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August 15, 2024

**Via First-Class Mail and Email**

Jim Jordan, Chairman  
Thomas Massie, Chairman Subcommittee on the Administrative State,  
Regulatory Reform, and Antitrust  
Congress of the United States  
House of Representatives  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515-6216

Re: Response to July 30, 2024 Letter for Information; Climate Action 100+ (the "Letter")

Dear Chairman Jim Jordan and Chairman Thomas Massie,

I am General Counsel to the Unitarian Universalist Association (UUA), and we are in receipt of the above referenced Letter from the Committee on the Judiciary (the "Committee") and delivered to the Rev. Dr. Sofia Betancourt, President of the UUA. It is my understanding that the Letter is substantively identical to letters directed to approximately 130 other investors, ranging from other religious and faith-based organizations to large state sponsored pension funds. By this response to the Committee, the UUA intends to (a) provide information about the UUA's religious heritage and faith traditions, (b) provide an overview of the UUA's investment committee (IC) and the Unitarian Universalist Common Endowment Fund (UUCEF) to freely exercise Unitarian Universalism's beliefs and conscience rights protected by the First Amendment, and (c) respond to the particular topics presented by the Committee in the Letter.

As a preliminary matter, while the Letter suggests it is focused on the adequacy and enforcement of U.S. antitrust laws, it is unclear the extent to which the Committee has considered the potential significant intrusion into the UUA's rights of both free speech and to freely exercise Unitarian Universalism's beliefs and conscience rights protected by the First Amendment of the U.S. Constitution. It appears from Committee's June 11, 2024 (the "Interim Report") that its investigation is focused on potential claims under Section 1 of the Sherman Act. As I trust the Committee is aware, a violation of Section 1 of the Sherman Act requires, among other things,

establishing that the claimed activity unreasonably restrains trade or commerce. As a religion freely exercising its faith and beliefs and well as within its protected free speech rights, the UUA's activities are primarily religious and/or political speech beyond the scope and intent of the Sherman Act. The UUA is concerned that the Letter, including its broad document preservation request, may seek to improperly invade the Constitutionally protected rights to pursue investment strategies aligned with Unitarian Universalism's values and beliefs. It appears that the Letter was also directed to numerous other religions and faith-based organizations. The UUA objects to any purported interference with its First Amendment rights in responding to the information request and document preservation demand in the Letter.

#### **A. Unitarian Universalist Association.**

The UUA is a religious denomination formed in 1961 by the union of the American Unitarian Association and the Universalist Church of America, with membership comprising of more than 1,000 Unitarian Universalist (UU) congregations nationwide. Many UUA member congregations trace their history to America's founding churches, first gathered by the Pilgrims and Puritans in the 1600s. The UUA's religious communities welcome all people who embrace their shared values, and its faith is inspired and enriched by many religious sources. Unitarian Universalism draws from heritages of freedom, reason, hope, and courage, building on the foundation of love. Unitarian Universalists covenant, congregation-to-congregation and through the UUA, to support and assist one another in the congregations' ministries. Love is the power that holds us together and is at the center of Unitarian Universalist shared values. The values UU's share include all the following, which the UUA holds as inseparable and deeply interconnected:

- **Interdependence:** We honor the interdependent web of all existence and acknowledge our place in it.
- **Pluralism:** We are all sacred beings, diverse in culture, experience, and theology.
- **Justice:** We work to be diverse multicultural Beloved Communities where all feel welcome and can thrive.
- **Transformation:** We adapt to the changing world.
- **Generosity:** We cultivate a spirit of gratitude and hope.
- **Equity:** We declare that every person is inherently worthy and has the right to flourish with dignity, love, and compassion.

#### **B. The UUCEF and the Investment Committee.**

In the course of its activities, the UUA receives gifts, trusts, and endowments that require investment management. These funds, together with other funds invested by UU congregations and other UU organizations, are managed collectively in the Unitarian Universalist Common Endowment Fund, LLC (UUCEF). <https://uucef.org/>. The UUCEF was formed in 2012 as a

Massachusetts limited liability company, has been qualified as a charity under section 501(c)(3) of the Internal Revenue Code and commenced operations on or about July 2015, as the successor to the UUA's General Investment Fund. The UUCEF is a diversified investment fund seeking current income and long-term investment returns through portfolio allocation and professional asset management with UU socially responsible investing goals. The Bylaws of the UUCEF may be reviewed at <https://uucef.org/files/2016/07/UUCEF-LLC-By-Laws-with-Page-Numbers.pdf>.

As set forth in the UUCEF Bylaws, the mission of the UUCEF is to provide UU congregations and organizations as investors with an investment program offering competitive, long term investment results which are earned in a manner compatible with the religious values of Unitarian Universalism. The investment objective of the UUCEF is to achieve consistent returns within a moderate risk tolerance, sufficient to allow UU congregations and organizations as investors to take regular distributions and maintain the value of principal after adjustment for inflation and after all expenses.

The IC is appointed by the UUA Board of Trustees, and operates under the Investment Policy adopted by the Board. The Investment Policy authorizes the IC to interpret and implement the Investment Policy, establish IC Guidelines (including the investment objectives), and report regularly to the Board. The IC establishes the asset allocation policy that sets target commitments for each asset class. The IC is also responsible for setting guidelines for rebalancing asset classes and reviewing them on at least a quarterly basis. The UUCEF Investment Policy may be reviewed at <https://uucef.org/files/2024/04/Investment-Policy-Statement-UUCEF.pdf>.

