



**USAID**  
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# USAID Programs and Religious Organizations

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# Basic Legal Principles

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“Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof” (the Establishment Clause and the Free Exercise Clause of the First Amendment to the US Constitution)

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# Basic Legal Framework

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## Establishment Clause Jurisprudence Requires:

1. Purpose of the federal assistance must be secular.
    - Purpose cannot be to endorse or disapprove of religion
  2. Principle effect must not be to advance or inhibit religion.
    - USAID-financed activities and programs may not:
      - Result in government indoctrination of religion
      - Define recipients by reference to religion
      - Create an excessive entanglement with religion
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# Participation by Religious Organizations in USAID Programs (22 CFR 205.1)

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- USAID implements programs in accordance with the Establishment Clause
  - USAID will not discriminate for or against religious organizations
  - Religious Organizations are able to maintain their independence and religious character, provided they do not use USAID funds for prohibited purposes
  - USAID will not fund “explicitly religious” activities - e.g., worship, religious instruction, proselytization
  - An organization that engages in explicitly religious activities must:
    - Offer religious activities separately in *time* or *location* from USAID-funded services
    - Make participation in religious activities voluntary for beneficiaries
    - Not discriminate against beneficiaries on the basis of religious belief
  - USAID award recipients may not, in the provision of USAID-funded services, discriminate against potential beneficiaries on the basis of religious belief (or lack thereof), or a refusal to attend or participate in religious practice.
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# Agreement Provisions

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## ASHA Grant Agreements Require:

- Adherence to USAID's rule and including the same provisions in USAID-funded subawards.
  - Nondiscrimination on the basis of religion or other factors in providing "access to benefits provided through this award."
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# Take Aways

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- Religious Organizations are eligible to participate in USAID programs on the same basis as any other organization
  - Recipients cannot use USAID funds for explicitly religious purposes, e.g. constructing places of worship, purchasing religious materials, or proselytization
  - Recipients may not discriminate against beneficiaries on the basis of religion
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