



May 9, 2025

Russell Vought, Director
Office of Management and Budget
725 17th Street NW
Washington, DC 20503
Via regulations.gov

RE: Comment on “Request for Information: Deregulation,” 90 FR 15481 (Apr. 11, 2025); FRN 2025-06316; OMB-2025-0003-0001

Dear Director Vought,

Alliance Defending Freedom (ADF) submits the following list of regulations and policies imposed during previous administrations that the White House and agencies should rescind and, in some cases, concede are illegal in court. This comment is submitted in response to the Office of Management and Budget’s (OMB’s) “Request for Information: Deregulation,” 90 FR 15481, published on April 11, 2025.

ADF is an alliance-building legal organization that advocates for the right of all people to live and speak the truth. Since its launch in 1994, ADF has handled many legal matters involving federal regulations that exceed an agency’s statutory authority and overreach in areas of abortion, gender and sexuality, free speech, religious liberty, and parental rights.

Regulations and policies that should be repealed or vacated due to their illegal and unjustified burdens

OMB asked for “comment from the public on regulations that are unnecessary, unlawful, unduly burdensome, or unsound,” with background on each rule. ADF respectfully submits the following list of regulations and policies imposed by previous administrations that this administration should rescind and suggests that, in appropriate circumstances, the administration should agree in court that these rules should be vacated nationwide.

- HHS’s “Nondiscrimination in Health Programs and Activities,” 89 FR 37522 (May 6, 2024).

This Biden administration rule illegally imposes a gender identity mandate throughout the nation’s healthcare and health insurance systems. HHS should concede that the rule is unlawful and stipulate to court orders setting it aside nationwide in pending litigation, including: *McComb Children’s Clinic v. Kennedy*, 5:24-cv-048 (S.D. Miss.); *Tennessee v. Kennedy*, No. 1:24-cv-161 (S.D. Miss.); and *Rapides Parish School Board v. U.S. Dep’t of Health & Human Servs.*, 1:25-cv-00070 (W.D. La.). Conceding to nationwide vacatur in these cases would enable the administration to comply with President Trump’s executive order to “end the chemical and surgical mutilation of children.” Executive Order 14187, “Protecting Children From Chemical and Surgical Mutilation,” 90 FR 8771 (Jan. 28, 2025).

If the administration instead attempts to negate the rule through interim final rulemaking without advance notice and comment (an option that seems to be suggested in the memorandum “Directing the Repeal of Unlawful Regulations,” April 9, 2025), that could expose the administration to significant litigation risk. Notably, this and previous Section 1557 regulations took well over three years to finalize and then were preliminarily enjoined and tied up in litigation for multiple years thereafter. In contrast, nationwide vacatur of the rule in court is authorized by the Administrative Procedure Act (APA), 5 U.S.C. § 706, and therefore does not require a new rulemaking process to repeal the rule. Conceding to vacatur of this rule in pending litigation will enable the administration to fully and promptly pursue the President’s clear policy to protect children as set forth in Executive Order 14187. But declining to do so could leave the illegal regulation in place for most or all of President Trump’s second term.

- HHS’s “HIPAA Privacy Rule to Support Reproductive Health Care Privacy,” 89 FR 32976 (Apr. 26, 2024).

This rule illegally prohibits doctors from protecting children who have been subjected to harmful gender transition procedures or abortions by reporting those instances to state officials. It also illegally prohibits state officials from investigating and collecting public health data on such harmful practices. The rule purports to find authorization in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), but HIPAA does not support the rule.

For reasons similar to those stated above, HHS should concede that the 2024 HIPAA Privacy Rule is unlawful and stipulate to a court order setting it aside nationwide in pending litigation. *Purl v. U.S. Dep’t of Health & Human Servs.*, 2:24-cv-00228-Z (N.D. Tex.).

- HHS’s “Health and Human Services Adoption of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 89 FR 80055 (Oct. 2, 2024).

This rule illegally imposes a gender identity mandate throughout nearly all HHS grants, including for preschoolers through HHS’s Head Start program. For reasons similar to those stated above, HHS should concede that the rule is unlawful and stipulate to a court order setting it aside nationwide in pending litigation. *Rapides Parish School Board v. U.S. Dep’t of Health & Human Servs.*, 1:25-cv-00070 (W.D. La.).

- OMB’s Guidance for Federal Financial Assistance, 89 Fed. Reg. 30,046 (April 22, 2024).

HHS’s gender identity mandate in nearly all its grants was an implementation of a similar legally unsupported guidance issued by OMB, setting forth uniform grants rules for all agencies to adopt. In particular, OMB’s rule guided agencies to illegally impose gender identity mandates throughout all their grant programs in its codification of 2 CFR 200.300. OMB should use rulemaking to repeal this guidance and, in the meantime, advise agencies that, as guidance, OMB can and does disavow this provision and agencies should not adopt it.

- HHS’s “Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance,” 89 Fed. Reg. 40,066, 40,185 (May 9, 2024).

HHS illegally attempted to impose another gender identity mandate through its rule implementing Section 504 of the Rehabilitation Act, which protects persons against disability discrimination. In the preamble to the proposed and final rules, HHS declared that gender identity discrimination is covered by the rule’s prohibition on disability discrimination, despite explicit statutory language to the contrary. Even though that language is in the preamble, not the regulatory text, the agency should undo the rule through proper and definitive means. The most efficient way to do that is for HHS to concede to a court order vacating the language nationwide in pending litigation. *Rapides Parish School Board v. U.S. Dep’t of Health & Human Servs.*, 1:25-cv-00070 (W.D. La.).

