

APPENDIX 1a

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

3rd Circuit Disciplinary Rules;

Rules of Attorney Disciplinary Enforcement (“RADE”) Rule (“R”) 5

RULE 5. RESPONSIBILITY OF ATTORNEY TO NOTIFY COURT OF CONVICTION OR DISCIPLINE IMPOSED BY ANOTHER COURT

“1. A member of the bar of this Court must notify the Clerk within 10 days if he or she is convicted of a serious crime, if he or she is disbarred or suspended by another court, or if he or she resigns or is disbarred by consent from the bar of another court while an investigation into allegations of misconduct is pending. Administrative suspensions described in Rule 2.2 need not be reported.

2. The Clerk will refer to the Standing Committee all information received by him or her concerning disbarments, suspensions, resignations during the pendency of misconduct investigations, and other conduct sufficient to cast doubt upon the continuing qualification of a member of the bar of this Court to practice before it.”

RADE R 6

RULE 6. INITIATION OF DISCIPLINARY PROCEEDINGS

“1. Reciprocal Discipline. When an active member of the bar of this Court is suspended or disbarred by another court for misconduct, or has resigned from the bar of another court during the pendency of a misconduct investigation, the Clerk of this Court will issue an order for the attorney to show cause why this Court should not impose upon the attorney an order disbarring or suspending the attorney, as the case may be, subject to terms or conditions comparable to those set forth by the other court. This provision requiring the Clerk to issue an order to show cause, however, does not apply in circumstances in which this Court already has initiated disciplinary proceedings against the attorney for the same conduct underlying the suspension, disbarment, or resignation in the other court either as an original disciplinary proceeding in this Court or as a reciprocal proceeding to a proceeding in another court.

2. Original Discipline.

(a) Upon receipt of a certified copy of a judgment or other court record demonstrating that a member, whether active or inactive, of the bar of this Court has been convicted of a serious crime, unless a proceeding has been instituted as provided in Rule 6.1, the Clerk will issue an order to show cause why the Court should not impose upon the attorney the presumed discipline described in Rule 3.2.

(b) When the Standing Committee determines that cause may exist for the

suspension or disbarment of an attorney pursuant to Rule 2, one of its members or the Clerk will issue an order to show cause why such discipline should not be imposed by this Court.

3. When a disciplinary proceeding is already pending in this Court, upon notification of a separate basis for discipline, the Clerk of this Court rather than issuing an order to show cause will refer the matter to the Standing Committee for it to take such action, if any, as it deems appropriate, including the initiation of another disciplinary proceeding in this Court by a direction to the Clerk to issue an order to the attorney to show cause why this Court should not impose discipline on the attorney.

4. The Clerk will send an order to show cause issued pursuant to this Rule by email and certified mail or the equivalent to the attorney's address on file with the Clerk's Office. In reciprocal discipline cases, the Clerk will include a copy of the order of the other court on which the order to show cause is based. The mailing of an order to the attorney's address on file is deemed proper service.

5. An order to show cause issued pursuant to this Rule will require the attorney to respond within 30 days. The Clerk, however, may shorten the response period if the Clerk deems it advisable to do so by reason of the urgency of the disposition of the matter involving the attorney or if the Standing Committee or its Chair directs the Clerk to do so. The Chair of the Committee or the Clerk may for good cause shown grant a written request for an extension of time received within 25 days of the date of the show cause order.

6. An order to show cause issued pursuant to this Rule will provide that the attorney, upon receipt of the order, must serve forthwith by mail or otherwise a copy of the order to show cause and a copy of the order of the other court on which it is based to any litigant for whom the attorney has entered an appearance in any matter pending in this Court. If an attorney later enters an appearance in this Court on behalf of a litigant during the pendency of a disciplinary action, the attorney must provide a copy of the order to show cause to the litigant.

7. Once an order to show cause has been issued pursuant to paragraph (1), (2) or (3) of this Rule, the Standing Committee may decline to accept a resignation, or a request to assume inactive status, from the lawyer and continue the proceeding in accordance with these Rules."

RADE R 8

RULE 8. RESPONSE TO AN ORDER TO SHOW CAUSE

"1. Any response to an order to show cause issued under Rule 6 must be filed within 30 days of the date of the order. The response may:

(a) object to the entry of an order in this Court imposing the same discipline as imposed in the other court on the grounds that the attorney has been misidentified;

(b) object to the entry of an order in this Court imposing the same discipline as imposed in the other court on the grounds that that the

discipline imposed by the other court is administrative in nature;

(c) contest the imposition of the same discipline as imposed in the other court on the grounds:

(1) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process

2) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or

(3) that the imposition of the same discipline by this Court would result in grave injustice;

(d) present evidence in mitigation with respect to the discipline imposed by the other court; or

(e) contest the imposition of original discipline by this Court.

2. An attorney responding to an order to show cause must include a certification that the attorney has complied with the requirement in Rule 6.6 that he or she serve a copy of the order to show cause and a copy of the order of the other court on which it is based to any litigant for whom the attorney has entered an appearance in any matter pending in this Court. This certification must include a list of all the litigants so notified and their addresses. An attorney must file an amended list if he or she enters an appearance during the pendency of a disciplinary action.”

Rules of Attorney Disciplinary Enforcement Rule 16 (also referred to as “R.A.D.E. R 16”)

RULE 16. DISABILITY INACTIVE STATUS

“1. There is hereby created a disability inactive status for an attorney whose mental or physical condition prevents the attorney from competently representing the interest of the attorney's clients.

2. An attorney is immediately and automatically transferred to disability inactive status upon proof being received by the Court that:

(a) the attorney has been declared incompetent in a judicial proceeding;

(b) the attorney has been involuntarily committed because of incapacity or disability;

(c) during a disciplinary or criminal proceeding the attorney alleges an incapability to assist in the defense due to mental or physical incapability; or

(d) the attorney has been placed on a disability inactive or equivalent status by another court.

3. If an attorney is immediately and automatically transferred to disability inactive status but desires to contest the transfer, the attorney may institute reinstatement proceedings which are conducted as though instituted under Rule 13 by an attorney suspended for more than six (6) months. By bringing such a proceeding, the attorney waives the doctor-patient privilege (and other

similar privileges) regarding the disability.

4. If the Standing Committee determines that cause may exist to place an attorney on disability inactive status and the attorney is not immediately and automatically transferred to such status under paragraph (2) of this Rule, the Standing Committee will institute proceedings which will be conducted as though instituted under Rule 6. In these proceedings Rule 15 will apply.

5. An attorney on disability inactive status may file a petition for reinstatement on the basis that the disability has been removed and the attorney is fit to resume the practice of law. The filing of a petition for reinstatement waives the doctor-patient privilege (and other similar privileges) regarding the disability. The attorney must provide in the petition the name and address of each physician, psychologist, and/or psychiatrist who has examined or treated the attorney and any hospital or other institution in which the attorney has been examined or treated since the attorney's transfer to disability inactive status, as well as the attorney's current status in all bars to which the attorney was or is admitted. A petition for reinstatement is treated in the same manner as a petition for reinstatement filed under Rule 13 by an attorney suspended for more than six (6) months.

