

Congress of the United States
Washington, DC 20515

March 19, 2024

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

RE: [Department of State Acquisition Regulation: Nondiscrimination in Foreign Assistance \(RIN:1400-AF65\)](#) and [Nondiscrimination in Foreign Assistance \(RIN:1400-AF66\)](#)

Dear Secretary Blinken:

We write in strong support of the State Department’s proposed rules, “Department of State Acquisition Regulation: Nondiscrimination in Foreign Assistance,” and “Nondiscrimination in Foreign Assistance.” Advancing human rights is a core component of U.S. foreign policy as human rights protections are the foundation of strong economies and democratic societies. These proposed rules are essential to furthering U.S. interests and ensuring no one is denied the benefits of U.S. foreign assistance because of who they are.

Sixty years ago, Congress passed the Civil Rights Act of 1964, recognizing the central role the U.S. federal government plays in eliminating discrimination and providing avenues of recourse when people are marginalized because of their protected characteristics. In the decades since the Civil Rights Act’s passage, Congress and Presidential Administrations have continued to take actions to strengthen our commitment to civil rights protections at home and abroad, including through efforts to ensure those protections are reflected within our foreign assistance. In 1978, Congress passed the International Development and Food Assistance Act to amend the Foreign Assistance Act to clearly state that “the individual liberties, economic prosperity, and security of the people of the United States are best sustained and enhanced in a community of nations which respect individual civil and economic rights...”¹ These two proposed rules will play a crucial role in furthering this U.S. foreign assistance priority.

Policy and Scope

We strongly support both rules’ prohibition on discrimination on the basis of “race, ethnicity, color, religion, sex, gender, sexual orientation, gender identity or expression, sex characteristics, pregnancy, national origin, disability, age, genetic information, indigeneity, marital status, parental status, political affiliation, or veteran’s status.” In too many countries, people face discrimination on these grounds which is exacerbated by laws that specifically target minorities, including women, LGBTQI+ people, racial and ethnic minorities, indigenous communities, people with disabilities, and religious minorities, among others. We commend the State Department for ensuring the proposed rules’ protections encompass the various protected characteristics already covered by existing federal laws like the Civil Rights Act.

We also strongly support both rules’ prohibitions on discrimination against beneficiaries, potential beneficiaries, employees, agents, and candidates for positions who are or will be engaged in the performance of contracts or awards or whose work will be funded by the subcontract or funded by the award.

¹ Pub. L. 95-424.

U.S. funding should never go towards upholding or furthering discrimination against marginalized communities, and these provisions will help achieve that goal.

Notification

Remedies are only useful if those who are discriminated against know both their rights and how to report violations of them. We therefore strongly support the notification requirements in both rules.

Waiver

Given the critical importance of these rules' nondiscrimination protections, the waiver should be applied sparingly. It should only be granted in the rarest circumstances that meet a high bar, such as when a waiver is necessary to protect the safety of our partners due to the potential for clear, legitimate physical or legal danger. In order to ensure the waiver is not abused, we urge the Department to make clear that the waiver will operate based on consistent principles.

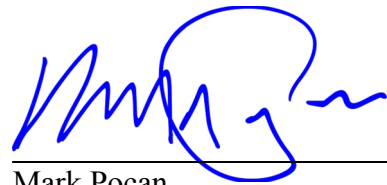
Conclusion

The proposed rules, "Department of State Acquisition Regulation: Nondiscrimination in Foreign Assistance" and "Nondiscrimination in Foreign Assistance," are essential for furthering Congress's intention that U.S. foreign assistance strengthens the "community of nations which respect individual civil and economic rights." We urge you to expeditiously finalize these rules and ensure that U.S. foreign assistance is not used to further discrimination against marginalized communities.

Sincerely,



Dina Titus
Member of Congress



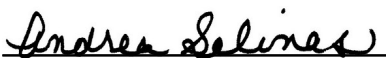
Mark Pocan
Member of Congress



Dan Goldman
Member of Congress



Katie Porter
Member of Congress



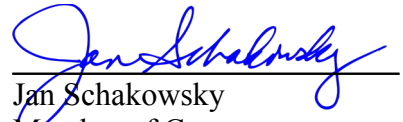
Andrea Salinas
Member of Congress



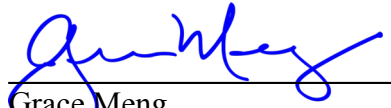
Pramila Jayapal
Member of Congress



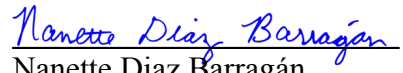
Raúl M. Grijalva
Member of Congress



Jan Schakowsky
Member of Congress



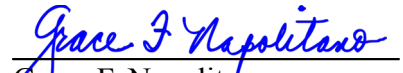
Grace Meng
Member of Congress



Nanette Diaz Barragán
Member of Congress



Barbara Lee
Member of Congress



Grace F. Napolitano
Member of Congress



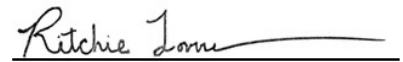
Nikema Williams
Member of Congress



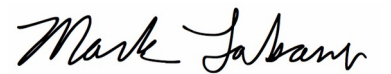
Eleanor Holmes Norton
Member of Congress