- HHS’s EMTALA Abortion Mandate

On July 11, 2022, HHS’s Center for Medicare & Medicaid Services issued a memorandum ordering all hospitals with emergency rooms that receive Medicare funds (that is, nearly all hospitals), and the doctors who work there, to perform

abortions.¹ The memorandum claims that the Emergency Medical Treatment and Labor Act of 1986 requires abortions, despite the fact that the Act never uses the word abortion, but instead uses the phrase “unborn child” four times and requires stabilizing that child. Despite being a mandate that threatens hospitals and doctors with six-figure fines, CMS did not submit this memorandum to the notice and comment process. A district court ruled this mandate was unlawful under the APA, the Fifth Circuit affirmed, and the Supreme Court denied review. *See Texas v. Becerra*, 89 F.4th 529, 537 (5th Cir.), *cert. denied*, 145 S. Ct. 139 (2024). But the mandate remains in place in most states. HHS should rescind it.

- USDA’s “Departmental Regulation, DR 4330-002, Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from USDA,” (July 27, 2021).

USDA illegally imposed a gender identity mandate through its enforcement of Title IX that applies to all of USDA’s educational nutrition programs, including the National School Lunch Program. USDA implemented this illegal mandate through a “departmental regulation,” DR 4330-002, without public notice and comment, even though the mandate clearly applies to grantees and the public, and is not merely a regulation of internal agency policy. USDA has not demonstrated to the public that it repealed DR 4330-002. The administration should repeal the rule and also agree to a court order vacating the language nationwide in pending litigation. *Rapides Parish School Board v. U.S. Dep’t of Health & Human Servs.*, 1:25-cv-00070 (W.D. La.).

- EEOC’s “Implementation of the Pregnant Workers Fairness Act, 89 FR 29096 (Apr. 19, 2024).

Without statutory authority, EEOC illegally imposed a mandate forcing employers to facilitate employees’ abortions throughout the country. The Pregnant Workers Fairness Act protects pregnancy—it does not force employers to facilitate abortion. And due to Nancy Pelosi’s post-COVID unconstitutional allowance of proxy voting in Congress, no quorum of House members was present to enact the statute in the first place.

EEOC should concede to a court order vacating the rule nationwide in pending litigation. *Christian Employers Alliance v. EEOC*, 1:25-cv-007-DLH-CRH (D.N.D.). EEOC should also repeal the rule, but without an existing quorum due to

¹ <https://www.cms.gov/files/document/qso-22-22-hospitals.pdf>

vacancies, such a repeal and the accompanying rulemaking process would likely involve a long delay while the illegal rule remains in place.

- Various Regulations that Violate the Free Exercise Clause.

Attached to this letter is a spreadsheet identifying 61 regulations that violate the Free Exercise Clause of the First Amendment as interpreted in *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449 (2017), *Espinoza v. Montana Dep't of Revenue*, 591 U.S. 464 (2020), and *Carson v. Makin*, 596 U.S. 767 (2022).

Many of these regulations forbid funding of religious activities. Some of these regulations also state that, to the extent a funding recipient engages in religious activities, it must do so separately in time or location from federally funded activities. Such regulations transgress the Free Exercise Clause.

In addition to violating the Free Exercise Clause, these regulations rest on outdated Establishment Clause jurisprudence. *See, e.g., Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507 (2022). They unduly restrict the actions of religious recipients of federal funds based on attempts to avoid Establishment Clause concerns that are derived from outdated doctrines that the Supreme Court no longer applies. Therefore, the restrictions on religious organizations found in these regulations should be rescinded.

Portions of these regulations that must no longer be enforced are italicized.

Respectfully Submitted,

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Alliance Defending Freedom

No.	CFR Title No.	CFR Title Name	Agency	Citation	Program/Law	Problematic Text
1	2	Federal Financial Assistance	Department of Education	2 C.F.R. § 3474.15(b)(3) and (d)(1)	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards	(b)(3) All organizations that participate in Department programs or services, including organizations with religious character, motives, or affiliation, must carry out eligible activities in accordance with all program requirements, <i>including those prohibiting the use of direct Federal financial assistance to engage in explicitly religious activities</i> , subject to any accommodations that are granted to organizations on a case-by-case basis in accordance with the Constitution and laws of the United States, including Federal civil rights laws. (d)(1) <i>A private organization that provides direct Federal services under a program of the Department and engages in explicitly religious activities, such as worship, religious instruction, or proselytization, must offer those activities separately in time or location from any programs or services funded by the Department through a contract with a grantee or subgrantee, including a State.</i>
2	6	Domestic Security	Department of Homeland Security, Office of the Secretary	6 C.F.R. § 19.2	Nondiscrimination in Matters Pertaining to Faith-Based Organizations	<i>Explicitly religious activities include activities that involve overt religious content such as worship, religious instruction, or proselytization. An activity is not explicitly religious merely because it is motivated by religious faith.</i>
3	6	Domestic Security	Department of Homeland Security, Office of the Secretary	6 C.F.R. § 19.4	Nondiscrimination in Matters Pertaining to Faith-Based Organizations	(a) <i>Organizations that receive direct financial assistance from DHS to participate in or administer any social service program may not use direct Federal financial assistance that it receives (including through a prime or sub-award) to support or engage in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) or in any other manner prohibited by law.</i> (b) <i>Organizations receiving direct financial assistance from DHS for social service programs are free to engage in explicitly religious activities, but such activities must be offered separately, in time or location, from the programs or services funded with direct financial assistance from DHS . . .</i> (c) All organizations that participate in DHS social service programs, including faith-based organizations, must carry out eligible activities in accordance with all program requirements, and in accordance with all other applicable requirements governing the conduct of DHS-funded activities, <i>including those prohibiting the use of direct financial assistance from DHS to engage in explicitly religious activities</i> , subject to any accommodations that are granted to organizations on a case-by-case basis in accordance with the Constitution and laws of the United States. . . .
4	7	Agriculture	Department of Agriculture, Rural Business–Cooperative Service	7 C.F.R. § 4280.323(k)	Rural Microentrepreneur Assistance Program	Agency loan funds will not be used for the payment of microlender administrative costs or expenses and microlenders may not make microloans under the program for any of the purposes and uses identified as ineligible in paragraphs (a) through (n) of this section. (k) <i>Loans supporting explicitly religious activities, such as worship, religious instruction or proselytization.</i>
5	7	Agriculture	Department of Agriculture, Rural Business–Cooperative Service, Rural Housing Service, and Rural Utilities Service	7 C.F.R. § 5001.115(r)	Rural Business—Cooperative Service, Rural Housing Service, and Rural Utilities Service, Guaranteed Loans	<i>Loans supporting inherently religious activities, such as worship, religious instruction, proselytization, or to pay costs associated with acquisition, construction, or rehabilitation of structures for inherently religious activities, including the financing of multi-purpose facilities where religious activities will be among the activities conducted. . . .” If an organization conducts religious activities, they must be offered separately, in time, or location from programs or services supported with the guaranteed loan. . . . Sanctuaries, chapels, or other rooms that are used as a principal place of worship are ineligible for guaranteed financing under this part.</i>

