom Restoration Act of 1993 from applying to it, subjecting Americans of faith to much higher bars to have their rights vindicated in court.

We support the human dignity of, and oppose unjust discrimination against, every individual. Unfortunately, the Equality Act would hurt more people than it helps. The U.S. Conference of Catholic Bishops has written on some of its diverse concerns with the Equality Act. Two sections of the bill in particular – Sec. 3 on public accommodations and Sec. 6 on federal funding – however, pose problems to faith-based charities that serve all people in need.

Key Points:

- Catholic charities do not simply turn away people from needed services on account of their professed sexual orientation or gender identity. They work with all people in every practical way to meet essential needs, including finding alternative or individualized options when necessary. They serve people as individuals, in accord with their human dignity, and should not be stripped of their freedom to operate as such in accord with the Catholic faith.
- Emergency, transitional, or other charitable shelters – including but not limited to those run by faith-based organizations – would be required by the Equality Act to house vulnerable, sometimes traumatized, women with biological men or be shut down.
- Children in need of foster care or adoption would have fewer service providers under the Equality Act. Because many faith-based agencies’ principles require them to seek to honor a child’s right to a mother and a father, they would be shut down. This is unconscionable as the number children in foster care, now over 400,000, is increasing in the midst of the opioid epidemic. Contrary to proponents’ claims, the Equality Act’s nondiscrimination clauses would not widen the paths for placing children in need with families; they would do the exact opposite.
- Counseling and other social and wellness based services are critical to helping disadvantaged persons flourish in many aspects of life. Those who commit themselves to such roles often do so with a love of others that comes from their faith. Faith-based employers in these fields must retain the ability to hire talented people from diverse backgrounds – including religious – who do not publicly act in contradiction to principles of their service organization’s mission.
- All other charitable services that would seemingly have little to do with “sexual orientation” or “gender identity” – such as food or refugee services – could still be affected by the Equality Act because financial impacts upon any component of a multifaceted charitable organization would have a ripple effect on other components.