

Reversal of Fortune—House Democratic Appropriators Shower Largesse on International Family Planning Programs

By any objective quantitative or qualitative measure, the [bill](#) approved today by the Democratic-controlled House Appropriations Committee to fund State Department operations and foreign assistance programs represents a complete reversal for international family planning and reproductive health (FP/RH) funding and policy issues from the legislation produced by the committee during the last eight years under a Republican majority.

New Appropriations Committee Chair Nita Lowey (D-NY) and her Democratic colleagues have succeeded in assembling a truly remarkable bill in its prioritization of FP/RH programs as a key element of U.S. foreign assistance investments in the advancement of the health and well-being of women and girls in the Global South.

The bill approved on a straight party-line vote of 29 to 23 earlier this afternoon proposes to dramatically increase funding for the bilateral FP/RH programs of the U.S. Agency for International Development (USAID), to both permanently and immediately repeal the Trump-Pence administration's expanded [Global Gag Rule](#) (GGR) and to allow and expand a U.S. voluntary contribution to the United Nations Population Fund ([UNFPA](#)).

Family Planning and Reproductive Health Funding

The bill adopted by the committee would propel investments in overseas FP/RH programs to new heights, as the chart below graphically illustrates. The committee-passed bill specifies that “not less than [\$750 million] shall be made available for family planning and reproductive health.” Most interesting and important is the committee's decision to derive the funds for the bilateral earmark entirely from the Global Health Programs (GHP) account and not rely on the use of any Economic Support Funds (ESF) for FP/RH activities in a very small number of strategically important countries to bolster the overall funding total. Advocates have long argued that allocating FP/RH funds through the GHP account administered by USAID—rather than channeled to ESF-recipient countries—is a much more cost-effective use of resources and more likely to result in the funds' use for their intended family planning purposes. The \$750 million funding earmark adopted represents a \$175 million—or 30 percent—increase above the fiscal year (FY) 2019 enacted level.

The legislation also earmarks \$55.5 million for a U.S. voluntary contribution to UNFPA—the only intergovernmental institution with an explicit mandate to address the reproductive health needs of people worldwide—from the State Department-administered International Organizations and Programs (IO&P)

account. This represents a \$23 million—or 71 percent—increase above the current FY 2019 enacted level. More importantly, the committee-adopted bill removes the outright statutory prohibition on a U.S. contribution that Republican appropriators had insisted upon inserting in the bills their party produced in recent years.

Most shocking on the chart is the comparison between the total bilateral and multilateral FP/RH funding level contained in the House bill (\$805.5 million) and the wholly inadequate [FY 2020 president’s budget request](#) (\$237 million). The House bill proposes to more than triple U.S. FP/RH funding over what the Trump-Pence administration is prepared to invest in these life-saving programs.

FY 2020 House Committee-Approved Bill Versus FY 2019 House Bill, FY 2019 Enacted and FY 2020 President’s Budget Request for FP/RH

(In Millions of Dollars)

FY 2020 House Committee-Approved Bill Versus FY 2019 House Bill, FY 2019 Enacted, and FY 2020 President's Budget Request (In Millions of Dollars)							
	FY 2019 House Committee Bill	FY 2019 Enacted (P.L. 116-6)	FY 2020 President's Budget Request	FY 2020 House Committee Bill	Percent Change FY 2020 House Committee Bill		
					Versus FY 2019 House Bill	Versus FY 2019 Enacted	Versus FY 2020 President's Budget
USAID Global Health Programs account	461.0	575.0 *	237.0	750.0	+ 63%	+ 30%	+ 216%
U.S. contribution to UNFPA (IO&P)	0	32.5	0	55.5	+ 100%	+ 71%	+ 100%
TOTAL, bilateral & multilateral FP/RH	461.0	607.5	237.0	805.5	+ 75%	+ 33%	+ 240%

NOTE: FP/RH funding levels that were earmarked in the statute are indicated in **bold**.

* FY 2019 enacted level for bilateral programs was split between the Global Health Programs account (\$524 million) and Economic Support Funds (\$51 million) for a total of \$575 million.

