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VA announces joint final rule on Equal Treatment of Faith-Based Organizations in VA-Supported Social Service Programs

WASHINGTON — The U.S. Department of Veterans Affairs (VA) today announced a joint final rule with eight other agencies — the Department of Justice, the Department of Homeland Security, the Department of Labor, the Department of Education, the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Agriculture and the Agency for International Development — to implement President Trump's May 3, 2018 [Executive Order No. 13831](#), on the Establishment of a White House Faith and Opportunity Initiative.

This rule ensures religious and non-religious organizations are treated equally in VA-supported programs, and it clarifies that religious organizations do not lose their legal protections and rights just because they participate in federal programs and activities.

"VA partners with hundreds of groups across the country that are looking to support our Veterans," said VA Secretary Robert Wilkie. "Making it harder for faith-based groups to deliver this support never made sense, and this joint rule will remove unfair obstacles they have faced for years and unleash their power to do good for Veterans across the nation."

The final rule ensures equal treatment for faith-based organizations, consistent with the Constitution and other federal law. It removes requirements in prior regulations that placed unequal burdens on religious organizations, cast unwarranted suspicion on them, and were in tension with their religious liberty rights.

The final rule also clarifies that religious organizations do not lose various legal protections because they participate in federal programs and activities, such as the rights to accommodations and conscience protections under the First Amendment, Religious Freedom Restoration Act, and other federal laws.

The rule preserves most of the existing regulations governing participation of religious organizations in VA's financial assistance programs, including provisions barring providers from discriminating against beneficiaries based on religion and requiring that any religious activities by the organization be separated in time or location from any services directly funded with federal money.

This rule was drafted in response to Executive Order 13831, issued in May 2018. The Agencies worked collaboratively to draft notices of proposed rulemaking that were published or delivered to Congress in January 2020. The nine agencies then received over 95,000 public comments from a range of interested parties, including Members of Congress; state and local governments, agencies, and officials; faith-based services providers and umbrella organizations; advocacy organizations; and individuals. The Agencies considered those comments, modified their regulations to address concerns raised in the comments, and drafted responses included in the final rule.

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