



One Hundred Eighteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515

February 1, 2023

Erin Barclay
Acting Assistant Secretary
Bureau of Democracy, Human Rights, and Labor
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Assistant Secretary Barclay,

I am writing to express my displeasure regarding an April 2021 Notice of Funding Opportunity (NOFO), which intimated that spending half a million dollars to expand atheist networks in the Middle East is somehow in America's strategic interest.¹ I acknowledge that religious freedom includes the right for individuals to choose not to believe, and I do not take lightly the plight that some non-believers face in coercive environments. Still, the Department's approach in this NOFO breaks new ground and signals to the world that the U.S. government seeks to "modernize" other societies by promoting a specific secular agenda. Without more information – which has been requested by my colleagues in Congress but never supplied by the Department – about other U.S. government support being offered to adherents of various *religious* faiths, I have no choice but to assume those groups are not receiving the same privileged attention and funding as atheists.

Although the NOFO cursorily states that program activities and products must be "implemented in accordance with the Establishment Clause of the United States Constitution," there appears to be no mechanism in place that would ensure constitutional compliance after the money has been distributed. Additionally, the text of the NOFO is clear that the objective of the Department-funded program is to promote the religious freedom of one particular group – comprised of atheists, humanists, and non-affiliated individuals – rather than of *all* religious minorities.² I therefore have

¹U.S. Dep't of State, Bureau of Democracy, Human Rights and Labor, Notice of Funding Opportunity No. SFOP0007977, DRL FY20 IRF Promoting and Defending Religious Freedom Inclusive of Atheist, Humanist, Non-Practicing and Non-Affiliated Individuals (Apr. 21, 2021) (noting that priority in funding will be given to programs that assist "members of minorities and marginalized groups – *particularly atheists and nonbelievers* – to advocate with community and...government leaders") (emphasis added).

² *Supra* n. 1 (noting that "DRL's objective is to combat discrimination, harassment and abuses against *atheist, humanist, non-practicing and non-affiliated individuals* of all religious communities" and listing one expected

significant concern that the recipients of this funding opportunity are using U.S. taxpayer dollars to unlawfully promote certain belief systems over others, thus violating the Establishment Clause.³

Given my concerns, which have been raised by other members of Congress directly to your staff on numerous prior occasions, please address the following questions and document requests without further delay:

1. After the April 2021 NOFO, which implementing partners were selected for the funding, if any?
 - a. Please provide any contracts and sub-contracts signed with those partners.
 - b. Please provide the grant award ID numbers for each partner.
 - c. Please indicate the countries in which the grant awards are being implemented.
2. Did the Bureau of Democracy, Human Rights, and Labor (DRL) have an official opinion letter or memorandum from the Office of the Legal Adviser (L) certifying the constitutionality of the proposed grants?
 - a. If so, was the opinion dated before the NOFO was published?
 - b. If so, did the memo include an analysis of the application of the Establishment Clause in countries where the Department funds a select, narrow set of religious groups but no others?
 - c. Please provide a copy of this legal opinion. If no such opinion exists, please indicate why none was sought and/or produced.
3. Did DRL consult with either Assistant Secretary for South and Central Asian Affairs, the Assistant Secretary for Near Eastern Affairs, the National Security Council, or with relevant local Ambassadors before embarking on a program to offer U.S.-funded promotion of atheism, humanism, and non-belief? If so, please summarize that consultation.
4. How does promoting atheism or humanism in parts of the world where respect for religious freedom is relatively low⁴ assist those facing persecution?

program outcome to be increasing “advocacy interactions inclusive of atheist humanist, non-practicing and non-affiliated individuals (particularly those who are pressured, mandated, or coerced into religious participation that is contrary to their personal non-belief system or philosophy.”)) (emphasis added).

