



THE WHITE HOUSE

PRESIDENT GEORGE W. BUSH

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Regulatory Changes

The Administration has eliminated regulatory and policy barriers that have kept faith-based organizations from partnering with the Federal government to help Americans in need. It has also worked to put into place regulations to ensure that faith-based organizations are able to compete on an equal footing for Federal funding within constitutional guidelines, without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries.

Final Rules

- [Department of Education \(ED\) Final Rule](#)
Summary: This final general rule clarifies that faith-based organizations are eligible to participate in ED programs on the same basis as any other private organization, with respect to programs for which such other organizations are eligible.
- [Department of Veterans Affairs \(VA\) Homeless Providers Grant and Per Diem Program Final Rule](#)
Summary: This regulation revises provisions that apply to religious organizations that receive VA funds under VA's Homeless Providers Grant and Per Diem Program to ensure that VA activities under this program are open to all qualified organizations, regardless of their religious character, to clearly establish the proper uses to which funds may be put, and the conditions for the receipt of such funding. Consistent with Title VII of the Civil Rights Act of 1964, the rule removes the regulatory prohibition against religious organizations making employment decisions on a religious basis.
- [Department of Housing and Urban Development \(HUD\) Final Rule](#)
Summary: This final rule implements executive branch policy that, within the framework of constitutional church-state guidelines, faith-based organizations should be able to compete on an equal footing with other organizations for federal funding. Consistent with Executive Order 13279, entitled "Equal Protection of the Laws for Faith-Based and Community Organizations," this final rule describes HUD's policy for the participation of faith-based organizations in HUD programs and activities.
- [Department of Agriculture \(USDA\) Final Rule](#)
Summary: This final rule implements executive branch policy that, within the framework of constitutional church-state guidelines, faith-based organizations should be able to compete on an equal footing with other organizations for USDA assistance. It augments USDA regulations to bring them into compliance with this policy and ensure that USDA assistance programs are implemented in a manner consistent with the requirements of the Constitution, including the Religion Clauses of the First Amendment.
- [Department of Labor \(DOL\) Final Rule](#)
Summary: This final rule revises DOL's general regulations. It clarifies, within the framework of constitutional guidelines, that faith-based and community organizations are able to participate in DOL social service programs without regard to their religious character or affiliation, and are able to apply for and compete on an equal footing with other eligible organizations to receive DOL support.
- [DOL Workforce Investment Act \(WIA\) Final Rule](#)
Summary: This final revision to DOL interim final rules allows participants to use their individual training accounts (ITAs), or similar training accounts under programs established by States or Local Workforce Investment Areas (LWIAs), for religious training, as long as the training account

programs afford participants genuine and independent choice between religious and non-religious training options, and the religious organizations serving as eligible training providers otherwise satisfy the requirements of the program.

