

**Fact Sheet:** Final Rule Implementing Executive Order 13559, *Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations*

**Date:** March 31, 2016

### **Background**

In 2009, President Obama appointed an Advisory Council on Faith-Based and Neighborhood Partnerships (the Advisory Council), in part to recommend changes in policies, programs, and practices to strengthen the social service partnerships that the Government forms with faith-based and other neighborhood organizations.

In response to the Advisory Council's recommendations, on November 17, 2010, President Obama signed Executive Order (E.O.) 13559, *Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations*, which amended E.O. 13279 (December 2002), *Equal Protection of the Laws for Faith-Based and Community Organizations*. E.O. 13559 clarified the fundamental principles that apply to agencies administering Federal social service programs in developing policies that have implications for faith-based and other neighborhood organizations.

In addition, E.O. 13559 created the Interagency Working Group on Faith-Based and Other Neighborhood Partnerships (the Working Group) composed of representatives from nine Federal agencies (the Agencies) to review and evaluate existing regulations, guidance, and policies, and to submit a report to the President recommending any changes necessary to ensure consistency with the fundamental principles set forth in the Executive Order.

E.O. 13559 also required that, following receipt of the Working Group's report, the Office of Management and Budget (OMB), in coordination with the U.S. Department of Justice, issue guidance to agencies on the implementation of the Executive Order. In August 2013, OMB issued that guidance and stated that the Agencies must amend regulations and guidance to ensure consistency with the Executive Order. On August 6, 2015, the Agencies published notices of proposed rulemaking consistent with this OMB guidance.

Following receipt and consideration of public comments, the Department of Education, Department of Homeland Security, Department of Agriculture, Agency for International Development, Department of Housing and Urban Development, Department of Justice, Department of Labor, Department of Veterans Affairs, and Department of Health and Human Services are issuing these final regulations.

### **Overview of Final Rule**

The final rule issues new regulations or amends the current regulations of the Agencies regarding partnerships with faith-based and other neighborhood organizations. For example, the final regulations of the Department of Justice (the Department):

- Require that all decisions about awards of Federal financial assistance from the Department must be made on the basis of merit, not on the basis of religion, religious belief, or lack thereof, and must be free from political interference, or even the appearance of such interference.
- Reaffirm that faith-based or religious organizations are eligible to participate in any Department program for which they are otherwise eligible on the same basis as any other organization.
- Clarify that organizations that receive direct Federal financial assistance from the Department may not engage in “explicitly religious activities” unless they are offered separately, and provides examples of such activities.
- Prohibit organizations that receive Federal financial assistance from the Department from discriminating against beneficiaries or prospective beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.
- Require faith-based or religious organizations providing services under a program supported by direct Federal financial assistance from the Department to provide written notice of certain protections to beneficiaries and prospective beneficiaries, including the following statements—
  - (1) The organization may not discriminate against a beneficiaries or prospective beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;
  - (2) The organization may not require beneficiaries or prospective beneficiaries to attend or participate in any explicitly religious activities that are offered by the organization, and any participation by beneficiaries in such activities must be purely voluntary;
  - (3) The organization must separate in time or location any privately funded explicitly religious activities from activities supported by direct Federal financial assistance;
  - (4) If a beneficiary or prospective beneficiary objects to the religious character of the organization, the organization will undertake reasonable efforts to identify and refer the beneficiary or prospective beneficiary to an alternative provider to which the beneficiary or prospective beneficiary has no objection; and
  - (5) Beneficiaries or prospective beneficiaries may report an organization’s violation of these protections, including any denials of services or benefits by an organization, by contacting or filing a written complaint with the Office for Civil Rights or the intermediary that awarded funds to the organization.

The final regulations become effective 30 days after publication in the Federal Register, and recipients of Federal financial assistance must comply with the regulations 90 days after publication in the Federal Register. For more information, click [HERE](#).

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