6. An attorney raising the defense of current mental or physical disability in a disciplinary proceeding waives the doctor-patient privilege (and other similar privileges) regarding the disability. Furthermore, if the defense of current mental or physical disability is raised, the court may order an examination of the attorney by a court-appointed physician.”

CONSTITUTIONAL PROVISIONS

U.S. Cons. Amend. 1

“Congress shall make no law respecting an **establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, ... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.**”

U.S. Const. Amend. V

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be **subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself**, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

U.S. Const. Amend. VI

“In all criminal prosecutions, the accused shall enjoy the right to a ... **public trial**, by an **impartial jury of the State** and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to **be informed of the nature and cause of the accusation**; to be confronted with the witnesses against him; to have **compulsory process for obtaining witnesses in his favor**, and to have the Assistance of Counsel for his defense.”

U.S. Const. Amend. XIII

“SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. SECTION 2. Congress shall have power to enforce this article by appropriate legislation.”

U.S. Const. amend. XIII

U.S. Const. Amend. XIV § 1, Due Process and the Equal protection component

“SECTION. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

U.S.C.A. Const. Art. 3, § 2, cl. 1.

Article III, Section 2, Clause 1:

“The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party;—to Controversies between two or more States; between a State and Citizens of another State, between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.”

US Supreme Court Authority

28 U.S.C. § 2106

“The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances.”

Delaware Rules of Disciplinary Procedure

Del. Law. R. of Disciplinary Proc. Rule 9 (d) (3)

“(3) The Administrative Assistant shall serve a notice of hearing upon the ODC and the respondent, identifying the members of the Board assigned to the matter, and the date and place of the hearing. **The notice shall be given at least 20 days in advance of the date of the hearing.** The notice of hearing shall state that the respondent is entitled to be represented by a lawyer at the respondent’s expense, to cross-examine witnesses, and to present evidence.”

Del. Law. R. of Disciplinary Proc. Rule 18

“(a) Duty of disciplinary counsel to obtain order of discipline or disability inactive status from other jurisdiction. Upon being disciplined or transferred to disability inactive status in another jurisdiction, a lawyer admitted to practice in Delaware shall promptly inform ODC of the discipline or transfer. Upon notification from any source that a lawyer within the Court’s jurisdiction has been disciplined or transferred to disability inactive status in another jurisdiction, ODC shall obtain a certified copy of the disciplinary order and file it with the Board and with the Court.

(b) Notice served upon respondent. Upon receipt of a certified copy of an order demonstrating that a lawyer admitted to practice in Delaware has been disciplined or transferred to disability inactive status in another jurisdiction, the Chair or Vice Chair of the Board shall forthwith issue a notice directed to the lawyer or to counsel containing: (1) a copy of the order from the other jurisdiction; and (2) an order directing that the lawyer or lawyer’s counsel inform the Board and the Court, within 30 days from service of the notice, of any claim by the lawyer or lawyer’[s] counsel predicated upon the grounds set forth in paragraph (d), that the imposition of the identical discipline or disability inactive status in this State would be unwarranted and the reasons therefor.

(c) Effect of stay of discipline or transfer in other jurisdiction. In the event the discipline imposed or transfer in the other jurisdiction has been stayed there, any reciprocal discipline imposed or transfer in this State may be deferred until the stay expires.

(d) Discipline to be imposed or transfer to disability inactive status. Upon the expiration of 30 days from the service of the notice pursuant to the provisions of paragraph (b), the Board shall recommend to the Court that it shall impose the identical discipline or disability inactive status unless counsel or the lawyer demonstrates, or the Court finds that upon the face of the record on which the discipline is predicated it clearly appears that: (1) the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (2) there was such infirmity of proof establishing the misconduct as to give rise to the clear conviction that the Court could not, consistent with its duty, accept as final the conclusion on that subject; (3) the imposition of the same discipline by the Court would result in grave injustice; or (4) the misconduct established warrants substantially different discipline or no discipline in this State; or (5) the reason for the original transfer to disability inactive status no longer exists. If the Court determines that any of those elements exists, the Court shall enter such other order as it deems appropriate.

(e) Conclusiveness of adjudication in other jurisdiction. In all other aspects, a final adjudication in another jurisdiction that a lawyer has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this State.”

Del. Law. R. of Disciplinary Proc. Rule 19 (e)

(e) Reinstatement from disability inactive status. No respondent transferred to disability inactive status may resume active status except by order of the Court. Any respondent transferred to disability inactive status shall be entitled to petition the Court for transfer to active status once a year, or at whatever shorter intervals the Court may direct in the order transferring the respondent to disability inactive status or any modification thereof. The petition may be granted by the Court upon a showing by clear and convincing evidence that the disability has been removed.

Upon the filing of a petition for transfer to active status, the Court may take or direct whatever action it deems necessary or proper, including a remand to the Board for hearing and recommendation, to determine whether the disability has been removed, and may order an examination of the respondent by qualified medical experts. In its discretion, the Court may direct that the expense of the examination be paid by the respondent. The Court may also direct that the respondent establish proof of competence and learning in law, which proof may include certification by the Board of Bar Examiners of the respondent’s successful completion of an examination for admission to practice.

If a respondent transferred to disability inactive status on the basis of a judicial determination of incompetence has been judicially declared to be competent, the Court may dispense with further evidence that the disability has been removed and may immediately direct reinstatement to active status upon terms as are deemed proper and advisable.”

28 U.S.C. § 1253

Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges.

28 U.S.C. § 1254

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

- (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;
- (2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

42 USC §1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

42 USC §1985

- (1) Preventing officer from performing duties

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

- (2) **Obstructing justice; intimidating party, witness, or juror**

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

42 USC §1988

(a) Applicability of statutory and common law

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of titles 13, 24, and 70 of the Revised Statutes for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States,

shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

(b) Attorney's fees

In any action or proceeding to enforce a provision of sections 1981, 1981a, 1982, 1983, 1985, and 1986 of this title, title IX of Public Law 92–318 [20 U.S.C. 1681 et seq.], the Religious Freedom Restoration Act of 1993 [42 U.S.C. 2000bb et seq.], the Religious Land Use and Institutionalized Persons Act of 2000 [42 U.S.C. 2000cc et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or section 12361 of title 34, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction.

(c) Expert fees

In awarding an attorney's fee under subsection (b) in any action or proceeding to enforce a provision of section 1981 or 1981a of this title, the court, in its discretion, may include expert fees as part of the attorney's fee.

28 U.S.C. § 2106

The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances.

STATUTES Relating to my law suit against former President Donald J. Trump, the admitted reason for the petition to place my license on my active license to practice law on inactive/disability

42 USCS § 2000bb

“(a) Findings. The Congress finds that—

- (1) the framers of the Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution;
- (2) laws “neutral” toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise;
- (3) governments should not substantially burden religious exercise without compelling justification;

(4) in *Employment Division v. Smith*, 494 U.S. 872 (1990) the Supreme Court virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion; and

(5) the compelling interest test as set forth in prior Federal court rulings is a workable test for striking sensible balances between religious liberty and competing prior governmental interests.