No.	CFR Title No.	CFR Title Name	Agency	Citation	Program/Law	Problematic Text
6	7	Agriculture	Department of Agriculture, Office of the Secretary	7 C.F.R. § 16.4(b) and (c)(1)(iii)	Equal Opportunity for Religious Organizations	<i>(b) Organizations that receive USDA direct assistance under any USDA program may not engage in explicitly religious activities, including activities that involve overt religious content such as worship, religious instruction, or proselytization, as part of the programs or services funded by USDA direct assistance. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services supported with USDA direct assistance . . . (c)(1) All organizations that receive USDA direct assistance under any domestic USDA program must give written notice to all beneficiaries and prospective beneficiaries of certain protections in a manner and form prescribed by USDA. The required language for this written notice to beneficiaries is set forth in appendix C to this part. This notice must include the following information: . . . (iii) The organization must separate in time or location any privately funded explicitly religious activities from activities supported by direct Federal financial assistance</i>
7	7	Agriculture	Department of Agriculture, Office of the Secretary	7 C.F.R. § 16.2	Equal Opportunity for Religious Organizations	<i>Explicitly religious activities include activities that involve overt religious content such as worship, religious instruction, or proselytization. Any such activities must be offered separately, in time or location, from the programs or services funded under the agency's grant or cooperative agreement . . .</i>
8	7	Agriculture	Department of Agriculture	7 C.F.R. § 4279.117(i)	Rural Business—Cooperative Service, Guaranteed Loanmaking, Business and Industry Loans	<i>Guarantees supporting inherently religious activities, such as worship, religious instruction, proselytization, or to pay costs associated with acquisition, construction, or rehabilitation of structures for inherently religious activities, including the financing of multi-purpose facilities where religious activities will be among the activities conducted.</i>
9	7	Agriculture	Department of Agriculture, Rural Business—Cooperative Service, Rural Housing Service, and Rural Utilities Service	7 C.F.R. § 5001.115(r)	Guaranteed Loans	<i>Loans supporting inherently religious activities, such as worship, religious instruction, proselytization, or to pay costs associated with acquisition, construction, or rehabilitation of structures for inherently religious activities, including the financing of multi-purpose facilities where religious activities will be among the activities conducted. However, religious organizations may participate in projects eligible for funding under section 306(a)(24) of the Consolidated Farm and Rural Development Act, 7 U.S.C. 1926(a)(24), provided they do not use Agency assistance for inherently religious activities in accordance with 7 CFR part 16, "Equal Opportunity for Religious Organizations." If an organization conducts religious activities, they must be offered separately, in time, or location from programs or services supported with the guaranteed loan. . . . Sanctuaries, chapels, or other rooms that are used as a principal place of worship are ineligible for guaranteed financing under this part.</i>
10	7	Agriculture	Department of Agriculture, Office of the Secretary	7 C.F.R. § 16.3(b)	Equal Opportunity for Religious Organizations	<i>A faith-based organization that participates in USDA assistance programs will retain its autonomy; right of expression; religious character; authority over its governance; and independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use USDA direct assistance to support any ineligible purposes, including explicitly religious activities that involve overt religious content such as worship, religious instruction, or proselytization.</i>

