

June 29, 2016

## Senate Committee Again Approves Bipartisan Pro-Family Planning Amendment

Earlier this afternoon, the Senate Appropriations Committee voted to approve its version of a FY 2017 State Department-foreign operations appropriations bill that funds the operations of the State Department and the U.S. government's foreign assistance program, including international family planning and reproductive health (FP/RH).

During markup of the bill, Senator Jeanne Shaheen (D-NH) successfully offered an amendment to fix a number of egregious anti-family planning provisions—both low funding and bad policy—contained in the underlying draft bill (the “Chairman’s mark”) being debated by the full committee.

The amendment was adopted with bipartisan support on a vote of 17 to 13 with all committee Democrats joined by three Republican Senators Collins (R-ME), Kirk (R-IL), and Murkowski (R-AK) voting in favor. Cosponsors of the Shaheen amendment included Subcommittee Ranking Member Leahy (D-VT) and Sens. Kirk (R-IL), Baldwin (D-WI), Durbin (D-IL), Feinstein (D-CA), Merkley (D-OR), Coons (D-DE), Murray (D-WA), and Murphy (D-CT).

The Shaheen amendment, a multifaceted funding and policy fix for FP/RH programs, includes the following provisions:

### FP/RH FUNDING

- Total bilateral and multilateral FP/RH funding of \$622.5 million, an increase of \$15 million above the current FY 2016 enacted level of \$607.5 million and a \$2.5 million increase above the President’s budget request.
- Of total amount, “not less than” \$585 million is earmarked for bilateral and central FP/RH programs of the U.S. Agency for International Development (USAID), and report language specifies that \$544 million of the total is provided by the Global Health Programs account and \$41 million from Economic Support Funds for FP/RH activities in strategically-important countries like Afghanistan, Egypt, and Jordan.
- A U.S. contribution to the UN Population Fund of \$37.5 million, is earmarked within the International Organizations and Programs (IO&P) account—the source of voluntary contributions to other UN agencies. This contribution level is \$5 million more than the current enacted level and replaces the \$2.5 million cut that UNFPA suffered during the end-game negotiations over the final FY 2016 omnibus spending bills.

(in millions of dollars)	FY 2016 enacted	FY 2017 budget request	FY 2017 Subcommittee Draft Bill	Shaheen Amendment (Adopted)
Global Health Programs account	(523.95)	544.0	—	(544.0)
Economic Support Fund (ESF)	—	41.0	—	AA(41.0)
<b>TOTAL, bilateral FP/RH</b>	<b>575.0</b>	585.0	461.0	<b>585.0</b>
U.S. contribution to UNFPA (IO&P)	<b>32.5</b>	35.0	0	<b>37.5</b>
<b>TOTAL, bilateral &amp; multilateral FP/RH</b>	607.5	620.0	461.0	622.5

**NOTE:** FP/RH funding levels that were earmarked in the statute are indicated in **bold**, while funding levels that were specified in report language are denoted in (parentheses).

## GLOBAL GAG RULE

- The Shaheen amendment includes a permanent legislative repeal of the Global Gag Rule to prevent a future president, hostile to family planning, from reinstating the policy unilaterally by inserting statutory language derived from the Global Democracy Promotion Act (S. 677). When in force, the Global Gag Rule renders ineligible for U.S. FP/RH assistance any foreign nongovernmental organization that uses its own, non-U.S. government funds to provide abortion services, counsel and refer for abortion, or advocate for the liberalization of abortion laws in its own country.
- Longstanding restrictions on the U.S. contribution remain—segregated account for U.S. funds, none of which may be spent for abortion or in China, dollar-for-dollar withholding of the amount UNFPA plans to spend in China, and transfer of any funds withheld from UNFPA to the GHP account for bilateral FP/RH and maternal health activities.

## UN POPULATION FUND

- In addition to earmarking a \$37.5 million U.S. contribution, the Shaheen amendment reiterates most—but not all—of the boilerplate restrictions which require UNFPA to maintain the U.S. contribution in a segregated account, none of which may be used by UNFPA in China or for abortion. Not included is the dollar-for-dollar withholding of the amount of funds UNFPA plans to spend in China during the fiscal year.

## TECHNICAL AND SUBSTANTIVE CHANGES TO IMPROVE AND PROTECT THE EFFICIENCY AND EFFECTIVENESS OF USAID FP/RH PROGRAMS

- The first technical change would ensure that family planning programs done in cooperation with foreign governments are treated the same as all other global health programs and allowed to continue if U.S. foreign assistance is otherwise cut off to a government due to a coup, nuclear proliferation, default on loans from the US government, or other misdeeds currently included under the law.
- The second fix would allow all global health and child survival programs to utilize the HIV/AIDS Working Capital Fund, an existing, reliable, and cost-effective procurement mechanism that supplies pharmaceuticals and health commodities for use in U.S.-funded programs overseas. Currently, only HIV/AIDS and “child survival, malaria, and tuberculosis” programs are eligible to allocate funding to the capital fund. The Shaheen amendment clarifies that funding for FP/RH and other infectious diseases like Zika and Ebola—not just malaria and TB—can be contributed to the fund for use in procuring, at country request, the right commodities, at the right time, and in the right amounts.

- The Shaheen amendment also modifies report language around healthy timing and spacing of pregnancy (HTSP). The modification ensures the language does no unintended harm to USAID's FP/RH program by creating a religious entitlement to funding for faith-based organizations for HTSP programs "in ways that respect [their] moral and religious convictions." It also deletes statutory language in the Chairman's mark calling for the creation of a pilot program on healthy timing and spacing of pregnancy as USAID already does significant programming for the purpose of HTSP, a major rationale for U.S. government leadership in FP/RH activities around the globe for years.

In offering the amendment, Senator Shaheen spoke eloquently in support and was joined by Subcommittee Ranking Member Leahy. Full committee Ranking Member Mikulski (D-MD) inserted a written statement into the record in favor of the amendment. Only Subcommittee Chairman Lindsay Graham (R-SC) voiced his opposition to the Shaheen amendment in terms very similar to his comments in prior years citing the Global Gag Rule repeal and lifting the UNFPA prohibition in particular but adding his unhappiness with the elimination of the HTSP pilot program which he stated he had put in the bill.

If congressional family planning champions are to be successful in the negotiations over the final FY 2017 appropriations package, it was essential that the Senate version of the State-foreign operations bill emerge from the committee with strong language in support of robust FP/RH funding and positive pro-family planning policy provisions.

The House version of the bill, filed last week but not yet marked up and approved in committee, will be a mirror image of the Shaheen-amended Senate committee bill. The stage will then be set for a post-election negotiation between House and Senate appropriators when advocates hope that funding can be set at or above current levels and no new policy "riders," either positive or negative added. The script and the actors are the same for this now six-year run of the play, and the audience can anticipate the same denouement.