(b) Purposes. The purposes of this Act are—

(1) to restore the compelling interest test as set forth in *Sherbert v. Verner*, 374 U.S. 398 (1963) and *Wisconsin v. Yoder*, 406 U.S. 205 (1972) and to guarantee its application in all cases where free exercise of religion is substantially burdened; and

(2) to provide a claim or defense to persons whose religious exercise is substantially burdened by government.”

42 USCS § 2000bb-1,

“(a) In general. Government shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

(b) Exception. Government may substantially burden a person’s exercise of religion only if it demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) Judicial relief. A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.”

42 USCS § 2000bb-2,

“As used in this Act—

(1) the term “government” includes a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States, or of a covered entity;

(2) the term “covered entity” means the District of Columbia, the Commonwealth of Puerto Rico, and each territory and possession of the United States;

(3) the term “demonstrates” means meets the burdens of going forward with the evidence and of persuasion; and

(4) the term “exercise of religion” means religious exercise, as defined in section 8 of the Religious Land Use and Institutionalized Persons Act of 2000 [[42 USCS § 2000cc-5](#)].”

42 USCS § 2000bb-3,

“(a) In general. This Act applies to all Federal law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after the enactment of this Act [enacted Nov. 16, 1993].

(b) Rule of construction. Federal statutory law adopted after the date of the enactment of this Act [enacted Nov. 16, 1993] is subject to this Act unless such law explicitly excludes such application by reference to this Act.

(c) Religious belief unaffected. Nothing in this Act shall be construed to authorize any government to burden any religious belief.”

42 USCS § 2000bb-4

“Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the First Amendment prohibiting laws respecting the establishment of religion (referred to in this section as the “Establishment Clause”). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. As used in this section, the term “granting”, used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.”

Executive Orders relating to the law suit Kelly v Trump

Executive Orders by President Biden

Ex. Or. 14015, 86 Fed. Reg 10007, Feb. 14, 2021:

“Exec. Order No. 14015, 86 FR 10007, 2021 WL 616701(Pres.)
Executive Order 14015

Establishment of the White House Office of Faith-Based and Neighborhood Partnerships

February 14, 2021

“By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to better serve people in need through partnerships with civil society, while preserving our fundamental constitutional commitments, it is hereby

ordered:

Section 1. Policy. Faith-based and other community-serving organizations are vital to our Nation's ability to address the needs of, and lift up, low-income and other underserved persons and communities, notably including persons of color. The American people are key drivers of fundamental change in our country, and few institutions are closer to the people than our faith-based and other community organizations. It is important that the Federal Government strengthen the ability of such organizations and other nonprofit providers in our communities to deliver services effectively in partnership with Federal, State, and local governments and with other private organizations, while preserving our fundamental constitutional commitments guaranteeing the equal protection of the laws and the free exercise of religion and forbidding the establishment of religion. The Federal Government can preserve these fundamental commitments while empowering faith-based and secular organizations to assist in the delivery of vital services in our neighborhoods. These partnerships are also vital for the success and effectiveness of the United States' diplomatic, international development, and humanitarian work around the world.

Sec. 2. Establishment. There is established a White House Office of Faith-Based and Neighborhood Partnerships (White House Partnerships Office) within the Executive Office of the President, supported by the Domestic Policy Council and the Office of Public Engagement, that will have lead responsibility in the executive branch for establishing policies, priorities, and objectives for the Federal Government's comprehensive effort to enlist, equip, enable, empower, and expand the work of community-serving organizations, both faith-based and secular, to the extent permitted by law.

Sec. 3. Functions. The principal functions of the White House Partnerships Office are, to the extent permitted by law:

- (a) to assist in organizing more effective efforts to serve people in need across the country and around the world, in partnership with civil society, including faith-based and secular organizations;
- (b) to develop, lead, and coordinate the Administration's policy agenda affecting faith-based and other community programs and initiatives and to optimize the role of such efforts in communities;
- (c) to ensure that policy decisions and programs throughout the Federal Government are consistent with the policy set forth in section 1 of this order with respect to faith-based and other community initiatives;
- (d) to bring concerns, ideas, and policy options to Administration leadership for assisting, strengthening, and replicating partnerships, whether financial or nonfinancial, with faith-based and other community organizations; and
- (e) to promote awareness among diverse civil society leaders of opportunities to partner both financially and otherwise with the Federal Government to serve people in need and to build institutional capacity.

Sec. 4. Administration. (a) The White House Partnerships Office may make use of established or ad hoc committees, task forces, or interagency groups.

(b) The White House Partnerships Office shall be led by an Executive Director and a Deputy Director. The operations of the White House Partnerships Office shall begin within

30 days of the date of this order.

(c) The White House Partnerships Office shall coordinate with the liaison and point of contact designated by each executive department and agency (agency) with respect to this initiative.

(d) All agencies shall cooperate with the White House Partnerships Office and provide such information, support, and assistance to the White House Partnerships Office as it may request, to the extent permitted by law.

(e) In order to ensure that Federal programs and practices involving grants or contracts to faith-based organizations are consistent with applicable law, the Executive Director of the White House Partnerships Office, acting through the Counsel to the President, may seek the opinion of the Attorney General on any constitutional and statutory questions involving existing or prospective programs and practices.

Sec. 5. Amendments to Executive Orders. (a) [Executive Order 13198](#) of January 29, 2001 (Agency Responsibilities With Respect to Faith-Based and Community Initiatives); [Executive Order 13279](#) of December 12, 2002 (Equal Protection of the Laws for Faith-Based and Community Organizations), as amended by [Executive Order 13559](#) of November 17, 2010 (Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations); [Executive Order 13280](#) of December 12, 2002 (Responsibilities of the Department of Agriculture and the Agency for International Development With Respect to Faith-Based and Community Initiatives); [Executive Order 13342](#) of June 1, 2004 (Responsibilities of the Departments of Commerce and Veterans Affairs and the Small Business Administration With Respect to Faith-Based and Community Initiatives); and [Executive Order 13397](#) of March 7, 2006 (Responsibilities of the Department of Homeland Security With Respect to Faith-Based and Community Initiatives), are amended by:

(i) substituting “White House Office of Faith-Based and Neighborhood Partnerships” for “White House Office of Faith-Based and Community Initiatives” and “White House Faith and Opportunity Initiative” each time they appear in those orders;

(ii) substituting “White House Office of Faith-Based and Neighborhood Partnerships” for “White House OFBCI” each time it appears in those orders;

(iii) substituting “Centers for Faith-Based and Neighborhood Partnerships” for “Centers for Faith-Based and Community Initiatives” and “Centers for Faith and Opportunity Initiatives” each time they appear in those orders; and

(iv) substituting “Center for Faith-Based and Neighborhood Partnerships” for “Center for Faith-Based and Community Initiatives” and “Center for Faith and Opportunity Initiatives” each time they appear in those orders.

(b) [Executive Order 13397](#), as amended, is further amended by substituting, in section 1(b), “the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships (Executive Director)” for “the Director of the White House Office of Faith-Based and Community Initiatives (WHOFBCI Director)” and by substituting “Executive

Director” for “WHOFBCI Director” each time it appears in the order.

Sec. 6. Revocation. Executive Order 13831 of May 3, 2018 (Establishment of a White House Faith and Opportunity Initiative), is revoked.

Sec. 7. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE, February 14, 2021.