³ In *Lamont v. Woods*, the court held that funding for religious schools abroad was subject to Establishment Clause analysis, as it used tax-payer dollars to promote education on and advocacy for a certain religion. The expected program outcomes listed in the NOFO clearly aim to achieve the same objective, if only for atheism and humanism. *Lamont v. Woods*, 948 F.2d 825 (2d Cir. 1991); *see also, Lamont v. Schultz*, 748 F. Supp. 1043 (S.D.N.Y. 1990), *aff'd sub nom. Lamont v. Woods*, 948 F.2d 825 (2d Cir. 1991); *see also, O'Connor v. State of Cal.*, 855 F. Supp. 303 (C.D. Cal. 1994) (holding that atheism should be treated like more traditional “religious” faiths for purposes of Establishment Clause analysis, and that taxpayer funds may not be used to preference one faith over another); *Kaufman v. McCaughtry*, 419 F.3d 678 (7th Cir. 2005) (holding that inmate's atheism qualified as a “religion” for purposes of First Amendment); *O'Connor*, 855 F. Supp. 303 (holding Humanism is a religion for the purposes of the First Amendment). *See also, supra* n. 1 (noting the expected program outcomes include “increased capacity among members of atheist and heterodox individuals to form or join networks or organizations, implement advocacy campaigns, and to engage with the public....” and increased mechanisms “particularly [for] atheists and nonbelievers...to advocate with community leaders and...government officials....”).

⁴ The NOFO notes that “activities should take place in 2-3 countries within one of the following regions: South/Central Asia – countries within the SCA region as defined by the State Department; or the Middle East/North Africa (excluding Libya, Syria, and Yemen) – countries within the NEA region as defined by the State Department.” Of the 29 eligible countries, 20 countries list an official state religion, with no promise of religious freedom. An

5. Does the State Department have plans to create grant programs to promote other individual religions and belief systems, such as Christianity or Buddhism, that a minority of relevant populations in the SCA and NEA regions embrace?
6. What specific U.S. foreign policy interests does this program advance?
7. To what extent was the possibility of local backlash considered before awarding the funding advertised in the NOFO? In other words, did DRL weigh the possibility that promoting atheism could be socially and politically deleterious to U.S. interests?
8. Please provide a list of all DRL programs premised on a need to increase diversity of religious points of view, including a description of the program, which marginalized communities are implicated, and the country in which these programs are being administered.

Please respond no later than February 10, 2023. Thank you for your assistance with this request for more information. I look forward to your prompt reply.

Sincerely,



Michael T. McCaul
Chairman
House Foreign Affairs Committee

CC:
Ranking Member Gregory Meeks

Enclosures:
6/30/22 Letter from House GOP to President Biden and Secretary Blinken
8/2/22 Letter from House GOP to Secretary Blinken



Congress of the United States
House of Representatives
Washington, DC 20515-1403

June 30, 2022

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue
Washington D.C. 20500

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear President Biden and Secretary Blinken,

We are writing to express our grave concern that the State Department is using appropriated funds to support atheism and radical, progressive orthodoxy across the world.

In April 2021, the State Department's Bureau of Democracy, Human Rights, and Labor (DRL) announced a grant program to promote atheism worldwide. The Notice of Funding Opportunity (NOFO) was officially titled "DRL FY20 IRF Promoting and Defending Religious Freedom Inclusive of Atheist, Humanist, Non-Practicing and Non-Affiliated Individuals."¹ It announced a "competitive" process that would award grants of up to \$500,000 to organizations committed to the practice and spread of atheism and humanism, namely in South/Central Asia and in the Middle East/North Africa.

To be clear, atheism and "humanism" are official belief systems.² As an initial matter, therefore, we would like to know what other United States government programs supported with appropriated funds are being used either to encourage, inculcate, or to disparage *any* official belief system – atheist, humanist, Christian, Muslim, or otherwise. It is one thing for the Department to be tolerant and respectful of a wide range of belief systems, and to encourage

¹ <https://www.state.gov/statements-of-interest-requests-for-proposals-and-notices-of-funding-opportunity/drl-fy20-irf-promoting-and-defending-religious-freedom-inclusive-of-atheist-humanist-non-practicing-and-non-affiliated-individuals/> (noting that priority in funding will be given to programs that assist minorities and marginalized groups – "*particularly atheists and nonbelievers*" – to advocate with community and government leaders) (emphasis added). NOFO #SFP{pppp7977 in grants.gov (accessed June 27, 2022)

² <https://twitter.com/americanhumanist/status/1384238178643582979?s=20>

governments to respect the religious freedom interests of their citizens. It is quite another for the United States government to work actively to *empower* atheists, humanists, non-practicing, and non-affiliated in public decision-making.³ Any such program – for any religiously-identifiable group – in the United States would be unconstitutional. In addition to its constitutionally dubious legal foundation, we also question how such a grant or cooperative agreement program advances the foreign policy interests of the United States. Were such programs known by the citizens of the target countries, we would expect that local populations, interest groups, and governments would bristle at what any “objective observer” would see as “covert” funding from a foreign power designed to shatter local religious and cultural relationships.