No.	CFR Title No.	CFR Title Name	Agency	Citation	Program/Law	Problematic Text
11	20	Employees' Benefits	Department of Labor, Employment and Training Administration	20 C.F.R. § 667.266(a)	Workforce Investment Act	<i>(a) Limitations related to sectarian activities are set forth at WIA section 188(a)(3) and 29 CFR 37.6(f). (b)(1) 29 CFR part 2, subpart D governs the circumstances under which DOL support, including WIA Title I financial assistance, may be used to employ or train participants in religious activities. Under that subpart, such assistance may be used for such employment or training only when the assistance is provided indirectly within the meaning of the Establishment Clause of the U.S. Constitution, and not when the assistance is provided directly. As explained in that subpart, assistance provided through an Individual Training Account is generally considered indirect, and other mechanisms may also be considered indirect. See also 20 CFR 667.275 and 29 CFR 37.6(f)(1). 29 CFR part 2, subpart D also contains requirements related to equal treatment in Department of Labor programs for religious organizations, and to protecting the religious liberty of Department of Labor social service providers and beneficiaries. (2) Limitations on the employment of participants under WIA Title I to carry out the construction, operation, or maintenance of any part of any facility used or to be used for religious instruction or as a place for religious worship are described at 29 CFR 37.6(f)(2).</i>
12	22	Foreign Relations	Agency for International Development	22 C.F.R. § 205.1(e), (f), and (g)	Participation by Religious Organizations in USAID Programs	<i>(e) Organizations that receive direct Federal financial assistance from USAID under any USAID award or subaward may not engage in explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) as part of the programs or services directly funded with direct Federal financial assistance from USAID. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded with direct Federal financial assistance from USAID . . . (f) A faith-based organization that applies for, or participates in, USAID-funded awards or subawards will retain its autonomy, religious character, and independence, and may continue to carry out its mission consistent with religious freedom protections in Federal law, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use direct Federal financial assistance from USAID to support or engage in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), or in any other manner prohibited by law . . . (g) USAID must implement its awards in accordance with the Establishment Clause. Nothing in this part shall be construed as authorizing the use of USAID funds for activities that are not permitted by Establishment Clause jurisprudence or otherwise by law. USAID will consult with the U.S. Department of Justice if, in implementing a specific program involving overseas acquisition, rehabilitation, or construction of structures used for explicitly religious activities, there is any question about whether such funding is consistent with the Establishment Clause. USAID will describe any program implemented after such consultation on its website.</i>

No.	CFR Title No.	CFR Title Name	Agency	Citation	Program/Law	Problematic Text
13	24	Housing and Urban Development	Department of Housing and Urban Development, Office of Assistant Secretary for Community Planning and Development	24 C.F.R. § 582.115(c)(2) and (3)	Shelter Plus Care	<i>(c) Faith-based activities. (2) Organizations that are directly funded under the S+C program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under this part. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this part, and participation must be voluntary for the beneficiaries of the HUD-funded programs or services. (3) A religious organization that participates in the S+C program will retain its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice and expression of its religious beliefs, provided that it does not use direct S+C funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide S+C-funded services, without removing religious art, icons, scriptures, or other religious symbols. In addition, an S+C-funded religious organization retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.</i>
14	24	Housing and Urban Development	Department of Housing and Urban Development, Office of Assistant Secretary for Community Planning and Development	24 C.F.R. § 583.150(2), (3), and (5)	Community Facilities, Supportive Housing Program	<i>(2) Organizations that are directly funded under the Supportive Housing Program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under this part. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this part, and participation must be voluntary for the beneficiaries of the HUD-funded programs or services. (3) A religious organization that participates in the Supportive Housing Program will retain its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct Supportive Housing Program funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. . . . (5) Program funds may not be used for the acquisition, construction, or rehabilitation of structures to the extent that those structures are used for inherently religious activities. Program funds may be used for the acquisition, construction, or rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under this part. Where a structure is used for both eligible and inherently religious activities, program funds may not exceed the cost of those portions of the acquisition, construction, or rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to Supportive Housing Program funds in this part. Sanctuaries, chapels, or other rooms that a Supportive Housing Program-funded religious congregation uses as its principal place of worship, however, are ineligible for Supportive Housing Program-funded improvements</i>

No.	CFR Title No.	CFR Title Name	Agency	Citation	Program/Law	Problematic Text
15	24	Housing and Urban Development	Department of Housing and Urban Development, Office of the Secretary	24 C.F.R. § 5.109(d)(1), (e), and (j)	General HUD Program Requirements, Generally Applicable Definitions and Requirements	(d)(1) A faith-based organization that applies for, or participates in, a HUD program or activity supported with Federal financial assistance retains its autonomy, right of expression, religious character, authority over its governance, and independence, and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs; <i>provided that, it does not use direct Federal financial assistance, whether received through a prime award or sub-award, to support or engage in any explicitly religious activities, including activities that involve overt religious content such as worship, religious instruction, or proselytization.</i> (e) Explicitly religious activities. If an organization engages in explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), the explicitly religious activities must be offered separately, in time or location, from the programs or activities supported by direct Federal financial assistance and participation must be voluntary for the beneficiaries of the programs or activities that receive direct Federal financial assistance. The use of indirect Federal financial assistance is not subject to this restriction. (j) Acquisition, construction, and rehabilitation of structures. Direct Federal financial assistance may be used for the acquisition, construction, or rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under a HUD program or activity. Where a structure is used for both eligible and explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), direct Federal financial assistance may not exceed the cost of the share of acquisition, construction, or rehabilitation attributable to eligible activities in accordance with the cost accounting requirements applicable to the HUD program or activity. However, acquisition, construction, or rehabilitation of sanctuaries, chapels, or other rooms that a HUD-funded faith-based organization uses as its principal place of worship, may not be paid with direct Federal financial assistance.
16	24	Housing and Urban Development	Department of Housing and Urban Development, Office of the Secretary	24 C.F.R. Pt. 5, Subpt. A, App. C(3)	General HUD Program Requirements, Generally Applicable Definitions and Requirements	Because this program is supported in whole or in part by financial assistance from the Federal Government, we are required to let you know that: (3) We must separate in time or location any privately funded explicitly religious activities from activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) from activities supported with direct Federal financial assistance;
17	25	Indians	Department of the Interior, Bureau of Indian Affairs	25 C.F.R. § 41.15	Grants to Tribal Colleges and Universities and Diné College	Tribal colleges and universities must not use financial assistance awarded under this subpart in connection with religious worship or sectarian instruction. However, nothing in this subpart will be construed as barring instruction or practice in comparative religions or cultures or in languages of Indian Tribes.
18	25	Indians	Department of the Interior, Bureau of Indian Affairs	25 C.F.R. § 41.63(b)	Grants to Tribal Colleges and Universities and Diné College	The Diné College must not use financial assistance under this subpart for religious worship or sectarian instruction. However, this subpart does not prohibit instruction about religions, cultures or Indian Tribal languages.
19	28	Judicial Administration	Department of Justice	28 C.F.R. § 38.2(a)	Partnerships with Faith-Based and Other Neighborhood Organizations	A faith-based organization that applies for, or participates in, a social service program supported with Federal financial assistance may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, <i>provided that it does not use direct Federal financial assistance, whether received through a prime award or sub-award, to support or engage in any explicitly religious activities, including activities that involve overt religious content such as worship, religious instruction, or proselytization.</i>