Exec. Order No. 1401586 FR 100072021 WL 616701(Pres.)”

Executive Orders by President Trump

Ex. Or. No. 13798, 82 Fed. Reg. 21675, May 4, 2017

“By the authority vested in me as President by the Constitution and the laws of the United States of America, in order to guide the executive branch in formulating and implementing policies with implications for the religious liberty of persons and organizations in America, and to further compliance with the Constitution and with applicable statutes and Presidential Directives, it is hereby ordered as follows:

Section 1. Policy. It shall be the policy of the executive branch to vigorously enforce Federal law's robust protections for religious freedom. The Founders envisioned a Nation in which religious voices and views were integral to a vibrant public square, and in which religious people and institutions were free to practice their faith without fear of discrimination or retaliation by the Federal Government. For that reason, the United States Constitution enshrines and protects the fundamental right to religious liberty as Americans' first freedom. Federal law protects the freedom of Americans and their organizations to exercise religion and participate fully in civic life without undue interference by the Federal Government. The executive branch will honor and enforce those protections.

Sec. 2. Respecting Religious and Political Speech. All executive departments and agencies (agencies) shall, to the greatest extent practicable and to the extent permitted by law, respect and protect the freedom of persons and organizations to engage in religious and

political speech. In particular, the Secretary of the Treasury shall ensure, to the extent permitted by law, that the Department of the Treasury does not take any adverse action against any individual, house of worship, or other religious organization on the basis that such individual or organization speaks or has spoken about moral or political issues from a religious perspective, where speech of similar character has, consistent with law, not ordinarily been treated as participation or intervention in a political campaign on behalf of (or in opposition to) a candidate for public office by the Department of the Treasury. As used in this section, the term "adverse action" means the imposition of any tax or tax penalty; the delay or denial of tax-exempt status; the disallowance of tax deductions for contributions made to entities exempted from taxation under section 501(c)(3) of title 26, United States Code; or any other action that makes unavailable or denies any tax deduction, exemption, credit, or benefit.

Sec. 3. *Conscience Protections with Respect to Preventive-Care Mandate.* The Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services shall consider issuing amended regulations, consistent with applicable law, to address conscience-based objections to the preventive-care mandate promulgated under section 300gg-13(a)(4) of title 42, United States Code.

Sec. 4. *Religious Liberty Guidance.* In order to guide all agencies in complying with relevant Federal law, the Attorney General shall, as appropriate, issue guidance interpreting religious liberty protections in Federal law.

Sec. 5. *Severability.* If any provision of this order, or the application of any provision to any individual or circumstance, is held to be invalid, the remainder of this order and the application of its other provisions to any other individuals or circumstances shall not be affected thereby.

Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

/S/ Donald J. Trump

THE WHITE HOUSE,

May 4, 2017.

Billing code 3295-F7-P”

Ex Or. No. 13831, 83 Fed. Reg. 20715, May 3, 2018

“Exec. Order No. 13831, 83 FR 20715, 2018 WL 2100010(Pres.)
Executive Order 13831

Establishment of a White House Faith and Opportunity Initiative

May 3, 2018

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to assist faith-based and other organizations in their efforts to strengthen the institutions of civil society and American families and communities, it is hereby ordered as follows:

Section 1. Policy. Faith-based and community organizations have tremendous ability to serve individuals, families, and communities through means that are different from those of government and with capacity that often exceeds that of government. These organizations lift people up, keep families strong, and solve problems at the local level. The executive branch wants faith-based and community organizations, to the fullest opportunity permitted by law, to compete on a level playing field for grants, contracts, programs, and other Federal funding opportunities. The efforts of faith-based and community organizations are essential to revitalizing communities, and the Federal Government welcomes opportunities to partner with such organizations through innovative, measurable, and outcome-driven initiatives.

Sec. 2. Amendments to Executive Orders. (a) [Executive Order 13198](#) of January 29, 2001 (Agency Responsibilities With Respect to Faith-Based and Community Initiatives), [Executive Order 13279](#) of December 12, 2002 (Equal Protection of the Laws for Faith-Based and Community Organizations), as amended by [Executive Order 13559](#) of November 17, 2010 (Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations), [Executive Order 13280](#) of December 12, 2002 (Responsibilities of the Department of Agriculture and the Agency for International Development With Respect to Faith-Based and Community Initiatives), [Executive Order 13342](#) of June 1, 2004 (Responsibilities of the Departments of Commerce and Veterans Affairs and the Small Business Administration [with Respect to Faith-Based and Community Initiatives](#)), and [Executive Order 13397](#) of March 7, 2006 (Responsibilities of the Department of Homeland Security With Respect to Faith-Based and Community Initiatives), are hereby amended by:

(i) substituting “White House Faith and Opportunity Initiative” for “White House Office of Faith-Based and Community Initiatives” each time it appears in those orders;

(ii) substituting “White House Faith and Opportunity Initiative” for “White House OFBCI”

each time it appears in those orders;

(iii) substituting “Centers for Faith and Opportunity Initiatives” for “Centers for Faith-Based and Community Initiatives” each time it appears in those orders; and

(iv) substituting “White House Faith and Opportunity Initiative” for “Office of Faith-Based and Neighborhood Partnerships” each time it appears in those orders.

(b) [Executive Order 13279](#), as amended, is further amended by striking section 2(h) and redesignating sections 2(i) and 2(j) as sections 2(h) and 2(i), respectively.

Sec. 3. White House Faith and Opportunity Initiative. (a) There is established within the Executive Office of the President the White House Faith and Opportunity Initiative (Initiative).

(i) The Initiative shall be headed by an Advisor to the White House Faith and Opportunity Initiative (Advisor). The Advisor shall be housed in the Office of Public Liaison and shall work with that office and the Domestic Policy Council, in consultation with the Centers for Faith-Based and Community Initiatives established by Executive Order 13198, Executive Order 13280, Executive Order 13342, and Executive Order 13397, to implement this order.

(ii) The Initiative shall, from time to time and consistent with applicable law, consult with and seek information from experts and various faith and community leaders from outside the Federal Government, including those from State, local, and tribal governments, identified by the Office of Public Liaison, the Domestic Policy Council, and the Centers for Faith and Opportunity Initiatives. These experts and leaders shall be identified based on their expertise in a broad range of areas in which faith-based and community organizations operate, including poverty alleviation, religious liberty, strengthening marriage and family, education, solutions for substance abuse and addiction, crime prevention and reduction, prisoner reentry, and health and humanitarian services.

(iii) The Advisor shall make recommendations to the President, through the Assistant to the President for Domestic Policy, regarding changes to policies, programs, and practices that affect the delivery of services by faith-based and community organizations.

(iv) Executive departments and agencies (agencies) that lack a Center for Faith and Opportunity Initiative shall designate a Liaison for Faith and Opportunity Initiatives as a point of contact to coordinate with the Advisor in carrying out this order.

(v) All agencies shall, to the extent permitted by law, provide such information, support, and assistance to the Initiative as it may request to develop public policy proposals.