This is not “religious freedom.” This NOFO, like others we have reviewed, prioritizes atheists and humanists above all other potential recipients. Not only does such a priority violate both the Establishment and Free Exercise Clauses, but also the No Religious Test Clause of Article VI of our nation’s constitution. In the NOFO, the State Department characterizes atheists as a unique religious group while then encouraging the building of “networks and advocacy groups” for atheists. This would be analogous to official State Department promotion of religious freedom “particularly for Christians” in China, with the express goal being to build a corresponding missionary network. Obviously, this goal that would never pass constitutional muster⁴ and would be derided by radical leftist bureaucrats in your agency as completely out-of-bounds. So why is this atheist NOFO not viewed with similar objection?

Americans rightly discern this as a part of the broader effort on the part of your administration to promote radical, progressive orthodoxy abroad. Atheism is an integral part of the belief system of Marxism and communism.⁵ A few weeks ago, the United States Embassy in Germany erected a “Black Lives Matter” flag. Americans should be very alarmed at this. It’s not only that “Black Lives Matter” remains a highly divisive and increasingly unpopular movement here in the United States,⁶ the display is also denoting a promotion of a specific radical organization.⁷ Other recent initiatives of the State Department include creating a “Special Representative for Racial Equity and Justice,”⁸ whose mission will be to spread Critical Race Theory and other progressive dogmas worldwide, and working to remove restrictions on abortion around the globe.⁹

Given the role of the State Department in promoting radical, divisive, and destructive cultural policies, please answer the following questions:

³ The bureau of Democracy, Human Rights, and Labor’s (DRL) express goal in the NOFO is to “strengthen [atheist and humanist] networks and “provide organizational training and resources” to these same groups.

⁴ This is to say nothing of the preeminence of faith, and Christianity in particular, in America’s founding and history. See, e.g., <https://www.heritage.org/political-process/report/did-america-have-christian-founding>.

⁵ [The Role of Atheism in Marxian Philosophy on JSTOR](https://www.jstor.org/stable/234484)

⁶ <https://www.bet.com/article/tszncy/black-support-of-black-lives-matter-movement-in-decline-poll-finds>

⁷ <https://blacklivesmatter.com/>

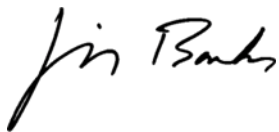
⁸ <https://www.foxnews.com/politics/house-gop-grill-state-dept-special-representative-racial-equity-justice-left-wing-social-agenda>

⁹ <https://www.state.gov/briefings/department-press-briefing-november-04-2021/>; see also, <https://twitter.com/secblinken/status/1540676257855131650?s=21&t=5GaoTvy-EoxojWN2oF5ZcA>.

1. After the April 2021 NOFO, which implementing partners were selected for the funding, if any? Please provide any contracts and sub-contracts signed with those partners.
2. What specific training programs and materials have the NGOs funded?
3. In which countries have these funds been utilized?
4. Did DRL have an official opinion letter from the Office of the Legal Advisor signing off on the constitutionality of the proposed grants? If so, was the opinion dated before the NOFO was published? If not, why not? Will the Department provide a copy of this legal opinion to Congress?
5. Did DRL consult with either Assistant Secretary for South Central Asia, the National Security Council, or with relevant local Ambassadors before embarking on a program to offer U.S.-funded promotion of atheism? If so, please summarize that consultation.
6. How does deconstructing America's reputation as a country of faith into one that promotes the negation of it improve our standing in the world?
7. How does promoting atheism in parts of the world where religious persecution is widespread¹⁰ help those facing persecution?
8. How does promoting atheism in Muslim countries promote U.S. values and interests?
9. Why should Americans support the State Department in promoting a belief system the adherents of which remain a small minority in the United States?¹¹
10. Does the State Department have plans to create grant programs to promote other individual religions and belief systems?
11. Why should it be part of the State Department's mission to promote radical work organizations abroad?
12. Would you oppose a future administration flying a "Blue Lives Matter"¹² or another flag with comparable cultural connotations at a U.S. Embassy?