The UUCEF Investment Policy Statement is rooted in its Statement of Values that “All investing is Impact Investing”. The UUCEF Statement of Values reflects UU values and states:

As fully committed Unitarian Universalists, we believe in Beloved Community—a diverse and loving community where everyone can belong and all people thrive. Our UU priorities work to center justice and liberation, within our communities and the wider world. We recognize the way in which injustice and oppression are rooted in history and identity, including race, gender, sexuality, ability, class and citizenship. With an explicit commitment to intersectional anti-racism, we are committed to uplifting the voices of Black, Indigenous, and People of Color (BIPOC) UUs, supporting BIPOC leaders, and creating a culture to support a diverse UU movement. We are committed to broadening the range of life experiences to which our Unitarian Universalist faith is relevant and life-giving.

In order to advance the UUCEF's value-based commitments alongside its return targets, the IC uses the strategies of (i) screening and restricting certain categories of investments which are contrary to UU values for its directly held assets, (ii) utilizing ESG analytics as a factor to prioritize and rebalance its investments, (iii) hiring and monitoring investment managers to ensure they are aligned with the UUA's dual bottom line approach, (iv) independently filing and voting on shareholder resolutions, and (v) investing through a designated community investments set-aside in smaller companies and funds that have a strong values alignment with UU principles. <https://uucef.org/investing/investment-policies-guidelines/> The Investment Policy focuses on

making investment decisions that reflect UU values and contribute to positive social and environmental change.

For over seven decades, the UUA has centered value-based investment as an expression of our religious liberties and shared values. The actualization of these values through our investment choices is not merely based on the whims or judgements of the IC or other investment partners, but is foundational and guided by the UUA's ecclesiastical structure and democratic religious governance processes. The IC has been directed to make decisions based on the following value-based statements, resolutions, and guidelines that have been voted and adopted by the UUA through its General Assembly (comprised of delegates from member UU congregations), and the Board of Trustees (who is elected by the General Assembly):

- Social Responsibility in the Investment of Endowment Funds (1972 Business Resolution)  
<https://www.uua.org/action/statements/social-responsibility-investment-endowment-funds>
- Corporate Social Responsibility & UUA Investments (1973 General Resolution)  
<https://www.uua.org/action/statements/corporate-social-responsibility-and-uua-investments>
- Energy (1977 General Resolution)  
<https://www.uua.org/action/statements/energy>
- Safer Sources of Energy (1992 General Resolution)  
<https://www.uua.org/action/statements/safer-sources-energy>
- Threat of Global Warming/Climate Change (2006 Statement of Conscience)  
<https://www.uua.org/action/statements/threat-global-warmingclimate-change>
- Gulf Coast Environmental & Economic Justice (2010 Action of Immediate Witness)  
<https://www.uua.org/action/statements/gulf-coast-environmental-and-economic-justice-2010>
- Clean Up the Clean Energy Bill (2010 Action of Immediate Witness)  
<https://www.uua.org/action/statements/clean-clean-energy-bill>
- Consider Divestment from the Fossil Fuel Industry (2013 Action of Immediate Witness)  
<https://www.uua.org/action/statements/consider-divestment-fossil-fuel-industry>
- Fossil Fuel Divestment (2014 Business Resolution)  
<https://www.uua.org/action/statements/fossil-fuel-divestment>
- Build the Movement for a Green New Deal (2019 Action of Immediate Witness)

<https://www.uua.org/action/statements/build-movement-green-new-deal>

- UUA Board Statement, Post-General Assembly 2023, Regarding Divestment Reparations  
<https://www.uua.org/uuagovernance/board/announcements/statement-post-ga2023-divestment-reparations>

**C. Climate Action 100+**

The UUA is an independent investor acting through its IC to provide a positive return on the investments under the UUCEF, in a manner that is aligned with UU values. The UUA joined the Climate Action 100+ and has pursued climate action and environmental justice goals based on the guidance of its own General Assembly and elected Board of Trustees. As a participating investor in Climate Action 100+, beyond the stated objective of addressing financial risk and opportunities of climate change, the UUA is not required to take or refrain from taking any particular corporate engagement action. The UUA has no agreement requiring any particular investment action or inaction related to Climate Action 100+, rather the UUA maintains full autonomy to pursue its investment strategies consistent with its own fiduciary responsibilities as set forth in its Investment Policy. It is our understanding that Climate Action 100+ provides information to different investors through which the IC may gain additional insights and information, enabling the UUA to more deeply engage in the issues relating to climate change and the potential impact of various investment strategies in the UUCEF. The UUA is not aware of any directive or requirement to take any investment action based on its participation in Climate Action 100+.

We trust the information provided herein, including the many hyperlinks provided sufficiently responds to the Letter. The responses provided herein, however, shall not in any way be deemed to abridge, waive or otherwise modify the UUA's First Amendment rights, including freedom of speech and right to freely exercise Unitarian Universalism's beliefs and conscience rights.

Very truly yours,



Adrienne K. Walker

cc: The Rev. Dr. Sofia Betancourt, President  
The Honorable Jerrold Nadler, Ranking Member  
The Honorable Lou Correa, Ranking Member, Subcommittee on the Administrative State,  
Regulatory Reform, and Antitrust