No.	CFR Title No.	CFR Title Name	Agency	Citation	Program/Law	Problematic Text
20	28	Judicial Administration	Department of Justice	28 C.F.R. § 38.5(a) and (b)	Partnerships with Faith-Based and Other Neighborhood Organizations	<i>(a) Organizations that receive direct Federal financial assistance from the Department may not engage in explicitly religious activities, including activities that involve overt religious content such as worship, religious instruction, or proselytization, as part of the programs or services funded with direct Federal financial assistance from the Department. If an organization conducts such explicitly religious activities, the activities must be offered separately, in time or location, from the programs or services funded with direct Federal financial assistance from the Department, and participation must be voluntary for beneficiaries of the programs or services funded with such assistance. (b) A faith-based organization that participates in Department-funded programs or services shall retain its autonomy; right of expression; religious character; and independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct Federal financial assistance from the Department to fund any explicitly religious activities, including activities that involve overt religious content such as worship, religious instruction, or proselytization. . . .</i>
21	29	Labor	Department of Labor, Office of the Secretary	29 C.F.R. § 37.6(f)	Workforce Investment Act	<i>(f)(1) 29 CFR, [subtitle A], part 2 [general regulations], subpart D [equal treatment] governs the circumstances under which DOL support, including WIA Title I financial assistance, may be used to employ or train participants in religious activities. Under that subpart, such assistance may be used for such employment or training only when the assistance is provided indirectly within the meaning of the Establishment Clause of the U.S. Constitution, and not when the assistance is provided directly. As explained in that subpart, assistance provided through an Individual Training Account is generally considered indirect, and other mechanisms may also be considered indirect. See also §§ 667.266 and 667.275 of 20 CFR. 29 CFR part 2, subpart D also contains requirements related to equal treatment of religious organizations in Department of Labor programs, and to protection of religious liberty for Department of Labor social service providers and beneficiaries. (f)(2) Except under the circumstances described in paragraph (f)(3) below, a recipient must not employ participants to carry out the construction, operation, or maintenance of any part of any facility that is used, or to be used, for religious instruction or as a place for religious worship.</i>
22	29	Labor	Department of Labor, Office of the Secretary	29 C.F.R. § 38.4(ddd)	Workforce Innovation and Opportunity Act	<i>Sectarian activities means religious worship or ceremony, or sectarian instruction.</i>
23	29	Labor	Department of Labor, Office of the Secretary	29 C.F.R. § 37.4	Workforce Innovation and Opportunity Act	<i>Sectarian activities means religious worship or ceremony, or sectarian instruction.</i>
24	29	Labor	Department of Labor, Office of the Secretary	29 C.F.R. § 38.6(f)	Workforce Innovation and Opportunity Act	<i>(f)(1) 29 CFR, [subtitle A], part 2 [general regulations], subpart D [equal treatment] governs the circumstances under which DOL support, including WIA Title I financial assistance, may be used to employ or train participants in religious activities. Under that subpart, such assistance may be used for such employment or training only when the assistance is provided indirectly within the meaning of the Establishment Clause of the U.S. Constitution, and not when the assistance is provided directly. As explained in that subpart, assistance provided through an Individual Training Account is generally considered indirect, and other mechanisms may also be considered indirect. See also §§ 667.266 and 667.275 of 20 CFR. 29 CFR part 2, subpart D also contains requirements related to equal treatment of religious organizations in Department of Labor programs, and to protection of religious liberty for Department of Labor social service providers and beneficiaries. (f)(2) Except under the circumstances described in paragraph (f)(3) below, a recipient must not employ participants to carry out the construction, operation, or maintenance of any part of any facility that is used, or to be used, for religious instruction or as a place for religious worship.</i>