Dean Phillips
Member of Congress



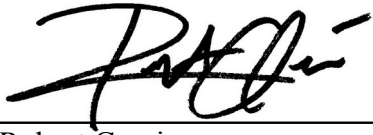
Ritchie Torres
Member of Congress



Mark Takano
Member of Congress



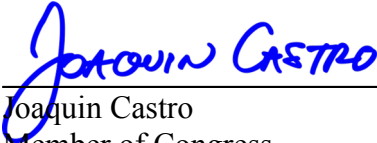
Sharice L. Davids
Member of Congress



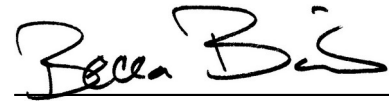
Robert Garcia
Member of Congress



Sara Jacobs
Member of Congress



Joaquin Castro
Member of Congress



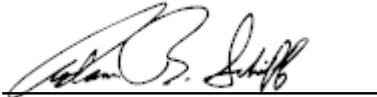
Becca Balint
Member of Congress



Ro Khanna
Member of Congress



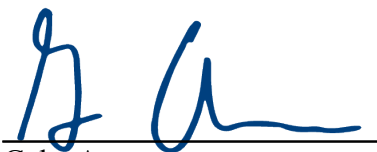
James P. McGovern
Member of Congress



Adam B. Schiff
Member of Congress



Gerald E. Connolly
Member of Congress



Gabe Amo
Member of Congress



Chris Pappas
Member of Congress



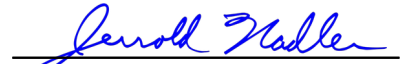
Mark DeSaulnier
Member of Congress



Andy Kim
Member of Congress



Frederica S. Wilson
Member of Congress



Jerrold Nadler
Member of Congress



Lois Frankel
Member of Congress



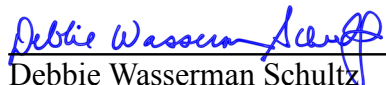
Jason Crow
Member of Congress



Donald M. Payne, Jr.
Member of Congress



Josh Gottheimer
Member of Congress



Debbie Wasserman Schultz
Member of Congress



Paul D. Tonko
Member of Congress



David J. Trone
Member of Congress



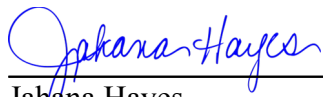
Norma J. Torres
Member of Congress



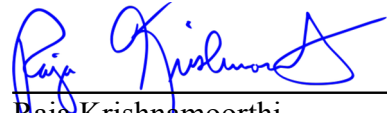
Daniel T. Kildee
Member of Congress



Gregory W. Meeks
Ranking Member
House Foreign Affairs
Committee



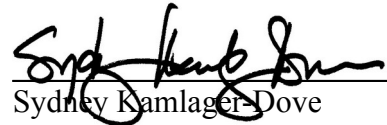
Jahana Hayes
Member of Congress



Raja Krishnamoorthi
Member of Congress



Bradley Scott Schneider
Member of Congress



Sydney Kamlager-Dove
Member of Congress



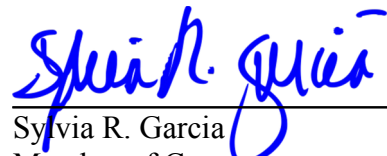
Ruben Gallego
Member of Congress



Delia C. Ramirez
Member of Congress



Darren Soto
Member of Congress



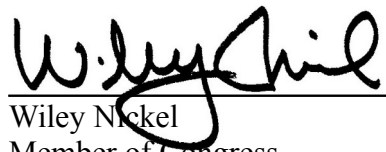
Sylvia R. Garcia
Member of Congress



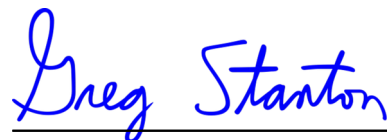
Eric Sorensen
Member of Congress



Chris Deluzio
Member of Congress



Wiley Nickel
Member of Congress



Greg Stanton
Member of Congress



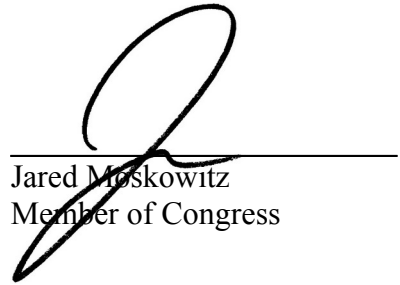
Angie Craig
Member of Congress



Seth Magaziner
Member of Congress



Greg Casar
Member of Congress



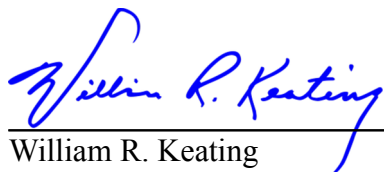
Jared Moskowitz
Member of Congress



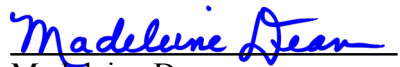
Lucy McBath
Member of Congress



Dwight Evans
Member of Congress



William R. Keating
Member of Congress



Madeleine Dean
Member of Congress



Jim Tokuda
Member of Congress



Robert C. "Bobby" Scott
Member of Congress