

Overkill—House Committee Votes to Ratify Trump Attacks on International Family Planning

Just before midnight last night, after a marathon markup session of two of the most contentious spending bills, the GOP-controlled House Appropriations Committee approved \$47.4 billion to fund State Department operations and foreign assistance for fiscal year 2018, \$10 billion below the FY 2017 enacted level. If enacted into law, the committee-adopted [bill](#) would give a legislative imprimatur to two of the Trump-Pence

administration’s most egregious assaults on international family planning and reproductive health (FP/RH) programs—the reinstatement of an expanded version of the [Global Gag Rule \(GGR\)](#), applying the onerous restrictions to all U.S. global health assistance, and the withholding of all U.S. contributions to the [United Nations Population Fund \(UNFPA\)](#). It is the epitome of congressional overkill for the Appropriations Committee to adopt a bill that unnecessarily and redundantly ratifies prior executive branch policy changes, which will undoubtedly remain in place for the duration of the Trump-Pence administration.



The outcome for funding for international FP/RH programs was markedly better than on the policy front, but that is, of course, not saying much. The Republican committee leadership chose to ignore the proposal in the [President’s FY 2018 budget request](#) to completely zero-out all funding for both bilateral and multilateral FP/RH programs. However, the subcommittee draft bill mandates a funding ceiling of “not more than” \$461 million for FP/RH programs in all accounts, which, given the prohibition on providing contributions to UNFPA, translates to the entire amount being available for bilateral FP/RH activities only. If this amount were to be enacted, it would represent a \$146.5 million—or nearly a 25 percent—cut from the FY 2017 appropriated level of \$607.5 million in all accounts. The inclusion of this low ceiling is unsurprising as it is the same funding level included in the House committee-approved bill for the last seven fiscal years.

International Family Planning and Reproductive Health Funding—Enacted and Requested

(in millions of dollars)	FY 2016 enacted	FY 2017 enacted	FY 2018 budget request	FY 2018 House committee-approved bill
Global Health Programs account	(523.95)	(523.95)	0	—
Economic Support Fund	—	(51.05)	0	—
TOTAL, bilateral FP/RH	≥ 575.0	≥ 575.0	0	—
U.S. contribution to UNFPA (IO&P)	≥ 32.5	≥ 32.5	0	0
TOTAL, bilateral & multilateral FP/RH	607.5	607.5	0	≤ 461.0

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).

During full committee markup, family planning champions sought unsuccessfully to mitigate some of the damage likely to be wrought by a number of the anti-FP/RH provisions in the subcommittee draft bill were they to become law.

An amendment offered by Ranking Member Nita Lowey (D-NY) sought to strike an entire section in the subcommittee draft bill entitled “Limitations Related to Family Planning and Reproductive Health” that prohibits any U.S. funding for UNFPA and legislatively imposes the Trump-Pence administration’s dramatic [expansion of the Global Gag Rule restrictions](#) to all U.S. global health assistance. Ranking Member Lowey emphasized the broad sweep of health programs that are now ensnared by the expanded Global Gag Rule, many with no involvement in women’s reproductive health care whatsoever. She asserted that the precise impact of the expansion on U.S.-funded global health programs was unknown and it was premature to enshrine in law, noting that Secretary of State Tillerson had attempted to redirect sharp questioning in a recent congressional hearing by pointing to a six-month review that will be conducted of the expansion’s impact on the delivery of health services. Representative Rosa DeLauro (D-CT) spoke in favor of the amendment condemning the administration’s GGR expansion and defunding of UNFPA as short-sighted and contrary to American values.

Subcommittee Chairman Hal Rogers (R-KY) rose in opposition to the Lowey amendment, citing the Congress’ prerogative in setting the parameters for funding by the executive branch and noting that virtually identical restrictions, needed “to protect and preserve life” in his words, had been included in the subcommittee bills written by Republican majorities on the committee in the past. The amendment failed by a predictably partisan margin of 23 to 29 with all Democrats voting in favor and all Republicans, except for Rep. Charlie Dent (R-PA), voting in opposition.