No.	CFR Title No.	CFR Title Name	Agency	Citation	Program/Law	Problematic Text
25	29	Labor	Department of Labor, Office of the Secretary	29 C.F.R. § 2.33(b)(1)	Equal Treatment in Department of Labor Programs for Faith-Based and Community Organizations	<i>Organizations that receive direct Federal financial assistance may not engage in explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) as part of the programs or services funded with direct Federal financial assistance. If an organization conducts such explicitly religious activities, the activities must be offered separately, in time or location, from the programs or services funded with direct Federal financial assistance, and participation must be voluntary for beneficiaries of the programs and services funded with such assistance.</i>
26	29	Labor	Department of Labor, Office of the Secretary	29 C.F.R. § 2.32(c)(1) and (d)(2)	General Regulations, Equal Treatment in Department of Labor Programs for Faith-Based and Community Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries	(c)(1) A faith-based organization that is a DOL social service provider retains its autonomy; right of expression; religious character; and independence from Federal, State, and local governments and must be permitted to continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, <i>provided that it does not use direct Federal financial assistance, whether received through a prime award or sub-award, to support or engage in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization).</i> (d)(2) All organizations, including religious ones, that are DOL social service providers must carry out DOL-supported activities in accordance with all program requirements, <i>including those prohibiting the use of direct Federal financial assistance for explicitly religious activities (including worship, religious instruction, or proselytization).</i>
27	34	Education	Department of Education, Office of Postsecondary Education	34 C.F.R. § 628.45(a)(3)(i)	Endowment Challenge Grant Program	(a) During the endowment challenge grant period, a grantee—(3) May not use endowment fund income for—(i) A school or department of divinity or any religious worship or sectarian activity;
28	34	Education	Department of Education, Office of Postsecondary Education	34 C.F.R. § 608.10(b)(5)	Strengthening Historically Black Colleges and Universities Program	(b) Unallowable activities. A grantee may not carry out the following activities under this part—(5) Activities or services that constitute religious instruction, religious worship, or proselytization.
29	34	Education	Department of Education, Office of Postsecondary Education	34 C.F.R. § 609.10(b)(5)	Strengthening Historically Black Graduate Institutions Program	(b) Unallowable activities. A grantee may not carry out the following activities under this part—(5) Activities or services that constitute religious instruction, religious worship, or proselytization.
30	34	Education	Department of Education, Office of Postsecondary Education	34 C.F.R. § 606.10(c)(3)	Developing Hispanic-Service Institutions Program	(c) Development grants—unallowable activities. A grantee may not carry out the following activities or pay the following costs under a development grant: (3) Activities or services that constitute religious instruction, religious worship, or proselytization.
31	34	Education	Department of Education, Office of Postsecondary Education	34 C.F.R. § 607.10(c)(3)	Strengthening Institutions Program	(c) Development grants—unallowable activities. A grantee may not carry out the following activities or pay the following costs under a development grant: (3) Activities or services that constitute religious instruction, religious worship, or proselytization.
32	34	Education	Department of Education, Office of Postsecondary Education	34 C.F.R. § 648.9	Graduate Assistance in Areas of Need	Academic field means an area of study in an academic department within an institution of higher education other than a school or department of divinity. Institution of higher education (Institution) means an institution of higher education, other than a school or department of divinity, as defined in section 1201(a) of the HEA. School or department of divinity means an institution, or an academic department of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter into some other religious vocation or to prepare them to teach theological subjects.
33	34	Education	Department of Education, Office of Postsecondary Education	34 C.F.R. § 648.2(c)	Graduate Assistance in Areas of Need	The Secretary does not award a grant under this part for study at a school or department of divinity.
34	34	Education	Department of Education, Office of Postsecondary Education	34 C.F.R. § 675.20(c)(2)(iv)	Federal Work-Study Programs	(c) FWS general employment conditions and limitation. (2) FWS employment may not—(iv) Involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for instruction that is predominantly devotional and religious or as a place for religious worship, except to the extent that excluding such work would impose a substantial burden on a person's exercise of religion.

No.	CFR Title No.	CFR Title Name	Agency	Citation	Program/Law	Problematic Text
35	34	Education	Education, Office of Postsecondary Education	34 C.F.R. § 692.30(c)(5)	Leveraging Educational Assistance Partnership Program	<i>(c) Each community service-learning job must—(5) Not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship</i>
36	34	Education	Department of Education, Office of the Secretary	34 C.F.R. § 75.532(a)(1) and (2)	Direct Grant Programs	<i>(a) No grantee may use its grant to pay for any of the following: (1) Religious worship, instruction, or proselytization. (2) Equipment or supplies to be used for any of the activities specified in paragraph (a)(1) of this section.</i>
37	34	Education	Department of Education, Office of the Secretary	34 C.F.R. § 76.532(a)(1) and (2)	State-Administered Formula Grant Programs	<i>(a) No state or subgrantee may use its grant or subgrant to pay for any of the following: (1) Religious worship, instruction, or proselytization. (2) Equipment or supplies to be used for any of the activities specified in paragraph (a)(1) of this section.</i>
38	34	Education	Department of Education, Office of the Secretary	34 C.F.R. § 75.52(a)(3) and (c)(1)	Direct Grant Programs	<i>(a)(3) All organizations that receive grants under a Department program, including organizations with religious character, motives, or affiliation, must carry out eligible activities in accordance with all program requirements, including those prohibiting the use of direct Federal financial assistance to engage in explicitly religious activities, subject to any accommodations that are granted to organizations on a case-by-case basis in accordance with the Constitution and laws of the United States, including Federal civil rights laws. (c)(1) A private organization that applies for and receives a grant under a program of the Department and engages in explicitly religious activities, such as worship, religious instruction, or proselytization, must offer those activities separately in time or location from any programs or services funded by a grant from the Department.</i>
39	34	Education	Department of Education, Office of the Secretary	34 C.F.R. § 76.52(c)(1)	State-Administered Formula Grant Programs	<i>(c)(1) A private organization that applies for and receives a subgrant under a program of the Department and engages in explicitly religious activities, such as worship, religious instruction, or proselytization, must offer those activities separately in time or location from any programs or services funded by a subgrant from a State under a State-administered formula grant program of the Department.</i>
40	38	Pensions, Bonuses, and Veterans' Relief	Department of Veterans Affairs	38 C.F.R. § 61.64(b)(1)	VA Homeless Providers Grant and Per Diem Program	<i>(b)(1) No organization may use direct financial assistance from VA under this part to pay for any of the following: (i) Explicitly religious activities such as, religious worship, instruction, or proselytization; or (ii) Equipment or supplies to be used for any of those activities.</i>
41	38	Pensions, Bonuses, and Veterans' Relief	Department of Veterans Affairs	38 C.F.R. § 62.62(b), (c), and (d)	Supportive Services for Veterans Families Program	<i>(b)(1) No organization may use direct financial assistance from VA under this part to pay for any of the following: (i) Explicitly religious activities such as, religious worship, instruction, or proselytization; or (ii) Equipment or supplies to be used for any of those activities. (c) Organizations that engage in explicitly religious activities, such as worship, religious instruction, or proselytization, must offer those services separately in time or location from any programs or services funded with direct financial assistance from VA under this part, and participation in any of the organization's explicitly religious activities must be voluntary for the beneficiaries of a program or service funded by direct financial assistance from VA under this part. (d) A faith-based organization that participates in the Supportive Services for Veteran Families Program under this part will retain its independence from Federal, State, or local governments and may continue to carry out its mission, including the definition, practice and expression of its religious beliefs, provided that it does not use direct financial assistance from VA under this part to support any explicitly religious activities, such as worship, religious instruction, or proselytization.</i>
42	38	Pensions, Bonuses, and Veterans' Relief	Department of Veterans Affairs	38 C.F.R. § 50.2(b)	Equal Treatment for Faith Based Organizations	<i>(b) Organizations that receive direct Federal financial assistance from a VA program may not engage in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) as part of the programs or services funded with direct Federal financial assistance from the VA program, or in any other manner prohibited by law. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded with direct Federal financial assistance from the VA program . . .</i>

