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

May 22, 2024

Deputy Secretary Richard R. Verma
U.S. Department of State
Harry S. Truman Building
2201 C Street N.W.
Washington, D.C. 20520

Dear Deputy Secretary Verma,

We write to address what the Department has now acknowledged were its misrepresentations made to Congress about the scope and nature of programming that – for the first time in U.S. diplomatic history – has sought to promote atheism overseas under the guise of “religious freedom”. Although we appreciate the engagement with the Committee on this serious matter, we would like to clarify the sequence of events that has led most recently to the Department’s avoidance of all responsibility and attempted scapegoating of the grantee.

The lack of candor by the Department started with a Congressional Notification several years ago, a copy of which the Department produced to the Committee in response to Chairman McCaul’s request, and which we assume could be the instrument by which it purportedly put Congress on notice of its new atheism innovation.¹ The problem is that the CN stated merely that obligated funds would “be used to support international religious freedom programs globally”² and would “encourage broader societal tolerance toward religious minority populations.”³ There is no mention of *non-religious* minority populations, much less of promoting atheism or humanism, which as you know was carried out as part of at least one grant award that followed from the CN. Thus, from the earliest juncture, the Department may not have been truthful about its plans.

A pattern of obfuscation and denial by the Department followed, as it sought, *vis-à-vis* its grantee, to expand atheist networks abroad in violation of the Establishment Clause of the U.S.

¹ The Department provided no context or explanation along with the document, so it is difficult to tell.

² Congressional Notification 17-002 dated January 3, 2017, at 1, *available at* U.S. Dep’t of State Production to HFAC, STATE-2023-00012-0000508.

³ Congressional Notification 17-002 dated January 3, 2017, at 1, *available at* U.S. Dep’t of State Production to HFAC, STATE-2023-00012-0000509 - 510.

Constitution, and in repudiation of the historical bipartisan consensus regarding human rights promotion. Indeed, *following 15 months of our calling attention to this issue*, it was not until April 29, 2024 that the Department finally expressed “deep concern” with the programing, and stated that it will “pursue appropriate accountability measures.”⁴ What happened in the interim is a testament to how ideology clouds certain Department officials’ judgment and jeopardizes appropriate internal oversight of grantees.

First was the Notice of Funding Opportunity, NOFO SFOP0007977, which apparently no one at the Department found problematic, despite its explicit aim: an “Expected Program Outcome” was to “[i]ncrease[] capacity among members of atheist and heterodox individuals to form or join networks or organizations”.⁵ As you know, our initial outreach regarding the NOFO was ignored.⁶

When forced to say *something*, the Department rejected the most plausible interpretation – in other words, that the relevant program was intended to do exactly what the NOFO plainly stated: grow the presence and increase the influence of atheists abroad. Instead, the Department argued that the relevant grant merely concerned “routine” “capacity building”.⁷

This was not the case, as you have now claim to have been misled into believing, but the narrative nonetheless took hold over the course of a months-long back and forth between the Committee and the Department. In its June 8, 2023 letter to the Committee, for example, the Department asserted that it “does not provide funds to any organization with the aim of using such funds to promote or advance specific religious ideologies or beliefs” and that the “*program does not promote atheism, humanism or any non-belief*.”⁸ Then again, in its November 29, 2023 letter to the Committee, the Department stated that the “Department does not provide funds to any organization with the aim of using such funds to promote or advance specific ideologies or beliefs.”⁹ Remarkably, these assertions were made notwithstanding that the approved Bureau of Democracy, Human Rights, and Labor (DRL) Scope of Work for the program provided that “Objective[s]” of the program were for participants to “conduct advocacy and membership activities promoting humanism” and to “increase[] and diversify[] their membership network.”¹⁰ It is hard to believe Department officials refused to read the words right in front of them, but we are not sure what else may have happened.

⁴ Letter from U.S. Dep’t of State to HFAC dated April 29, 2024.

⁵ U.S. Dep’t of State, Promoting and Defending Religious Freedom Inclusive of Atheist, Humanist, Non-Practicing and Non-Affiliated Individuals, at A. Project Description dated Apr. 21, 2021.