Thank you very much for your attention on this matter and we are looking forward to hearing your responses to these very important questions by Friday, July 15th at 5:00 PM.

Sincerely,



Jim Banks
Member of Congress

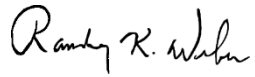


Jeff Duncan
Member of Congress

¹⁰ <https://www.theguardian.com/world/2019/may/02/persecution-driving-christians-out-of-middle-east-report>

¹¹ <https://www.pewresearch.org/fact-tank/2019/12/06/10-facts-about-atheists/>

¹² <https://www.foxnews.com/politics/majority-of-likely-voters-want-blue-lives-matter-laws-punishing-attacks-on-police-poll>



Randy K. Weber
Member of Congress



Glenn Grothman
Member of Congress



Claudia Tenney
Member of Congress



Dan Crenshaw
Member of Congress



Lisa McClain
Member of Congress



Doug Lamborn
Member of Congress



Daniel Webster
Member of Congress



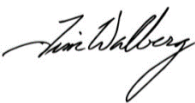
Alex X. Mooney
Member of Congress



Tim Burchett
Member of Congress



Ralph Norman
Member of Congress



Tim Walberg
Member of Congress



Barry Moore
Member of Congress

A handwritten signature in blue ink, reading "Paul A. Gosar" with a stylized flourish at the end.

Paul A. Gosar, D.D.S.
Member of Congress

Congress of the United States
Washington, DC 20515

August 2nd, 2022

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Blinken,

We are writing in regard to the State Department's refusal to respond to our June 30, 2022 letter inquiring about an April 2021 State Department Notice of Funding Opportunity (NOFO) titled, "DRL FY20 IRF Promoting and Defending Religious Freedom Inclusive of Atheist, Humanist, Non-Practicing and Non-Affiliated Individuals."¹

As recited in the letter, the NOFO announced a competitive process that would award grants of up to \$500,000 of congressionally appropriated, U.S. taxpayer-provided funds to organizations committed to the practice and spread of atheism and humanism, namely in South/Central Asia and in the Middle East/North Africa.

Although we asked the State Department to answer a series of questions no later than July 15, 2022, no responses have been provided thus far, suggesting either that the Department has chosen to disregard Secretary Blinken's frequent, express instructions for its employees to work closely with Congress, or that it has something to hide. For your convenience, we have reattached the questions from the June 30 letter below:

1. After the April 2021 NOFO, which implementing partners were selected for the funding, if any? Please provide any contracts and sub-contracts signed with those partners.
2. What specific training programs and materials have the NGOs funded?
3. In which countries have these funds been utilized?

¹ <https://www.state.gov/statements-of-interest-requests-for-proposals-and-notices-of-funding-opportunity/drl-fy20-irf-promoting-and-defending-religious-freedom-inclusive-of-atheist-humanist-non-practicing-and-non-affiliated-individuals/> (noting that priority in funding will be given to programs that assist minorities and marginalized groups – "*particularly atheists and nonbelievers*" – to advocate with community and government leaders) (emphasis added). NOFO #SFP{pppp7977 in grants.gov (accessed June 27, 2022)

4. Did DRL have an official opinion letter from the Office of the Legal Advisor signing off on the constitutionality of the proposed grants? If so, was the opinion dated before the NOFO was published? If not, why not? Will the Department provide a copy of this legal opinion to Congress?
5. Did DRL consult with either Assistant Secretary for South Central Asia, the National Security Council, or with relevant local Ambassadors before embarking on a program to offer U.S.-funded promotion of atheism? If so, please summarize that consultation.
6. How does deconstructing America's reputation as a country of faith into one that promotes the negation of it improve our standing in the world?
7. How does promoting atheism in parts of the world where religious persecution is widespread² help those facing persecution?
8. How does promoting atheism in Muslim countries promote U.S. values and interests?
9. Why should Americans support the State Department in promoting a belief system the adherents of which remain a small minority in the United States?³
10. Does the State Department have plans to create grant programs to promote other individual religions and belief systems?
11. Why should it be part of the State Department's mission to promote radical woke organizations abroad?
12. Would you oppose a future administration flying a "Blue Lives Matter"⁴ or another flag with comparable cultural connotations at a U.S. Embassy?

