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VA announces proposed rule regarding equal treatment of faith-based organizations in VA-supported social service programs

WASHINGTON – The U.S. Department of Veterans Affairs (VA) proposed a rule, Jan. 16, that would implement President Trump's, May 3, 2018, Executive Order (EO) establishing a [White House Faith and Opportunity Initiative](#), to remove regulatory barriers allowing religious and non-religious organizations equal treatment in VA-supported social service programs.

The proposed rule ensures VA-supported social service programs are implemented in a manner consistent with the Constitution and other applicable federal law.

Under current regulations governing these programs, religious providers of social services — but not other providers of social services — must make referrals under certain circumstances and must post notices regarding this referral procedure. VA's proposed rule would eliminate religious providers from this requirement.

The current hinderances were not required by any applicable law, and because they were imposed only on religious social service providers, they are in tension with recent Supreme Court precedent regarding nondiscrimination against religious organizations. The proposed rule will foreclose other unequal treatment of religious organizations by ensuring they are not required to provide assurances or notices that are not required of secular organizations.

By compelling religious organizations, but not secular organizations, to post special notices and make referrals, the alternative-provider requirements unequally placed impediments on religious organizations and cast unwarranted suspicion on them.

Additionally, the proposed rule will clarify that religious organizations may apply for awards on the same basis as any other organization and that when VA selects award recipients, VA will not discriminate based on an organization's religious character. The proposed rule further clarifies that religious organizations participating in VA-supported social service programs retain their independence from the government and may continue to carry out their missions consistent with religious freedom protections in federal law, under the First Amendment.

The proposed rule incorporates the Attorney General's 2017 Memorandum for All Executive Departments and Agencies, Federal Law Protections for Religious Liberty. That memorandum was issued pursuant to President Trump's, May 4, 2017, Executive Order [Promoting Free Speech and Religious Liberty](#), which guides all federal administrative agencies and executive departments in complying with federal law.

"Protecting religious liberty is a key part of ensuring Veterans, families and potential partners — no matter their religious beliefs — feel welcome to work with and seek services from VA," said VA Secretary Robert Wilkie. "These important changes will help us accomplish these important goals."

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