(b) To the extent permitted by law, the Initiative shall:

(i) periodically convene meetings with the individuals described in section 3(a)(ii) of this

order;

(ii) periodically convene meetings with representatives from the Centers for Faith and Opportunity Initiatives and other representatives from across agencies as the Advisor may designate;

(iii) provide recommendations regarding aspects of my Administration's policy agenda that affect faith-based and community programs and initiatives;

(iv) help integrate those aspects of my Administration's policy agenda that affect faith-based and other community organizations throughout the Federal Government;

(v) showcase innovative initiatives by faith-based and community organizations that serve and strengthen individuals, families, and communities throughout the United States;

(vi) notify the Attorney General, or his designee, of concerns raised by faith-based and community organizations about any failures of the executive branch to comply with protections of Federal law for religious liberty as outlined in the Attorney General's Memorandum of October 6, 2017 (Federal Law Protections for Religious Liberty), issued pursuant to Executive Order 13798 of May 4, 2017 (Promoting Free Speech and Religious Liberty); and

(vii) identify and propose means to reduce, in accordance with Executive Order 13798 and the Attorney General's Memorandum of October 6, 2017, burdens on the exercise of religious convictions and legislative, regulatory, and other barriers to the full and active engagement of faith-based and community organizations in Government-funded or Government-conducted activities and programs.

Sec. 4. Revocation of Executive Orders. Executive Order 13199 of January 29, 2001 (Establishment of White House Office of Faith-Based and Community Initiatives), and Executive Order 13498 of February 5, 2009 (Amendments to Executive Order 13199 and Establishment of the President's Advisory Council for Faith-Based and Neighborhood Partnerships), are hereby revoked.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or

procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE, May 3, 2018.

Exec. Order No. 1383183 FR 207152018 WL 2100010(Pres.)”

Executive Orders by President Obama

Ex. Or. No. 13559, 75 Fed. Reg. 71319, Nov. 17, 2010.

“Exec. Order No. 13559, 75 FR 71319, 2010 WL 4688680(Pres.)

[Executive Order 13559](#)

Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations

November 17, 2010

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to guide Federal agencies in formulating and developing policies with implications for faith-based and other neighborhood organizations, to promote compliance with constitutional and other applicable legal principles, and to strengthen the capacity of faith-based and other neighborhood organizations to deliver services effectively to those in need, it is hereby ordered:

Section 1. Amendments to [Executive Order 13279](#). [Executive Order 13279](#) of December 12, 2002 (Equal Protection of the Laws for Faith-Based and Community Organizations), as amended, is hereby further amended:

(a) in section 1, by striking subsection (e), and inserting in lieu thereof the following:

“(e) ‘Specified agency heads’ means:

- (i) the Attorney General;
- (ii) the Secretary of Agriculture;
- (iii) the Secretary of Commerce;
- (iv) the Secretary of Labor;
- (v) the Secretary of Health and Human Services;
- (vi) the Secretary of Housing and Urban Development;
- (vii) the Secretary of Education;
- (viii) the Secretary of Veterans Affairs;
- (ix) the Secretary of Homeland Security;
- (x) the Administrator of the Environmental Protection Agency;
- (xi) the Administrator of the Small Business Administration;
- (xii) the Administrator of the United States Agency for International Development; and
- (xiii) the Chief Executive Officer of the Corporation for National and Community Service.”;

(b) by striking section 2, and inserting in lieu thereof the following:

“Sec. 2. Fundamental Principles. In formulating and implementing policies that have

implications for faith-based and other neighborhood organizations, agencies that administer social service programs or that support (including through prime awards or sub-awards) social service programs with Federal financial assistance shall, to the extent permitted by law, be guided by the following fundamental principles:

(a) Federal financial assistance for social service programs should be distributed in the most effective and efficient manner possible.

(b) The Nation's social service capacity will benefit if all eligible organizations, including faith-based and other neighborhood organizations, are able to compete on an equal footing for Federal financial assistance used to support social service programs.

The President

(c) No organization should be discriminated against on the basis of religion or religious belief in the administration or distribution of Federal financial assistance under social service programs.

(d) All organizations that receive Federal financial assistance under social service programs should be prohibited from discriminating against beneficiaries or prospective beneficiaries of the social service programs on the basis of religion or religious belief. Accordingly, organizations, in providing services supported in whole or in part with Federal financial assistance, and in their outreach activities related to such services, should not be allowed to discriminate against current or prospective program 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.

(e) The Federal Government must implement Federal programs in accordance with the Establishment Clause and the Free Exercise Clause of the First Amendment to the United States Constitution, as well as other applicable law, and must monitor and enforce standards regarding the relationship between religion and government in ways that avoid excessive entanglement between religious bodies and governmental entities.

(f) Organizations that engage in explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) must perform such activities and offer such services outside of programs that are supported with direct Federal financial assistance (including through prime awards or sub-awards), separately in time or location from any such programs or services supported with direct Federal financial assistance, and participation in any such explicitly religious activities must be voluntary for the beneficiaries of the social service program supported with such Federal financial assistance.

(g) Faith-based organizations should be eligible to compete for Federal financial assistance used to support social service programs and to participate fully in the social service programs supported with Federal financial assistance without impairing their independence, autonomy, expression outside the programs in question, or religious character. Accordingly, 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, provided that it does not use direct Federal financial assistance that it receives (including 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), or in any other manner prohibited by law. Among other things, faith-based organizations that receive Federal financial assistance may use their facilities to provide social services supported with Federal financial assistance, without removing or altering religious art, icons, scriptures, or other symbols from these facilities. In addition, a faith-based organization that applies for, or participates in, a social service program supported with Federal financial assistance may retain religious terms in its name, select its board members on a religious basis, and include religious references in its organization's mission statements and other chartering or governing documents.

(h) Each agency responsible for administering or awarding Federal financial assistance for social service programs shall offer protections for beneficiaries of such programs pursuant to the following principles:

(i) Referral to an Alternative Provider. If a beneficiary or prospective beneficiary of a social service program supported by Federal financial assistance objects to the religious character of an organization that provides services under the program, that organization shall, within a reasonable time after the date of the objection, refer the beneficiary to an alternative provider.

(ii) Agency Responsibilities. Each agency responsible for administering a social service program or supporting a social service program with ~~*71321~~ Federal financial assistance shall establish policies and procedures designed to ensure that (1) appropriate and timely referrals are made to an alternative provider; (2) all referrals are made in a manner consistent with all applicable privacy laws and regulations; (3) the organization subject to subsection (h)(i) notifies the agency of any referral; (4) such organization has established a process for determining whether the beneficiary has contacted the alternative provider; and (5) each beneficiary of a social service program receives written notice of the protections set forth in this subsection prior to enrolling in or receiving services from such program.

(i) To promote transparency and accountability, agencies that provide Federal financial assistance for social service programs shall post online, in an easily accessible manner, regulations, guidance documents, and policies that reflect or elaborate upon the fundamental principles described in this section. Agencies shall also post online a list of entities that receive Federal financial assistance for provision of social service programs, consistent with law and pursuant to guidance set forth in paragraph (c) of section 3 of this order.

(j) Decisions about awards of Federal financial assistance must be free from political interference or even the appearance of such interference and must be made on the basis of merit, not on the basis of the religious affiliation of a recipient organization or lack thereof.”;

(c) by striking section 3, and inserting in lieu thereof the following:

“Sec. 3. Ensuring Uniform Implementation Across the Federal Government.

