



December 22, 2015

They Said It Couldn't Be Done—Omnibus Preserves FP/RH Funding and Policy

Just before noon today, both the House and Senate approved the FY 2016 omnibus spending package by surprisingly-wide, bipartisan margins. The \$1.1 trillion omnibus preserves the status quo for international family planning and reproductive health (FP/RH) funding and policy with one important exception—a \$2.5 million cut to the U.S. contribution to UN Population Fund (UNFPA). This outcome fits the new definition of what constitutes a win.

The FY 2016 omnibus contains all 12 appropriations bills, including the State Department-foreign operations bill, and is paired with legislation to extend \$622 billion worth of expiring tax provisions into a single massive package. In light of the current political environment for reproductive health and rights as well as the return of Republican control of both the House and Senate, the State-foreign operations division of the omnibus as adopted is a very positive outcome for international FP/RH programs.

This morning, the House passed the omnibus spending deal on a vote of 316 to 113 with 150 Republicans joining 166 Democrats (notably including all but 18 of the Democrats who voted), and the Senate adopted the combined omnibus-tax package by a bipartisan margin of 65 to 33.

Senate and House FP/RH champions on the Appropriations Committees were enormously successful in the high-stakes, closed-door negotiations to reconcile the diametrically opposed treatment of FP/RH funding and policies contained in each chamber's respective committee-approved bills. The House bill proposed a \$149 million funding cut, prohibited a UNFPA contribution, and reinstated the Global Gag Rule legislatively, while the Senate version preserved funding slightly above current levels, earmarked a UNFPA contribution, and permanently repealed the Global Gag Rule. As has occurred for the last five fiscal years, appropriators favorably split the difference on bilateral funding, allocated a UNFPA contribution, and dropped all policy "riders" that had been attached. But as has been the case in recent years, the final positive outcome was by no means assured.

In mid-November, 120 House reproductive rights opponents, led by chief anti-choice nemesis Rep. Chris Smith (R-NJ), wrote to House Appropriations Committee Chairman Hal Rogers (R-KY) requesting that hostile provisions in the House committee-approved domestic and international bills be upheld at the negotiating table. In the State-foreign operations bill, these included cutting and capping bilateral FP/RH funding at \$461 million and zeroing out a UNFPA contribution.

In the end, FP/RH opponents did not get satisfaction on either foreign aid bill issue—only seven percent of a loaf on UNFPA. Their scorecard on demands on domestic issues was blank, leaving only the cut to UNFPA as the sole quasi-victory to which the Republican leadership and appropriators could point. The House Republican summary of the omnibus attempted to highlight the UNFPA cut and noted that the seven percent reduction was secured "despite fierce opposition from Democrats." In her statement during omnibus floor debate, House Appropriations Committee Ranking Member Nita Lowey (D-NY) decried the UNFPA cut stating, "I am frustrated by the punitive cut of \$2.5 million to UNFPA and the continued attack on women's health." Senator Patrick Leahy (D-VT), Ranking Member Lowey's Senate counterpart, staunchly defended the Senate bill's \$35 million earmark, thereby minimizing the size of the reduction.

Details of the FP/RH-related funding and policy provisions contained in the omnibus bill and report include the following:

FUNDING

- Total bilateral and multilateral funding earmarked for FP/RH equals \$607.5 million—a \$2.5 million cut from the FY 2015 appropriated level of \$610 million, resulting entirely from the reduction in the amount provided to UNFPA;
- Statutory earmark of “not less than” \$575 million for FP/RH from all bilateral accounts, including the Global Health Programs (GHP) account and any FP/RH activities funded out of the Economic Support Fund or the newly-reconstituted Assistance for Europe, Eurasia, and Central Asia (AEECA) account. An identical amount was earmarked for bilateral FP/RH programs in FY 2015; and
- Accompanying report language specifies that \$523.95 million from the GHP account is allocated for FP/RH programs—the same amount allotted in FY 2015—but no other specific allocations for FP/RH activities from other bilateral accounts are detailed.

| (in millions of U. S. dollars) | FY 2015 Omnibus P.L 113-235 | FY 2016 President's Budget Request | FY 2016 Omnibus |
|--|--------------------------------|---------------------------------------|--------------------|
| Global Health Programs account | (523.95) | 538.0 | (523.95) |
| Economic Support Fund (ESF) | — | 39.6 | — |
| TOTAL, bilateral FP/RH | 575.0 | 577.6 | 575.0 |
| U.S. contribution to UNFPA (IO&P) | 35.0 | 35.0 | 32.5 |
| TOTAL, bilateral & multilateral | 610.0 | 612.6 | 607.5 |

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).

UNFPA

- Statutory earmark of \$32.5 million “shall” be provided UNFPA from the International Organizations and Programs (IO&P) account, a \$2.5 million cut from the FY 2015 enacted level;
- 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.

POLICY “RIDERS”/PROVISIONS

- Amendments related to the Global Gag Rule (GGR)—both positive and negative—dropped, including the permanent legislative repeal (Shaheen-Leahy amendment) in the Senate committee-passed bill and the legislative reimposition of the GGR contained in the House version;
- Boilerplate abortion-related restrictions remain, including use of foreign aid funds to promote or provide “abortion as a method of family planning” (Helms amendment), among others; and
- Inclusion of the language allowing for the payment of abortion in the cases of life endangerment, rape, and incest for Peace Corps volunteers for the second fiscal year in a row.

President Obama is expected to sign the omnibus-tax package later today ensuring that the federal government will be funded through the end of the fiscal year on September 30, 2016. With the relatively timely conclusion of this year's appropriations process, the President's budget request for FY 2017 should arrive on schedule in early February. However, as in most election years, we can expect next year's budget and appropriations cycle to be tortuous.

Today's speedy passage proves yet again that the desire of members of Congress to get out of town and go home for the holiday trumps all this time of year. As former Senate Majority Leader Trent Lott once famously remarked during a similar year-end drama, "Nothing ever happens here until the last day. The trick is getting enough people to agree that THIS is the last day."

In that spirit, PAI wishes you and yours a joyous and safe holiday season and a happy new year.