

Equal Opportunity for Religious Organizations in USDA Programs

An Overview of the USDA General
Rule published July 9, 2004

Overview of Principles

The U.S. Department of Agriculture published final regulations on July 9, 2004 to ensure equal treatment for religious organizations. The regulations:

1. Ensure that USDA programs and activities are open to all qualified organizations, regardless of their religious character.
2. Establish clearly the proper uses to which USDA financial assistance may be put consistent with Constitutional parameters.
3. Establish conditions for receipt of financial assistance.

Purpose and Applicability

- Set policy that religious organizations are eligible for USDA programs on the same basis as other private organizations

Rights of Religious Organizations

- Eligible on the same basis as any other eligible private organization – no discrimination for or against organization on basis of organization’s religious character or affiliation
- Religious organization retain independence
 1. Retain religious art, icons, etc. in space
 2. Retain religious terms in name
 3. Select board members and govern on religious basis
 4. Include religious references in mission, vision, etc.
- Retain Title VII hiring rights exemption

Responsibilities of Participating Organizations

For organizations that receive “direct USDA assistance,” the organization may NOT:

- Discriminate against a program beneficiary or potential beneficiary on the basis of religion or religious belief
- Engage in inherently religious activities as part of the program or services supported with direct USDA assistance
- Use those funds for acquisition, construction or rehabilitation of structures to the extent those structures are used for inherently religious activities

Responsibilities (continued)

For organizations that receive “direct USDA assistance,” the organization MAY:

- Conduct inherently religious activities which are voluntary for program beneficiaries, separate in time or location from government funded services, AND privately funded
- Use those funds for the acquisition, construction, or rehabilitation of structures to the extent those structures are used to conduct USDA programs and activities

Effect on State and Local Funds

If a state or local government voluntarily contributes its own funds to supplement activities carried out under programs governed by this rule and commingles those funds, the principles outlined in this rule apply to all of the commingled funds, local, state, and/or federal.

Compliance

USDA agencies will monitor compliance with this part in the course of regular oversight of USDA programs.