

FREEDOM FROM RELIGION *foundation*

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February 5, 2020

The Honorable Mark Green
Administrator
U.S. Agency for International Development
Ronald Reagan Building
Washington, DC 20523-1000

Re: Comment Opposing Equal Participation of Faith-Based Organizations in
USAID's Programs and Activities: Implementation of Executive Order 13831

Document Number: 2019-27164, RIN: 0412-AA99 CFR: 22 CFR 205

Dear Administrator Green:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to submit a public comment in opposition to the proposed rule entitled Equal Participation of Faith-Based Organizations in USAID's Programs and Activities: Implementation of Executive Order 13831. FFRF is a national nonprofit organization with more than 30,000 members across the country. FFRF protects the constitutional separation between state and church and educates about nontheism.

FFRF strongly opposes this effort to lessen protections for USAID-funded service beneficiaries who object to receiving services from a religious service provider. No one should ever be forced to enter a religious environment, to endure religious rituals, or to support a religious organization in order to receive government-funded services.

This proposed rule enacts substantial changes to the current regulations. All of the proposed changes are hostile to true religious liberty, contribute to a dangerous mixture of religion and government, and sacrifice the well-being of service beneficiaries for no good reason. USAID should move in the opposite direction, abandoning this proposed rule and instead strengthening protections for nonreligious beneficiaries and others who object to the religious beliefs or practices of their government-funded service provider.

USAID funds foreign aid and development projects to assist impoverished nations, to foster goodwill towards America, and to enhance global stability. But under this rule, the primary focus would instead be to allow religious providers to get access to these funds. After the recent media report detailing how Vice President Pence improperly directed government money to religious foreign aid organizations, it is exceedingly clear that this rule has an improper goal to advance religion.

Particularly concerning is the proposed rule's explicit allowance for religious service providers to openly promote religious messages while providing government-funded services, including but not limited to religious iconography and other religious displays that alienate beneficiaries who do not share the provider's religious beliefs.

No one has a right to contract with the U.S. Agency for International Development, and when religious organizations seek such a contract they must understand that the U.S. Constitution requires that extra steps be taken to ensure that government funding will not be inappropriately used to advance religion. There is no legitimate reason to deliberately erode these protections, and doing so strikes a blow at religious liberty by forcing taxpayers to support particular religious entities and forcing many beneficiaries to forego their right of conscience in order to receive a government-funded service.

Fundamentally, this proposed rule weaponizes "religious liberty" by focusing entirely on the religious preferences of service providers while ignoring the rights of beneficiaries. This focus is backwards and will result in rampant discrimination under the guise of protecting "religious liberty." Qualifying beneficiaries have a right to USAID services that cannot and should not be dependent on placating the religious views of providers, in violation of the beneficiaries' personal conscience.

Finally, the proposed rule inexplicably allows for employment discrimination as well. Christian organizations commonly discriminate against "the wrong kind of Christian." When Aimee Madonna, a Catholic, sought to volunteer to provide foster care with Miracle Hill Ministries — the largest taxpayer-funded foster care agency in South Carolina — Miracle Hill refused because she Madonna wasn't an Evangelical Christian. It also rejected help from Jewish foster families.

This proposed rule will negatively impact nonreligious beneficiaries in particular. Today, more than one-quarter of Americans, 26%, are religiously unaffiliated and nearly 30 percent are non-Christians, either practicing a minority religion or no

religion at all.¹ Younger Americans are not just religiously unaffiliated, they are largely atheist or agnostic. A recent survey found that 21 percent of Americans born after 1999 are atheist or agnostic.²

FFRF opposes the proposed rule in its entirety and urges the Department to abandon it and to instead take immediate action to protect the religious liberty of *all* service beneficiaries rather than catering to the religious preferences of service providers.

Very truly,



Annie Laurie Gaylor & Dan Barker
Co-presidents
ALG/DB:rdj

¹ Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, Public Religion Research Institute (Sept. 6, 2017), available at www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

² *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018), <https://www.barna.com/research/atheism-doubles-among-generation-z/>.