- [Department of Health & Human Services \(HHS\) Final Rule](#)
Summary: This final rule implements executive branch policy that, within the framework of constitutional church-state guidelines, faith-based organizations should be able to compete on an equal footing with other organizations for HHS funding without impairing the religious character of such organizations. It revises HHS regulations to remove barriers to the participation of faith-based organizations in HHS programs and to ensure that these programs are implemented in a manner consistent with applicable statutes and the requirements of the Constitution, including the Establishment, Free Exercise, and Free Speech Clauses of the First Amendment.
- [HHS Temporary Assistance to Needy Families \(TANF\) Final Rule](#)
Summary: This final rule implements the TANF Charitable Choice provisions enacted by Congress in 1996. It clarifies the protections for beneficiaries of services, the rights and obligations of religious organizations that provide TANF-funded services, and the requirements and limitations of state and local governments.
- [HHS Substance Abuse and Mental Health Services Administration \(SAMHSA\) Final Rule](#)
Summary: This final rule implements the Charitable Choice statutory provisions of the Public Health Service Act, applicable to the Substance Abuse Prevention and Treatment (SAPT) Block Grant program, the Projects for Assistance in Transition from Homelessness (PATH) formula grant program, insofar as recipients provide substance abuse services, and to SAMHSA discretionary grants for substance abuse treatment or prevention services provided with direct Federal funds. It ensures that religious organizations are able to compete on an equal footing for Federal substance abuse funding administered by SAMHSA, without impairing the religious character of such organizations and without diminishing the religious freedom of SAMHSA beneficiaries.
- [HHS Community Services Block Grant \(CSBG\) Final Rule](#)
Summary: This final rule implements CSBG Charitable Choice provisions enacted by Congress in 1998. It ensures that religious organizations are able to compete on an equal footing for funds without impairing the religious character of such organizations and without diminishing the religious freedom of the CSBG Act recipients.
- [DOL Office of Federal Contract Compliance Programs Final Rule](#)
Summary: This rule amended regulations implementing Executive Order 11246, as amended, to incorporate the exemption for religious entities prescribed by Executive Order 13279. Executive Order 11246, as amended, prohibits Government contractors and subcontractors, and Federally-assisted construction contractors and subcontractors from discriminating in employment, and requires these contractors to take affirmative action to ensure that employees and applicants are treated without regard to race, color, religion, sex, or national origin. In Executive Order 13279, President Bush amended Executive Order 11246, as amended, to exempt religious corporations, associations, educational institutions and societies from certain nondiscrimination requirements, making the Executive Order consistent with Title VII of the Civil Rights Act of 1964 in allowing such organizations to make employment decisions on a religious basis.
- [Department of Justice \(DOJ\) Final Rule](#)
Summary: This final rule implements executive branch policy that, within the framework of constitutional church-state guidelines, faith-based organizations should be able to compete on an equal footing with other organizations for the Department's funding. It revises DOJ regulations to remove barriers to the participation of faith-based organizations in DOJ programs and to ensure that these programs are implemented in a manner consistent with the requirements of the Constitution, including the Religion Clauses of the First Amendment.
- [HUD ICDBG and Indian HOME Final Rule](#)
Summary: This rule removes barriers to the participation of religious (also referred to as "faith-based") organizations in HUD regulations implementing the Indian HOME Program and the Indian Community Development Block Grant Program (ICDBG). These changes are consistent with revisions of program regulations that have been undertaken on a department wide basis.
- [U.S. Agency for International Development \(USAID\) Final Rule](#)
Summary: This rule implements executive branch policy that, within the framework of constitutional guidelines, faith-based organizations should be able to compete on an equal footing with other organizations for USAID funding. This rule revises USAID regulations pertaining to the award of grants, cooperative agreements and contracts awarded for the purpose of administering grant programs to ensure their compliance with this policy and to clarify that faith-based organizations are eligible to participate in programs on the same basis as any other organization.

Other Policy Changes

- **Federal Emergency Management Agency (FEMA)**

In September 2002, the Department of Justice's Office of Legal Counsel issued an opinion stating that the Stafford Disaster Relief and Emergency Assistance Act of 1974 and its implementing regulations permit FEMA to provide Federal disaster assistance for the reconstruction of Seattle Hebrew Academy, and that the Establishment Clause does not pose a barrier to the Academy's receipt of such aid. The Academy is a private religious school that was damaged in the Nisqually Earthquake in February 2001. As a result of FEMA's change, faith-based organizations that previously had been excluded from FEMA funding may receive disaster relief funds if they meet other program eligibility criteria. For more information on the Department of Justice Office of Legal Counsel's Opinion, [click here](#).

- **Save America's Treasure's Historic Preservation Fund**

On May 27, 2003, Interior Secretary Gale A. Norton announced that the Old North Church of Boston – known for its part in Paul Revere's ride the night of April 18, 1775 – received a \$317,000 grant under the nation's Save America's Treasures Historic Preservation Fund Grants Program. This announcement that "active" historic houses of worship will be eligible for SAT funding is an important first step toward preserving some of our foremost sacred places, and it brings Federal policy into line with the intent of Congress, which amended its historic preservation law many years ago to authorize the award of grants to preserve historic churches and other historically significant religious properties. Given the wide range of institutions that receive assistance under the program – recent grants have rehabilitated everything from Revolutionary War barracks to slave quarters and art museums – the Department of Justice has concluded that the new policy is constitutional. For more information on the Department of Justice Office of Legal Counsel's Opinion, [click here](#).