In order to promote uniformity in agencies’ policies that have implications for faith-based and other neighborhood organizations and in related guidance, and to ensure that those policies and guidance are consistent with the fundamental principles set forth in section 2 of this order, there is established an Interagency Working Group on Faith-Based and Other Neighborhood Partnerships (Working Group).

(a) Mission and Function of the Working Group. The Working Group shall meet periodically to review and evaluate existing agency regulations, guidance documents, and policies that have implications for faith-based and other neighborhood organizations. Where appropriate, specified agency heads shall, to the extent permitted by law, amend all such existing policies of their respective agencies to ensure that they are consistent with the fundamental principles set forth in section 2 of this order.

(b) Uniform Agency Implementation. Within 120 days of the date of this order, the Working Group shall submit a report to the President on amendments, changes, or additions that are necessary to ensure that regulations and guidance documents associated with the distribution of Federal financial assistance for social service programs are consistent with the fundamental principles set forth in section 2 of this order. The Working Group’s report should include, but not be limited to, a model set of regulations and guidance documents for agencies to adopt in the following areas:

(i) prohibited uses of direct Federal financial assistance and separation requirements; (ii) protections for religious identity; (iii) the distinction between “direct” and “indirect” Federal financial assistance; (iv) protections for beneficiaries of social service programs; (v) transparency requirements, consistent with and in furtherance of existing open government initiatives; (vi) obligations of nongovernmental and governmental intermediaries; (vii) instructions for peer reviewers and those who recruit peer reviewers; and (viii) training on these matters for government employees and for Federal, State, and local governmental and nongovernmental organizations that receive Federal financial assistance under social service programs. In developing this report and in reviewing agency regulations and guidance for consistency with section 2 of this order, the Working Group shall consult the March 2010 report and recommendations prepared by the President’s Advisory Council on Faith-Based and Neighborhood Partnerships on the topic of reforming the Office of Faith-Based and Neighborhood Partnerships.

(c) Guidance. The Director of the Office of Management and Budget (OMB), following receipt of a copy of the report of the Working Group, and in coordination with the Department of Justice, shall issue guidance to agencies on the implementation of this order, including in particular subsections 2(h)-(j).

(d) Membership of the Working Group. The Director of the Office of Faith-Based and Neighborhood Partnerships and a senior official from the OMB designated by the Director

of the OMB shall serve as the Co-Chairs of the Working Group. The Co-Chairs shall convene regular meetings of the Working Group, determine its agenda, and direct its work. In addition to the Co-Chairs, the Working Group shall consist of a senior official with knowledge of policies that have implications for faith-based and other neighborhood organizations from the following agencies and offices:

- (i) the Department of State;
 - (ii) the Department of Justice;
 - (iii) the Department of the Interior;
 - (iv) the Department of Agriculture;
 - (v) the Department of Commerce;
 - (vi) the Department of Labor;
 - (vii) the Department of Health and Human Services;
 - (viii) the Department of Housing and Urban Development;
 - (ix) the Department of Education;
 - (x) the Department of Veterans Affairs;
 - (xi) the Department of Homeland Security;
 - (xii) the Environmental Protection Agency;
 - (xiii) the Small Business Administration;
 - (xiv) the United States Agency for International Development;
 - (xv) the Corporation for National and Community Service; and
 - (xvi) other agencies and offices as the President, from time to time, may designate.
- (e) Administration of the Initiative. The Department of Health and Human Services shall provide funding and administrative support for the Working Group to the extent permitted by law and within existing appropriations.”; and

(d) by striking in the title, preamble, and section 1(c), “community” and inserting in lieu thereof “other neighborhood”.

Sec. 2. General Provisions.

(a) This order amends the requirements contained in [Executive Order 13279](#). This order supplements, but does not supersede, the requirements contained in [Executive Orders 13198](#) and [13199](#) of January 29, 2001, and [Executive Order 13498](#) of February 5, 2009.

(b) Nothing in this order shall be construed to impair or otherwise affect:

- (i) authority granted by law to an executive department, agency, or the head thereof; or
- (ii) functions of the Director of the OMB relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE ,November 17, 2010.

Exec. Order No. 1355975 FR 713192010 WL 4688680(Pres.)”

Executive Orders by President Bush, Junior

Ex. Or. No. 13198, 66 Fed. Reg. 8497, Jan. 29, 2001, as amended by Ex. Or. 14015, 86 Fed. Reg 10007, Feb. 14, 2021.

“66 FR 8497, Exec. Order No. 13198, 2001 WL 34773628(Pres.)

[Executive Order 13198](#)

Agency Responsibilities With Respect to Faith-Based and Community Initiatives

January 29, 2001

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to help the Federal Government coordinate a national effort to expand opportunities for faith-based and other community organizations and to strengthen their capacity to better meet social needs in America’s communities, it is hereby ordered as follows:

Section 1. *Establishment of Executive Department Centers for Faith-Based and Community Initiatives.* (a) The Attorney General, the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of Housing and Urban Development shall each establish within their respective departments a Center for Faith-Based and Community Initiatives (Center).

(b) Each executive department Center shall be supervised by a Director, appointed by the department head in consultation with the White House Office of Faith-Based and Community Initiatives (White House OFBCI).

(c) Each department shall provide its Center with appropriate staff, administrative support, and other resources to meet its responsibilities under this order.

(d) Each department’s Center shall begin operations no later than 45 days from the date of this order.

Sec. 2. *Purpose of Executive Department Centers for Faith-Based and Community Initiatives.* The purpose of the executive department Centers will be to coordinate department efforts to eliminate regulatory, contracting, and other programmatic obstacles to the participation of faith-based and other community organizations in the provision of social services.

Sec. 3. *Responsibilities of Executive Department Centers for Faith-Based and Community Initiatives.* Each Center shall, to the extent permitted by law: (a) conduct, in coordination with the White House OFBCI, a department-wide audit to identify all existing barriers to the participation of faith-based and other community organizations in the delivery of social services by the department, including but not limited to regulations, rules, orders, procurement, and other internal policies and practices, and outreach activities that either

facially discriminate against or otherwise discourage or disadvantage the participation of faith-based and other community organizations in Federal programs;

(b) coordinate a comprehensive departmental effort to incorporate faith-based and other community organizations in department programs and initiatives to the greatest extent possible;

(c) propose initiatives to remove barriers identified pursuant to section 3(a) of this order, including but not limited to reform of regulations, procurement, and other internal policies and practices, and outreach activities;

(d) propose the development of innovative pilot and demonstration programs to increase the participation of faith-based and other community organizations in Federal as well as State and local initiatives; and

(e) develop and coordinate department outreach efforts to disseminate information more effectively to faith-based and other community organizations with respect to programming changes, contracting opportunities, and *8498 other department initiatives, including but not limited to Web and Internet resources.

Sec. 4. *Additional Responsibilities of the Department of Health and Human Services and the Department of Labor Centers.* In addition to those responsibilities described in section 3 of this order, the Department of Health and Human Services and the Department of Labor Centers shall, to the extent permitted by law: (a) conduct a comprehensive review of policies and practices affecting existing funding streams governed by so-called “Charitable Choice” legislation to assess the department’s compliance with the requirements of Charitable Choice; and (b) promote and ensure compliance with existing Charitable Choice legislation by the department, as well as its partners in State and local government, and their contractors.