⁶ Letter from HFAC to U.S. Dep’t of State dated Feb. 1, 2023. Republican-led letters also were sent during the previous Congress. *See e.g.*, Letter from House GOP to President Biden and Secretary Blinken dated June 30, 2022; Letter from House GOP to Secretary Blinken dated 2 Aug. 2022.

⁷ Letter from U.S. Dep’t of State to HFAC dated Apr. 18, 2023, at 2.

⁸ Letter from U.S. Dep’t of State to HFAC dated June 8, 2023, at 2, 6 (emphasis added).

⁹ Letter from U.S. Dep’t of State to HFAC dated Nov. 29, 2023, at 2.

¹⁰ DRL Scope of Work, *available at* U.S. Dep’t of State Production to HFAC, STATE-2023-00012-0000399.

The Department's blindness or dishonesty was seen again during transcribed interviews with the Senior Bureau Official in DRL, the Ambassador-at-Large for International Religious Freedom, and the Director & Principal Deputy to the Ambassador-at-Large in the Office of International Religious Freedom. These Department officials asserted that: "the Department doesn't promote atheism or humanism;"¹¹ the grant program was not intended to "promote humanism in the sense of trying to get more people to become humanists;"¹² and "there were no activities that were permitted, or that were conducted under this grant that involved humanists promoting atheism or humanism or, in fact, provided an opportunity for humanists to grow their organization, develop their membership, or anything of the sort."¹³ That is, according to the Department, "nobody had any Establishment Clause issues."¹⁴

Notably, these assertions were made in the context of the Department's claims that the Committee had already received all of the relevant training materials the grantee used to implement the program,¹⁵ and that those materials demonstrated that there were no Establishment Clause violations. In this regard, Department officials stated that "the [C]ommittee has the [grantee's PowerPoint] slides that were delivered,"¹⁶ that the Committee has "the entire slide set from [the] training [conducted by the grantee]."¹⁷ The Assistant Secretary for Legislative Affairs also represented that the Department's efforts to secure the training slides had been nothing short of "extraordinary" and that "the training slides . . . were then provided to the Committee."¹⁸ According to the Assistant Secretary, the noble training at issue funded by the grant concerned only "creating guidelines . . . for the promotion of human rights and dignity."¹⁹

In testimony before Congress on March 21, 2024, you were confident in your position and dismissive of ours: "Mr. Chairman . . .," you stated to Rep. Brian Mast, "I have looked at the

¹¹ Transcribed Interview of Senior Bureau Official Erin Barclay, Dec. 21, 2023 (Unofficial).

¹² Transcribed Interview of Ambassador-at-Large Rashad Hussain, Jan. 10, 2024 (Unofficial).

¹³ Transcribed Interview of Director & Principal Deputy to the Ambassador-at-Large Daniel Nadel, Mar. 28, 2024 (Unofficial) (emphasis added); *see also id.* (observing that there were concerns "related to a particular understanding that there were activities in this grant associated with building the membership of an organization and that were associated with supporting the activities of a particular belief community in advancing those beliefs" and that if this was the concern then it "would be absolutely relevant . . . [b]ecause that would absolutely violate the Establishment Clause. If the Department of State were actually funding an organization to promote or espouse a set of religious beliefs, there's no question in my mind that would violate the establishment clause. However, there is nothing in this grant that did that."); *id.* (Q: "So these membership training sessions [] were designed to promote the membership of [the grantee]." A: "That is not what transpired."). In this regard, the Assistant Secretary for Legislative Affairs observed that the Director "would know" as the Director "actually is in charge of this issue." House Foreign Affairs Subcommittee on Oversight & Accountability, *Assessing State Department Compliance with Oversight*, Mar. 21, 2024 (1:34:14 – 1:34:44).

¹⁴ Transcribed Interview of Senior Bureau Official Erin Barclay, Dec. 21, 2023 (Unofficial). This statement was directly contradicted in a subsequent transcribed interview. *See* Transcribed Interview of Director & Principal Deputy to the Ambassador-at-Large Daniel Nadel, Mar. 28, 2024 (Unofficial) ("there were [] moments in this process where Establishment Clause concerns were noted").

