

# United States Senate

WASHINGTON, DC 20510-0908

February 7, 2024

The Honorable Antony Blinken  
Secretary  
U.S. Department of State  
2201 C Street NW  
Washington, D.C. 20522

Dear Secretary Blinken:

We write to you regarding the U.S. Department of State's proposed rule, "Nondiscrimination in Foreign Assistance," published January 19, 2024. The proposed rule contemplates a future in which bureaucrats at the State Department can force a socially progressive worldview on partners in strategically vital regions.

The nondiscrimination rule would violate the rights and beliefs of faith-based partner organizations and their beneficiaries, undermine relationships with key stakeholders, and threaten U.S. security interests. For decades, the U.S. has enjoyed consequential goodwill and influence through foreign assistance programs, such as the President's Emergency Plan for AIDS Relief (PEPFAR), that have featured robust conscience protections. This has only been possible through partnerships with faith-based organizations that hold the same social values as the communities they serve. If finalized, these rules could punish foreign assistance recipients who refuse to counsel, refer, or provide contraceptives or sterilization, based on their religious beliefs.

Anti-American sentiment is on the rise abroad in countries who feel an unwanted ideological agenda is being forced upon them through the vehicle of U.S. foreign policy. In an era where Russia, China, and Iran are actively working to expand their influence abroad, it is imperative that American foreign policy finds reasons to unite, rather than to divide an expansive coalition of countries that share an interest in confronting this authoritarian axis.

We are further concerned with the proposed waiver requirement for religious organizations to employ individuals of their own faith or to carry out foreign assistance activities in a manner consistent with their sincerely held beliefs. This would place a substantial burden upon faith-based groups and allow State Department a veto on questions of whether Jewish organizations can bar pro-Hamas individuals from employment, or whether Muslim organizations are allowed to only distribute halal food assistance. Accordingly, we request responses to the following questions about the proposed regulations:

- Will the State Department require a waiver from Jewish organizations that refuse to employ a pro-Hamas, or other extremist group member, who advocates for the destruction of Israel?
- Will a Ukrainian organization be required to seek a waiver to deny employment to a Russian nationalist?
- How does the State Department, its contractors and subcontractors, or implementing partners propose to determine a prospective employee's religion, sexual orientation, gender identity or expression, sex characteristics, pregnancy status, disability, genetic information, or political affiliation, among others, if such questions are prohibited to be asked during the hiring process?

- What steps will the State Department take to ensure that it is in full compliance with the First Amendment and the Religious Freedom Restoration Act with respect to the promulgation and application of this rule?

Conditioning foreign assistance programs on adherence to leftist priorities, like abortion and gender identity, may deprive access to U.S. foreign assistance to those most in need of these programs. We urge you to immediately rescind this proposed rule and instead apply nondiscrimination requirements in a manner that does not undermine U.S. national security, or infringe on rights protected by the Constitution and the law.

We thank you in advance for your attention to this matter.

Sincerely,



Marco Rubio  
U.S. Senator



Tom Cotton  
U.S. Senator



Bill Cassidy, M.D.  
U.S. Senator



Ted Budd  
U.S. Senator



Mike Braun  
U.S. Senator



Steve Daines  
U.S. Senator



Pete Ricketts  
U.S. Senator



Cindy Hyde-Smith  
U.S. Senator



Roger Marshall  
U.S. Senator