Since we sent our letter, many of our constituents have reached out with concerns not only about the State Department's promotion of atheism, but also about its apparent promotion of "humanism"—an official belief system---as well as the State Department's promotion of other radical, divisive, and destructive cultural policies.

Americans deserve to know why the State Department is committed to spreading atheism abroad, and which foreign, anti-religious groups are receiving their tax dollars. To that end, please respond to the above list of 12 questions, no later than August 19th, 2022.

We would also like to request a phone briefing from the Acting Assistant Secretary for Democracy, Human Rights and Labor Lisa Peterson to Republican Study Committee (RSC) members and staff as soon as possible to discuss our grave concerns with regard to this grant program.

In addition, it is imperative that you remind all employees and officials within the Department of their legal responsibility to take appropriate measures to collect, retain, and preserve all documents, communications, and other records in accordance with federal law, including the Federal Records Act and related regulations. This includes electronic messages involving official business that are sent using both official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software. We

² <https://www.theguardian.com/world/2019/may/02/persecution-driving-christians-out-of-middle-east-report>

³ <https://www.pewresearch.org/fact-tank/2019/12/06/10-facts-about-atheists/>

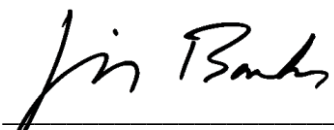
⁴ <https://www.foxnews.com/politics/majority-of-likely-voters-want-blue-lives-matter-laws-punishing-attacks-on-police-poll>

request that you preserve all information that relates to this grant program -- “DRL FY20 IRF Promoting and Defending Religious Freedom Inclusive of Atheist, Humanist, Non-Practicing and Non-Affiliated Individuals” – including all information connected to oversight requests or demands from Congress, including but not limited to the questions asked in this letter and in our previous letter sent on June 30th, 2022.

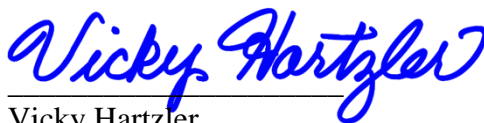
Specifically, this preservation request should be construed as an instruction to preserve all documents, communications, and other information, including electronic information and metadata, that is or may be potentially responsive to a future congressional inquiry, request, investigation, or subpoena. For purposes of this request, “preserve” means securing and maintaining the integrity of all relevant documents, communications, and other information, including electronic information and metadata, by taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, mutation, or negligent or reckless handling that could render the information incomplete or inaccessible. This includes preserving all compilations of documents that have already been gathered in response to requests, even if copies of individual documents may still exist elsewhere in the agency.

Thank you for your assistance with this request for more information. We look forward to your prompt reply.

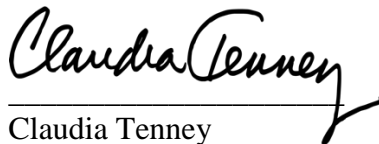
Sincerely,



Jim Banks
Member of Congress



Vicky Hartzler
Member of Congress



Claudia Tenney
Member of Congress



W. Gregory Steube
Member of Congress



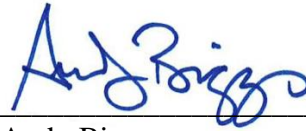
Ralph Norman
Member of Congress



Dan Crenshaw
Member of Congress



Ben Cline
Member of Congress



Andy Biggs
Member of Congress



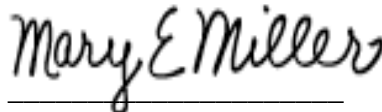
Bob Good
Member of Congress



Tim Walberg
Member of Congress



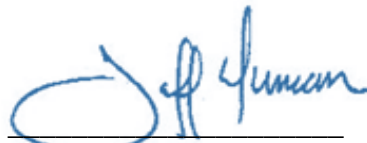
Glenn Grothman
Member of Congress



Mary E. Miller
Member of Congress



Warren Davidson
Member of Congress



Jeff Duncan
Member of Congress



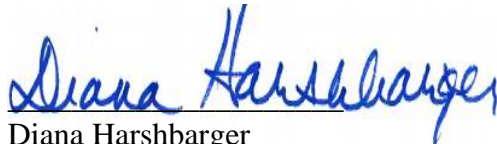
Paul A. Gosar, D.D.S.
Member of Congress



Barry Moore
Member of Congress



Alex X. Mooney
Member of Congress



Diana Harshbarger
Member of Congress