¹⁵ Transcribed Interview of Ambassador-at-Large Rashad Hussain, Jan. 10, 2024 (Unofficial) (Dep't Counsel).

¹⁶ Transcribed Interview of Ambassador-at-Large Rashad Hussain, Jan. 10, 2024 (Unofficial) (Dep't Counsel).

¹⁷ Transcribed Interview of Director & Principal Deputy to the Ambassador-at-Large Daniel Nadel, Mar. 28, 2024 (Unofficial).

¹⁸ Letter from U.S. Dep't of State to HFAC dated February 15, 2024, at 3.

¹⁹ Letter from U.S. Dep't of State to HFAC dated February 15, 2024, at 4.

grant. *I have looked at the materials.* [Promoting atheism] is not what the grant is for and that is not what the work would be for. We would never authorize such a grant to any organization *I have seen no evidence of any grant to promote atheism in Nepal I have looked at the materials that this grantee [] has used.* It was about supporting civil society.”²⁰ You further observed that, “I have reviewed [] the grant materials of the organization in Nepal . . . and I think this was exactly the right kind of program”²¹

As it turns out, none of these representations – by the Department in correspondence, by the Department in transcribed interviews, and by the Department in congressional testimony – were correct. Rather, it was not until committee staff contacted the grantee to schedule a transcribed interview – and the grantee retained legal counsel – that the true scope of this programming was revealed. Legal counsel for the grantee uncovered in a matter of weeks what the Department obfuscated, misrepresented, and denied for years.

Following this Committee’s inquiries, the Department has now observed that “*the training slides . . . produced to the Committee by the Department were not the actual slides provided at the trainings.*”²² And the contents of the slides provided at the trainings, presently in the Committee’s possession, are damning. To be sure, despite all of the evasions by the Department, it is now plain that the grant promoted atheism and expanded atheist networks abroad, while neglecting Christian and Muslim minorities who, unlike atheists and humanists, face real persecution in the relevant parts of South Asia. Indeed, the programming was designed to recruit new members of the grantee organization in violation of the Establishment Clause of the U.S. Constitution.

You may understand if we are skeptical of the Department’s purported desire to “tak[e] immediate action,” “recoup [] misused funds,” “refer [the matter] to the Suspension and Debarment office,” or “refer[] the matter to the OIG for further action”, as you have stated it will do.²³ We do, however, appreciate your statements, and we expect to be informed fully, and without delay, of all developments in this matter. The Department can reasonably expect congressional oversight of grant funding to continue, since the need for it is all the more pressing in light of the recent revelations.

Further, if you know, have reason to believe, or learn that other grantees or bureau officials have misled the Department or the legislative branch, I hope that you will take the necessary corrective steps and request that you inform Congress.

²⁰ House Foreign Affairs Subcommittee on Oversight & Accountability, *Assessing State Department Compliance with Oversight*, Mar. 21, 2024 (1:31:25 – 1:33:31); *see also id.* (“I concur with [these] statements”) (1:34:10-1:34:14) (Assistant Secretary for Legislative Affairs).

²¹ House Foreign Affairs Subcommittee on Oversight & Accountability, *Assessing State Department Compliance with Oversight*, Mar. 21, 2024 (1:36:11 - 1:36:38).

²² Letter from U.S. Dep’t of State to HFAC dated Apr. 29, 2024, at 1.

²³ Letter from U.S. Dep’t of State to HFAC dated Apr. 29, 2024, at 2.

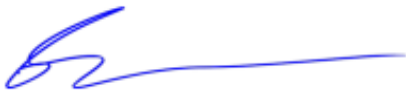
Sincerely,



Michael T. McCaul
Chairman
House Foreign Affairs Committee



Christopher H. Smith
Chairman
Subcommittee on Global Health, Global Human Rights, and International Organizations



Brian Mast
Chairman
Subcommittee on Oversight and Accountability