No.	CFR Title No.	CFR Title Name	Agency	Citation	Program/Law	Problematic Text
43	42	Public Health	Department of Health and Human Services, Public Health Service	42 C.F.R. § 54a.4	Discretionary Funding Under Title V of the Public Health Service Act	<i>No funds provided directly from SAMHSA or the relevant State or local government to organizations participating in applicable programs may be expended for inherently religious activities, such as worship, religious instruction, or proselytization. If an organization conducts such activities, it must offer them separately, in time or location, from the programs or services for which it receives funds directly from SAMHSA or the relevant State or local government under any applicable program . . .</i>
44	42	Public Health	Department of Health and Human Services, Public Health Service	42 C.F.R. § 54.5	Substance Abuse Prevention and Treatment Block Grants and/or Projects for Assistance in Transition from Homelessness Grants	A religious organization that participates in an applicable program will retain its independence from Federal, State, and local governments and may continue to carry out its mission, including the definition, practice and expression of its religious beliefs. <i>The organization may not expend funds that it receives directly from SAMHSA or the relevant State or local government to support any inherently religious activities, such as worship, religious instruction, or proselytization.</i> Among other things, faith-based organizations may use space in their facilities to provide services supported by applicable programs, without removing religious art, icons, scriptures, or other symbols. In addition, a SAMHSA-funded religious organization retains the authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.
45	42	Public Health	Department of Health and Human Services, Public Health Service	42 C.F.R. § 54.4	Substance Abuse Prevention and Treatment Block Grants and/or Projects for Assistance in Transition from Homelessness Grants	<i>No funds provided directly from SAMHSA or the relevant State or local government to organizations participating in applicable programs may be expended for inherently religious activities, such as worship, religious instruction, or proselytization. If an organization conducts such activities, it must offer them separately, in time or location, from the programs or services for which it receives funds directly from SAMHSA or the relevant State or local government under any applicable program . . .</i>
46	42	Public Health	Department of Health and Human Services, Public Health Service	42 C.F.R. § 54a.5	Discretionary Funding Under Title V of the Public Health Service Act	<i>A religious organization that participates in an applicable program . . . may not expend funds that it receives directly from SAMHSA or the relevant State or local government to support any inherently religious activities, such as worship, religious instruction, or proselytization. . . .</i>
47	42	Public Health	Department of Health and Human Services, Public Health Service	42 C.F.R. § 54a.5	Discretionary Funding Under Title V of the Public Health Service Act	<i>. . . The organization may not expend funds that it receives directly from SAMHSA or the relevant State or local government to support any inherently religious activities, such as worship, religious instruction, or proselytization. . . .</i>
48	45	Public Welfare	Department of Health and Human Services	45 C.F.R. § 63.39	General administrative regulations	<i>Federal funds shall not be used for the making of any payment for religious worship or instruction, or for the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious instruction.</i>
49	45	Public Welfare	Department of Health and Human Services	45 C.F.R. § 98.2	Child Care and Development Fund	<i>Sectarian organization or sectarian child care provider means religious organizations or religious providers generally. The terms embrace any organization or provider that engages in religious conduct or activity or that seeks to maintain a religious identity in some or all of its functions. There is no requirement that a sectarian organization or provider be managed by clergy or have any particular degree of religious management, control, or content; Sectarian purposes and activities means any religious purpose or activity, including but not limited to religious worship or instruction;</i>
50	45	Public Welfare	Corporation for National and Community Service	45 C.F.R. § 2520.65	General Provisions: AmeriCorps Subtitle C Programs	<i>(a) While charging time to the AmeriCorps program, accumulating service or training hours, or otherwise performing activities supported by the AmeriCorps program or AmeriCorps, staff and members may not engage in the following activities: (7) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization; (8) Providing a direct benefit to—(v) An organization engaged in the religious activities described in paragraph (g) of this section, unless AmeriCorps assistance is not used to support those religious activities</i>