Sec. 5. *Reporting Requirements.* (a) Report. Not later than 180 days after the date of this order and annually thereafter, each of the five executive department Centers described in section 1 of this order shall prepare and submit a report to the White House OFBCI.

(b) Contents. The report shall include a description of the department’s efforts in carrying out its responsibilities under this order, including but not limited to:

(1) a comprehensive analysis of the barriers to the full participation of faith-based and other community organizations in the delivery of social services identified pursuant to section 3(a) of this order and the proposed strategies to eliminate those barriers; and

(2) a summary of the technical assistance and other information that will be available to faith-based and other community organizations regarding the program activities of the department and the preparation of applications or proposals for grants, cooperative agreements, contracts, and procurement.

(c) Performance Indicators. The first report, filed 180 days after the date of this order, shall

include annual performance indicators and measurable objectives for department action. Each report filed thereafter shall measure the department's performance against the objectives set forth in the initial report.

Sec. 6. *Responsibilities of All Executive Departments and Agencies.* All executive departments and agencies (agencies) shall: (a) designate an agency employee to serve as the liaison and point of contact with the White House OFBCI; and (b) cooperate with the White House OFBCI and provide such information, support, and assistance to the White House OFBCI as it may request, to the extent permitted by law.

Sec. 7. *Administration and Judicial Review.* (a) The agencies' actions directed by this Executive Order shall be carried out subject to the availability of appropriations and to the extent permitted by law. (b) This order does not create any right or benefit, substantive or procedural, enforceable at law or equity against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

GEORGE W. BUSH
THE WHITE HOUSE, January 29, 2001.”

Ex. Or. No. 13199, 66 FR 8497, Jan. 29, 2001, as revoked by Ex. Or No. 13831, 83 FR 20715, May 3, 2018.

“66 FR 8499, Exec. Order No. 13199, 2001 WL 34773629(Pres.)
[Executive Order 13199](#)

Establishment of White House Office of Faith-Based and Community Initiatives

January 29, 2001

***8499** By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, and in order to help the Federal Government coordinate a national effort to expand opportunities for faith-based and other community organizations and to strengthen their capacity to better meet social needs in America's communities, it is hereby ordered as follows:

Section 1. *Policy.* Faith-based and other community organizations are indispensable in meeting the needs of poor Americans and distressed neighborhoods. Government cannot be replaced by such organizations, but it can and should welcome them as partners. The paramount goal is compassionate results, and private and charitable community groups, including religious ones, should have the fullest opportunity permitted by law to compete on a level playing field, so long as they achieve valid public purposes, such as curbing crime, conquering addiction, strengthening families and neighborhoods, and overcoming poverty. This delivery of social services must be results oriented and should value the

bedrock principles of pluralism, nondiscrimination, evenhandedness, and neutrality.

Sec. 2. *Establishment.* There is established a White House Office of Faith-Based and Community Initiatives (White House OFBCI) within the Executive Office of the President that will have lead responsibility in the executive branch to establish policies, priorities, and objectives for the Federal Government's comprehensive effort to enlist, equip, enable, empower, and expand the work of faith-based and other community organizations to the extent permitted by law.

Sec. 3. *Functions.* The principal functions of the White House OFBCI are, to the extent permitted by law: (a) to develop, lead, and coordinate the Administration's policy agenda affecting faith-based and other community programs and initiatives, expand the role of such efforts in communities, and increase their capacity through executive action, legislation, Federal and private funding, and regulatory relief;

(b) to ensure that Administration and Federal Government policy decisions and programs are consistent with the President's stated goals with respect to faith-based and other community initiatives;

(c) to help integrate the President's policy agenda affecting faith-based and other community organizations across the Federal Government;

(d) to coordinate public education activities designed to mobilize public support for faith-based and community nonprofit initiatives through volunteerism, special projects, demonstration pilots, and public-private partnerships;

(e) to encourage private charitable giving to support faith-based and community initiatives;

(f) to bring concerns, ideas, and policy options to the President for assisting, strengthening, and replicating successful faith-based and other community programs;

(g) to provide policy and legal education to State, local, and community policymakers and public officials seeking ways to empower faith-based and *8500 other community organizations and to improve the opportunities, capacity, and expertise of such groups;

(h) to develop and implement strategic initiatives under the President's agenda to strengthen the institutions of civil society and America's families and communities;

(i) to showcase and herald innovative grassroots nonprofit organizations and civic initiatives;

(j) to eliminate unnecessary legislative, regulatory, and other bureaucratic barriers that impede effective faith-based and other community efforts to solve social problems;

(k) to monitor implementation of the President's agenda affecting faith-based and other community organizations; and

(l) to ensure that the efforts of faith-based and other community organizations meet high standards of excellence and accountability.

Sec. 4. Administration. (a) The White House OFBCI may function through established or ad hoc committees, task forces, or interagency groups.

(b) The White House OFBCI shall have a staff to be headed by the Assistant to the President for Faith-Based and Community Initiatives. The White House OFBCI shall have such staff and other assistance, to the extent permitted by law, as may be necessary to carry out the provisions of this order. The White House OFBCI operations shall begin no later than 30 days from the date of this order.

(c) The White House OFBCI shall coordinate with the liaison and point of contact designated by each executive department and agency with respect to this initiative.

(d) All executive departments and agencies (agencies) shall cooperate with the White House OFBCI and provide such information, support, and assistance to the White House OFBCI as it may request, to the extent permitted by law.

(e) The agencies' actions directed by this Executive Order shall be carried out subject to the availability of appropriations and to the extent permitted by law.

Sec. 5. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

GEORGE W. BUSH
THE WHITE HOUSE, January 29, 2001.”

Ex. Or. No. 13279, 67 FR 77141, December 12, 2002, as amended by Exec. Or. No. 13559, 75 FR 71319, November 17, 2010.

67 FR 77141, Exec. Order No. 13279, 2002 WL 32817723(Pres.)
[Executive Order 13279](#)

Equal Protection of the Laws for Faith-Based and Community Organizations

December 12, 2002

***77141** By the authority vested in me as President by the Constitution and the laws of the United States of America, including [section 121\(a\) of title 40, United States Code](#), and [section 301 of title 3, United States Code](#), and in order to guide Federal agencies in formulating and developing policies with implications for faith-based organizations and other community organizations, to ensure equal protection of the laws for faith-based and community organizations, to further the national effort to expand opportunities for, and strengthen the capacity of, faith-based and other community organizations so that they may better meet social needs in America's communities,

and to ensure the economical and efficient administration and completion of Government contracts, it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) “Federal financial assistance” means assistance that non-Federal entities receive or administer in the form of grants, contracts, loans, loan guarantees, property, cooperative agreements, food commodities, direct appropriations, or other assistance, but does not include a tax credit, deduction, or exemption.