House Democratic appropriators even delivered more than the \$800 million that FP/RH advocates, both inside and outside Congress, had lobbied for as the first annual installment to put the U.S. government on a funding trajectory to reach \$1.66 billion—its [fair share](#) of the global financial commitment necessary to address the unmet need for modern contraception over the next five fiscal years.

Although Senate appropriations champions are likely to include a FP/RH funding amount higher than the current enacted level of \$607.5 million in their version of the subcommittee bill during markup expected in mid-June, the Senate will be working with a much smaller overall budget allocation for international affairs programs. Nevertheless, the significantly larger House number will set up an interesting dynamic for the House-Senate negotiation on a final spending package later in the year, suggesting that the FP/RH funding number might realize a significant increase at the end of the appropriations process.

Global Gag Rule

The House committee bill also includes a two-pronged approach to dismantling the Trump-Pence administration’s expanded version of the GGR: inclusion of a permanent legislative repeal, accomplished by inserting the operative language of the Global HER Act ([H.R. 1055](#)) into the Foreign Assistance Act of 1961 (the authorizing statute governing foreign aid programs); and a provision stating that none of the funds appropriated in the bill and prior bills “shall be made available to implement the Presidential Memorandum

on Mexico City Policy dated January 23, 2017.” On the latter approach, a similar restriction on the use of appropriated funds to implement the Trump-Pence’s radical new rule governing the Title X domestic family planning program was also recently adopted in the markup of the House committee’s Labor-Health and Human Services bill. Previous Republican-crafted versions of the subcommittee bill have included language to legislatively impose the GGR during both the Obama and Trump administrations, so yet another important reversal of recent committee practice by Democratic appropriators.

During markup, Rep. Andy Harris (R-MD) offered an amendment to strike the provision in the draft subcommittee bill. The draft bill places a limitation on the use of funds provided in the bill as well as prior State, Foreign Operations bills to implement the Trump-Pence expanded GGR and removed the permanent legislative repeal of the GGR based on the provisions of the Global HER Act. Rep. Harris based his defense of his amendment on his fervent opposition to the direct and indirect use of the taxpayer dollars of abortion and polling data on the unpopularity of foreign aid, questioning the rationale for introducing the controversial topic of abortion into a bill with uncertain prospects. Rep. Robert Aderholt (R-AL) supported both the Harris and an earlier Fleischman amendment on UNFPA (described below). He did so on the grounds that the inclusion of the anti-GGR and pro-UNFPA provisions in the draft subcommittee bill would provoke a presidential veto, resulting in many bill provisions with bipartisan support being sacrificed and foreign assistance being funded in a continuing resolution at current levels and under existing policies. Subcommittee Ranking Member Hal Rogers (R-KY) offered pro-forma support.

Leading the passionate opposition to the Harris amendment during the debate were Chair Lowey, joined by Reps. Rosa DeLauro (D-CT), Barbara Lee (D-CA), Mike Quigley (D-IL), Debbie Wasserman Schultz (D-FL), Lois Frankel (D-FL), Brenda Lawrence (D-MI) and Katherine Clark (D-MA). In addition to engaging on the substance of why the GGR is a harmful public health policy damaging to the health of women, girls and families, several committee members invoked the spectre of exporting U.S. abortion politics in the wake of the enactment of the extreme, unconscionable and potentially lethal abortion ban in the state of Alabama yesterday.

The Harris amendment was rejected on a straight party-line vote of 22 to 29 with all Democrats opposing and all Republicans supporting. Reps. Tim Ryan (D-OH) and Mark Amodei (R-UT) did not vote.

UNFPA

As reported above, the committee-approved bill earmarked a U.S. voluntary contribution to UNFPA of \$55.5 million out of the IO&P account, a \$23 million increase above the FY 2019 enacted level. The bill reiterates all the longstanding boilerplate restrictions requiring UNFPA to maintain U.S. funds in a segregated account—none of which may be spent in China, nor fund abortions. The dollar-for-dollar reduction in the contribution by the amount UNFPA spends in China each year remains in place along with the requirement that any funding withheld from UNFPA due to the “operation of any provision of law” is to be reprogrammed to USAID for bilateral “family planning, maternal, and reproductive health activities.”