No.	CFR Title No.	CFR Title Name	Agency	Citation	Program/Law	Problematic Text
51	45	Public Welfare	Corporation for National and Community Service	45 C.F.R. § 2552.121(g)(1) and (2)	Foster Grandparent Program	<i>(g) Religious activities. (1) A Foster Grandparent or a member of the project staff funded by AmeriCorps shall not give religious instruction, conduct worship services or engage in any form of proselytization as part of his/her duties. (2) A sponsor or volunteer station may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use AmeriCorps funds to support any inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this part.</i>
52	45	Public Welfare	Corporation for National and Community Service	45 C.F.R. § 2551.121(g)(1) and (2)	Senior Companion Program	<i>(g) Religious activities. (1) A Senior Companion or a member of the project staff funded by AmeriCorps shall not give religious instruction, conduct worship services, or engage in any form of proselytization as part of his/her duties. (2) A sponsor or volunteer station may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use AmeriCorps funds to support any inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this part.</i>
53	45	Public Welfare	Corporation for National and Community Service	45 C.F.R. § 2553.91(g)(1) and (2)	Retired and Senior Volunteer Program	<i>(g) Religious activities. (1) An RSVP volunteer or a member of the project staff funded by AmeriCorps shall not give religious instruction, conduct worship services, or engage in any form of proselytization as part of his/her duties. (2) A sponsor or volunteer station may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use AmeriCorps funds to support any inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this part.</i>
54	45	Public Welfare	Department of Health and Human Services, Administration for Children and Families, Office of Community Activities	45 C.F.R. § 1050.3(b) and (c)	Charitable Choice Under the Community Services Block Grant Act Programs	<i>(b) No program participant that receives direct funding under an applicable program may expend the program funds for inherently religious activities, such as worship, religious instruction, or proselytization. If an organization conducts such activities, it must offer them separately, in time or location, from the programs or services directly funded under any applicable program, and participation must be voluntary for program beneficiaries. (c) A religious organization that participates in an applicable program will retain its independence from Federal, State, and local governments and may continue to carry out its mission, including the definition, practice and expression of its religious beliefs, provided that it does not expend any direct funding under the applicable program to support any inherently religious activities, such as worship, religious instruction, or proselytization.</i>
55	45	Public Welfare	Department of Health and Human Services	45 C.F.R. Pt. 87, App. C (b)	Equal Treatment for Faith-Based Organizations	<i>A faith-based organization may not use direct Federal financial assistance from HHS to support or engage in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) except when consistent with the Establishment Clause of the First Amendment and any other applicable requirements. . . .</i>
56	45	Public Welfare	Department of Health and Human Services	45 C.F.R. Pt. 87, App. B (c)	Equal Treatment for Faith-Based Organizations	<i>A faith-based organization may not use direct Federal financial assistance from HHS to support or engage in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) except when consistent with the Establishment Clause of the First Amendment and any other applicable requirements.</i>

No.	CFR Title No.	CFR Title Name	Agency	Citation	Program/Law	Problematic Text
57	45	Public Welfare	Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance	45 C.F.R. § 260.34(c) and (d)	Temporary Assistance for Needy Families	<i>(c) No Federal TANF or State MOE funds provided directly to participating organizations may be expended for inherently religious activities, such as worship, religious instruction, or proselytization. If an organization conducts such activities, it must offer them separately, in time or location, from the programs or services for which it receives direct Federal TANF or State MOE funds under this part, and participation must be voluntary for the beneficiaries of those programs or services. (d) A religious organization that participates in the TANF program will retain its independence from Federal, State, and local governments and may continue to carry out its mission, including the definition, practice and expression of its religious beliefs, provided that it does not expend Federal TANF or State MOE funds that it receives directly to support any inherently religious activities, such as worship, religious instruction, or proselytization. . . .</i>
58	45	Public Welfare	Corporation for National and Community Service	45 C.F.R. § 2540.100(b)	Corporation Assistance	<i>Religious use. Corporation assistance may not be used to provide religious instruction, conduct worship services, or engage in any form of proselytization.</i>
59	45	Public Welfare	Corporation for National and Community Service	45 C.F.R. § 2540.100(b)	Corporation Assistance	<i>Religious use. Corporation assistance may not be used to provide religious instruction, conduct worship services, or engage in any form of proselytization.</i>
60	45	Public Welfare	Department of Health and Human Services	45 C.F.R. § 87.3(d)	Equal Treatment for Faith-Based Organizations	<i>Organizations that receive direct financial assistance from an HHS awarding agency may not engage in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) as part of the programs or services funded with direct financial assistance from the HHS awarding agency, or in any other manner prohibited by law. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded with direct financial assistance from the HHS awarding agency. . . .</i>
61	45	Public Welfare	Corporation for National and Community Service	45 C.F.R. § 2556.175	Volunteers in Service to America (VISTA)	<i>(a) A VISTA may not give religious instruction, conduct worship services, or engage in any form of proselytizing as part of their duties. (b) A sponsor or subrecipient may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use any AmeriCorps assistance, including the services of any VISTA or VISTA assistance, to support any inherently religious activities, such as worship, religious instruction, or proselytizing, as part of the programs or services assisted by the VISTA program. If a VISTA sponsor or subrecipient conducts such inherently religious activities, the activities must be offered separately, in time or location, from the programs or services assisted under this Part by the VISTA program.</i>