(b) “Social service program” means a program that is administered by the Federal Government, or by a State or local government using Federal financial assistance, and that provides services directed at reducing poverty, improving opportunities for low-income children, revitalizing low-income communities, empowering low-income families and low-income individuals to become self-sufficient, or otherwise helping people in need. Such programs include, but are not limited to, the following:

(i) child care services, protective services for children and adults, services for children and adults in foster care, adoption services, services related to the management and maintenance of the home, day care services for adults, and services to meet the special needs of children, older individuals, and individuals with disabilities (including physical, mental, or emotional disabilities);

(ii) transportation services;

(iii) job training and related services, and employment services;

(iv) information, referral, and counseling services;

(v) the preparation and delivery of meals and services related to soup kitchens or food banks;

(vi) health support services;

(vii) literacy and mentoring programs;

(viii) services for the prevention and treatment of juvenile delinquency and substance abuse, services for the prevention of crime and the provision of assistance to the victims and the families of criminal offenders, and services related to intervention in, and prevention of, domestic violence; and

(ix) services related to the provision of assistance for housing under Federal law.

(c) “Policies that have implications for faith-based and community organizations” refers to all policies, programs, and regulations, including official *77142 guidance and internal agency procedures, that have significant effects on faith-based organizations participating in or seeking to participate in social service programs supported with Federal financial assistance.

(d) “Agency” means a department or agency in the executive branch.

(e) “Specified agency heads” mean the Attorney General, the Secretaries of Agriculture, Education, Health and Human Services, Housing and Urban Development, and Labor, and the Administrator of the Agency for International Development.

Sec. 2. *Fundamental Principles and Policymaking Criteria* .

In formulating and implementing policies that have implications for faith-based and community organizations, agencies that administer social service programs supported with Federal financial assistance shall, to the extent permitted by law, be guided by the following fundamental principles:

(a) Federal financial assistance for social service programs should be distributed in the most effective and efficient manner possible;

(b) The Nation’s social service capacity will benefit if all eligible organizations, including faith-based and other community organizations, are able to compete on an equal footing for Federal financial assistance used to support social service programs;

(c) No organization should be discriminated against on the basis of religion or religious belief in the administration or distribution of Federal financial assistance under social service programs;

(d) All organizations that receive Federal financial assistance under social services programs should be prohibited from discriminating against beneficiaries or potential beneficiaries of the social services programs on the basis of religion or religious belief. Accordingly, organizations, in providing services supported in whole or in part with Federal financial assistance, and in their outreach activities related to such services, should not be allowed to discriminate against current or prospective program beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice;

(e) The Federal Government must implement Federal programs in accordance with the Establishment Clause and the Free Exercise Clause of the First Amendment to the Constitution. Therefore, organizations that engage in inherently religious activities, such as worship, religious instruction, and proselytization, must offer those services separately in time or location from any programs or services supported with direct Federal financial assistance, and participation in any such inherently religious activities must be voluntary for the beneficiaries of the social service program supported with such Federal financial assistance; and

(f) Consistent with the Free Exercise Clause and the Free Speech Clause of the Constitution, faith-based organizations should be eligible to compete for Federal financial assistance used to support social service programs and to participate fully in the social service programs supported with Federal financial assistance without impairing their independence, autonomy, expression, or religious character. Accordingly, 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, provided that it does not use direct Federal financial assistance to support any inherently religious activities, such as worship, religious instruction, or

proselytization. Among other things, faith-based organizations that receive Federal financial assistance may use their facilities to provide social services supported with Federal financial assistance, without removing or altering religious art, icons, scriptures, or other symbols from these facilities. In addition, a faith-based organization that applies for or participates in a social service program supported with Federal financial assistance may retain religious terms in its organization's name, *77143 select its board members on a religious basis, and include religious references in its organization's mission statements and other chartering or governing documents.

Sec. 3. *Agency Implementation.*

(a) Specified agency heads shall, in coordination with the White House Office of Faith-Based and Community Initiatives (White House OFBCI), review and evaluate existing policies that have implications for faith-based and community organizations in order to assess the consistency of such policies with the fundamental principles and policymaking criteria articulated in section 2 of this order.

(b) Specified agency heads shall ensure that all policies that have implications for faith-based and community organizations are consistent with the fundamental principles and policymaking criteria articulated in section 2 of this order. Therefore, specified agency heads shall, to the extent permitted by law:

(i) amend all such existing policies of their respective agencies to ensure that they are consistent with the fundamental principles and policymaking criteria articulated in section 2 of this order;

(ii) where appropriate, implement new policies for their respective agencies that are consistent with and necessary to further the fundamental principles and policymaking criteria set forth in section 2 of this order; and

(iii) implement new policies that are necessary to ensure that their respective agencies collect data regarding the participation of faith-based and community organizations in social service programs that receive Federal financial assistance.

(c) Within 90 days after the date of this order, each specified agency head shall report to the President, through the Director of the White House OFBCI, the actions it proposes to undertake to accomplish the activities set forth in sections 3(a) and (b) of this order.

Sec. 4. *Amendment of [Executive Order 11246](#).*

Pursuant to [section 121\(a\) of title 40, United States Code](#), and [section 301 of title 3, United States Code](#), and in order to further the strong Federal interest in ensuring that the cost and progress of Federal procurement contracts are not adversely affected by an artificial restriction of the labor pool caused by the unwarranted exclusion of faith-based organizations from such contracts, section 204 of [Executive Order 11246](#) of September 24, 1965, as amended, is hereby further amended to read as follows:

“SEC. 204 (a) The Secretary of Labor may, when the Secretary deems that special circumstances in the national interest so require, exempt a contracting agency from the requirement of including any or all of the provisions of Section 202 of this Order in any specific contract, subcontract, or purchase order.

(b) The Secretary of Labor may, by rule or regulation, exempt certain classes of contracts, subcontracts, or purchase orders (1) whenever work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (2) for standard commercial supplies or raw materials; (3) involving less than specified amounts of money or specified numbers of workers; or (4) to the extent that they involve subcontracts below a specified tier.

(c) Section 202 of this Order shall not apply to a Government contractor or subcontractor that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such contractors and subcontractors are not exempted or excused from complying with the other requirements contained in this Order.

(d) The Secretary of Labor may also provide, by rule, regulation, or order, for the exemption of facilities of a contractor that are in all respects separate *77144 and distinct from activities of the contractor related to the performance of the contract: provided, that such an exemption will not interfere with or impede the effectuation of the purposes of this Order: and provided further, that in the absence of such an exemption all facilities shall be covered by the provisions of this Order.”

Sec. 5. *General Provisions.*

(a) This order supplements but does not supersede the requirements contained in [Executive Orders 13198](#) and [13199](#) of January 29, 2001.

(b) The agencies shall coordinate with the White House OFBCI concerning the implementation of this order.

(c) Nothing in this order shall be construed to require an agency to take any action that would impair the conduct of foreign affairs or the national security.

Sec. 6. *Responsibilities of Executive Departments and Agencies.* All executive departments and agencies (agencies) shall:

(a) designate an agency employee to serve as the liaison and point of contact with the White House OFBCI; and

(b) cooperate with the White House OFBCI and provide such information, support, and assistance to the White House OFBCI as it may request, to the extent permitted by law.

Sec. 7. *Judicial Review.*

This order is intended only to improve the internal management of the executive branch, and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, or entities, its officers, employees or agents, or any person.

GEORGE W. BUSH”