

What You Need to Know about Equal Treatment Regulations

Grantees are subject to the requirements in 45 CFR Part 74 (non-governmental) or 45 CFR Part 92 (governmental).

Direct Federal grants, sub-award funds, or contracts shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from federally-funded services or activities. Regulations pertaining to the Equal Treatment for Faith-Based Organizations, which include the prohibition against Federal funding of inherently religious activities, can be found at either 45 CFR 87.1 or the HHS website at <http://www.os.hhs.gov/fbci/waisgate21.pdf>.

A faith-based organization receiving HHS funds retains 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. For example, a faith-based organization may use space in its facilities to provide secular programs or services funded with Federal funds without removing religious art, icons, scriptures, or other religious symbols. In addition, a faith-based organization that receives Federal funds 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 in accordance with all program requirements, statutes, and other applicable requirements governing the conduct of HHS funded activities.

Faith-based and community organizations may reference the "Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government" at: <http://www.whitehouse.gov/government/fbci/guidance/index.html>.

For further explanation and practical examples, also see "Promoting Equal Treatment: A Guide for State & Local Compliance with Federal Regulations" found at <http://www.whitehouse.gov/government/fbci/equal-treatment.html>.