The President's Emergency Plan for AIDS Relief

Guidance for Partnering with the USG



TAB 14



Partnering with the USG

US Policy on Religious Organizations

- Federal Court Decisions
- Executive Orders 13199 and 13279
- Pamphlet: "Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government," available at:

http://www.whitehouse.gov/government/fbci/guidance/index.html



Partnering with the USG

Three Commandments

- 1. Federal funds may not support any "inherently religious" activity.
- 2. Religious activities should be kept separate in time or location from secular activities.
- 3. Religious participation or nonparticipation may not affect services provided.

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- The government *may* fund faith-based organizations. However,
 - No government money for "inherently religious" activity.
 - No religious worship, prayer, instruction, or evangelization with the federal dollars ...
 But ... faith - based organizations can still conduct these activities with private funds.

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- Cost sharing funds are not private funds
 - (Note that on the SF 424A, "Budget Information," Federal and non-Federal funds are listed separately in Section A, "Budget Summary," but are combined in Section B, "Budget Categories.")



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- Is government funding right for you?
- Can the religious and non religious elements of your program be separated?



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- To keep religious activities separate:
 - Maintain focus of non religious topics
 - Separate time or location of religious activities and government - funded services
 - Be scrupulous in maintaining accounts

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Voluntary Participation

 Program participants may be invited to join religious services or events ...
BUT ... participation must be optional and have no bearing on services delivered!

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- Keeping the "Faith" in Faith based:
 - Religious symbols
 - Religious names
 - Board members
 - Mission statement
 - Religious activities as long as they are privately funded and separate

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- Q: May an organization receiving Federal funds choose to provide services only to members of its own faith?
- A: No. Services must be provided to all who are eligible, subject to your capacity.

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- Q: What about religious activities with staff or volunteers in the presence of those they serve?
- A: Staff and volunteers may engage in religious activities so long as participation for program recipients is voluntary AND during a time when staff is not being compensated with government funds.

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- Q: May Federal funds pay staff salaries?
- A: As long as the staffer's time is spent on program activities and not ministry. If a staffer's time is split between program and church activities, keep careful and accurate records.



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- Q: May Federal funds buy religious materials?
- A: No. This applies not only to Bibles, Torahs, and Korans, but also other materials used for religious purposes or containing religious content.

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Partnering with the USG

What happens if we violate the rules?

- Loss of funding
- Repay funds received
- Possible legal action (See 22 CFR 226.60-62, "Suspension, Termination and Enforcement.")

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22 CFR 205

Title 22: Foreign Relations

Part 205. Participation by Religious Organizations in USAID Programs.

§205.1 Grants and cooperative agreements. (This section implements Federal law and policy through 9 subsections, summarized as follows.)

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22 CFR 205.1

- (a) Religious organizations are eligible to participate in USAID programs on the same basis as other organizations.
- (b) Organizations receiving USAID funds may not engage in inherently religious activities as part of the funded program or services.

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22 CFR 205.1

- (c) Religious organizations participating in USAID programs retain their independence and may continue with their missions.
- (d) USAID funds may not be used to buy, build, or rehabilitate structures to the extent that they are used for inherently religious activities.

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22 CFR 205.1

- (e) Organizations receiving USAID funds may not discriminate against beneficiaries on the basis of religion.
- (f) Assurances regarding religious restrictions shall apply to and be signed by all organizations, both religious and secular.



22 CFR 205.1

- (g) USAID assistance does not cause religious organizations to forfeit their exemption from the Federal prohibition on employment discrimination on the basis of religion.
- (h) Applicants for USAID grant programs may prove their nonprofit status by any of four listed means.

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22 CFR 205.1

(i) The Secretary of State may waive these rules on a case - by - case basis to further the national security or foreign policy of the U.S.

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Thank you



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