

Biden administration finalizes rule on religious liberty protections

by [Adelle M. Banks](#)

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Detail of a Thomas Jefferson statue on the University of Virginia campus in Charlottesville, Virginia. (Photo by K.G. Hawes, used under Creative Commons license)

Nine agencies of the Biden administration have finalized a new rule that officials say will improve religious freedom by protecting the rights of beneficiaries of social services funded by the government.

In particular, the rule will affect those receiving help from the many social service providers that are faith-based and will ensure providers cannot withhold help based on faith affiliation nor require beneficiaries to participate in any religious activity in order to receive help.

The rule restores some religious freedom protections that were rescinded by the Trump administration that also affected people seeking job search and job training assistance, housing services, and academic enrichment. It also clarifies that faith-based organizations should be able to compete equally with secular providers for awards while keeping their religious character.

“Today’s announcement establishes uniform policies to safeguard Americans from religious discrimination in social services,” said US Health and Human Services Secretary Xavier Becerra in a March 1 statement. “These regulations aim to guarantee broad access to essential social services for eligible individuals, reinforcing awareness of religious liberty protections.”

The 187-page rule was issued by the following departments: HHS, Agriculture, Education, Homeland Security, Housing and Urban Development, Justice, Labor, Veterans Affairs, and the US Agency for International Development.

One of the key protections is a requirement that organizations receiving federal grants for US social service programs inform beneficiaries of their right to not be discriminated against on the basis of their religion. Grantees must provide a model notice to providers of this requirement, which applies to programs supported by grants or by vouchers.

Another key aspect of the rule is the encouragement of government agencies funding US programs to aid beneficiaries in locating alternative providers in their region that are more compatible with their beliefs and also are federally funded.

The announcement was hailed by organizations that have long supported the separation of church and state and religious freedom.

“We applaud the Biden administration for restoring religious freedom protections for the millions of often vulnerable and marginalized people who use government-funded social services,” said Rachel Laser, president and CEO of Americans United for Separation of Church and State, in a statement.

“Religious freedom is a foundational American principle. No one should have to give up their religious freedom in order to have access to critical services. No one should ever be pressured to participate in religious activities or be required to meet a religious litmus test in exchange for the help they need.”

Interfaith Alliance said the new rule is an important step in restoration of rights of people who seek aid from social service providers that receive federal funds, including food banks, eldercare organizations, and shelters aiding those who are coping with domestic violence or homelessness.

“This is an important course correction from the Trump administration’s attack on every person’s right to believe as they choose without coercion,” said Paul Brandeis Raushenbush, Interfaith Alliance’s president and CEO, in a statement. “The federal government has an obligation to ensure all people can equitably access life-saving social services without sacrificing their religious freedom rights and without fear of discrimination.”

The rule responds to an executive order in February 2021 when President Joe Biden [re-established the White House Office of Faith-based and Neighborhood Partnerships](#)

Stanley Carlson-Thies, founder of the Institutional Religious Freedom Alliance, also welcomed the development that has long involved staffers of that office and its cabinet-level counterparts.

“I’m glad to see the rights of beneficiaries not to participate in unwanted religion be well protected again,” he said in a statement to media. “Government needs to do a better job on the positive side: accommodating beneficiaries who can best be helped when a religion shaped program is one of the options.”

In January 2021, Americans United joined other groups in suing on the day the Trump administration rule became effective, shortly before the end of his presidential term. The suit has been on hold while the Biden administration worked to finalize the new rule.

Melissa Rogers, who was appointed by Biden in 2021 to oversee the so-called faith-based office, as she had in former President Barack Obama’s second term, also had opposed the Trump administration’s plans to remove the requirement that faith-based social service providers offer a secular alternative to people seeking their

assistance.

“You can’t benefit from protections you don’t know you have,” she tweeted in January 2020. “The religious liberty of social service beneficiaries is as important as the religious liberty of faith-based providers.” —Religion News Service