The provision of law invoked by Republican presidents to bar funding to UNFPA is the 1985 [Kemp-Kasten amendment](#). Without investigation, the Trump-Pence administration has determined UNFPA to be in violation of the amendment for the last two fiscal years due to its mere association with a sanctioned Chinese government institution. The president’s budget request documents have telegraphed that the FY 2019 UNFPA contribution will be withheld too—even in the absence of any credible State Department inquiry into UNFPA’s activities in China. Although it does not have the force of law, important report language accompanying the bill seeks to address this [farcical exercise](#) by directing the Secretary of State when issuing a Kemp-Kasten determination to provide information to congressional authorizing and appropriations committees on “the investigatory steps taken over the previous twelve months to determine that such organization directly supports the management of such program, the interviews conducted, and the evidence

collected.”

During markup, Rep. Chuck Fleischman (R-TN) offered an amendment to strike the \$55.5 million contribution to UNFPA earmarked in the draft bill and to substitute a prohibition on any funding being provided to UNFPA. The sole focus of Congressman Fleischman’s argument was the history of Chinese human rights abuses of coercing women to have abortions or to be involuntarily sterilized, all without attempting to establish any UNFPA culpability in those abuses. Joining in support were Ranking Member Rogers, defending the Trump-Pence negative Kemp-Kasten determinations, as well as Reps. Aderholt and Harris.

Speaking in opposition to the Fleischman amendment, Chair Lowey called out the State Department for providing no factual basis for defunding UNFPA. Reps. Wasserman-Schultz, DeLauro, Lawrence and Frankel also highlighted the importance of UNFPA’s assistance in countries in which USAID does not operate and its indispensable role in providing reproductive and maternal health care in humanitarian crisis settings.

The Fleischman amendment was rejected 23 to 29 on a straight party-line vote with all Democrats opposing and all Republicans supporting. Rep. Sanford Bishop (D-GA) did not vote.

State Department Human Rights Reports

Report language is included to address the censorship of information for the last two years by the Trump-Pence administration on the status of reproductive rights in the annual editions of the State Department’s *Country Reports on Human Rights Practices*. The provision included to confront the deletions “directs the Department of State to include in its annual country human rights reports violations of women’s reproductive rights and descriptions of official government discrimination of LGBTI persons.” A free-standing bill on the topic called the “Reproductive Rights Are Human Rights Act” was introduced in both the House ([H.R. 1581](#)) and Senate (S. 707) on March 7 with 127 Representatives and 31 Senators as original cosponsors. The statutory language of the bill would amend the Foreign Assistance Act to mandate that specific reporting requirements on the status of women’s reproductive rights be met by the State Department and require that the State Department fully consult with local nongovernmental organizations and U.S. civil society and multilateral organizations with expertise and experience in sexual and reproductive health and rights in the preparation of the country reports.

The House committee-passed bill also includes two important technical “fixes” that ought to be noncontroversial. One ensures that FP/RH programs are treated the same as other global health sectors when U.S. foreign assistance is cut off to governments that are in violation of country aid restrictions, such as coups, nuclear proliferation, expropriation of U.S. assets or loan default. The other fix allows contraceptive commodities to be purchased and distributed under the more efficient and cost-effective procurement mechanism of the HIV Working Capital Fund.

The next step in the legislative process for the bill is its potential consideration by the full House. House Majority Leader Steny Hoyer (D-MD) has announced his intention to allocate time on the House floor to debate and pass all 12 appropriations bills by the end of June. Foreign assistance supporters always feel a bit wary when there is talk of the State, Foreign Operations bill getting to the floor of the chamber to be tinkered with by 435 would-be secretaries of state. But more good news associated with Democrats controlling the House after the 2018 midterm election is the fact that under the House parliamentary rules, the majority has tight control over the legislative process. If the bill were to reach the House floor, the Democratic leadership will decide what amendments are made in order for consideration, limiting the opportunity for mischief and interfering with any Republican efforts to undermine the multitude of laudable pro-FP/RH funding and policy provisions contained in the bill just adopted in the committee. A reversal of fortune indeed.