The penultimate amendment of the day was offered by Rep. Barbara Lee (D-CA) which also deletes the same superfluous section in the subcommittee draft bill that prohibits any U.S. funding for UNFPA and enshrines Trump’s Global Gag Rule expansion and inserts a new section that supports bilateral and multilateral funding for FP/RH programs under the restrictions contained in current law and policy.

The Lee amendment directs that not less than \$585 million shall be made available for bilateral FP/RH assistance and strikes the funding ceiling of \$461 million in the subcommittee draft bill. The amendment also provides authority to make funds in the bill available for a voluntary contribution to UNFPA in order to provide assistance to expand access to and use of contraception in developing countries, to furnish maternal and reproductive health care in humanitarian crises, to address the harmful practices of female genital mutilation and child, early and forced marriage, and to prevent obstetric fistula. The amendment also reiterates all of the current restrictions on the U.S. contribution to UNFPA, including requirements that U.S. funds must be maintained in a segregated account—none of which may be used in China or for abortion—and reprogrammed to bilateral FP/RH programs if withheld from UNFPA due to the operation of any provision of law, and reduced dollar-for-dollar by the amount that UNFPA spends in China.

Rep. Lee focused her remarks on the important work of UNFPA, in particular in providing maternal and reproductive health care in humanitarian crisis settings, and decrying the State Department’s March 30th [Kemp-Kasten determination](#) cutting-off all financial assistance to UNFPA—both the core voluntary

contribution and separate funding agreements for providing health care in refugee settings and for gender-based violence. Ranking Member Lowey noted that UNFPA works in three times as many countries as the U.S. Agency for International Development does and partnering with USAID allows the United States to expand its reach in delivering FP/RH services.

Subcommittee Chairman Rogers countered with a rehash of the same arguments that he had used in opposing the Lowey amendment pointing to the precedent of inserting anti-choice limitations and restrictions in foreign aid bills when Republicans hold the majority. On the proposed bilateral FP/RH funding increase, he noted that it is a “zero-sum game” and the absence of an offset to pay for the additional FP/RH funding would divert funding from immunization, malaria, and nutrition programs, which “may end up hurting mothers and children.” In response to Chairman Rogers referencing the State Department’s slapdash Kemp-Kasten determination to justify the UNFPA cut off, Rep. Lee closed by pointing to the fact that the last in-depth review of UNFPA’s work in China—the pretext for the funding cut off—by State and USAID officials during the Obama administration had been positive and complimentary of UNFPA’s rights-based approach in China.

The Lee amendment was defeated on an identical vote of 23 to 29, again supported by all Democratic members of the committee and all Republicans opposing, except for Rep. Dent.

Family planning advocates regret that a straightforward amendment to increase bilateral FP/RH funding to current levels was not offered, allowing a test of the thesis that committee Republicans could vote for additional contraceptive funding now that the GGR is back and no direct or indirect funding of abortion-related activities is even possible. With the Trump administration’s GGR expansion in place, Republicans no longer have an abortion-related excuse not to support such an amendment, although some may have sought to deflect by requiring the identification of an offsetting reduction in another program in order to secure their vote for an FP/RH funding increase.

The State Department and Foreign Operations bill was the last of the 12 appropriations bills to be approved by the House Appropriations Committee, accomplishing the goal of its new Chairman, Rep. Rodney Frelinghuysen (R-NJ), to have all of the bills reported out of committee by the end of July. The House Republican leadership has been toying with bringing an omnibus or “minibus” spending bill—packaging all or some of the 12 appropriations bills into a legislative vehicle—to the House floor prior to the August recess. Their hope is that their negotiating position with Senate Democrats, whose votes will be needed to complete the FY 2018 appropriations process, will be strengthened.

Meanwhile, the Senate Appropriations Committee is not expected to start marking up their own versions of the FY 2018 appropriations bills in earnest until September. When Senate appropriators turn their attention to the State and Foreign Operations bill, it is widely anticipated that the Senate draft will use the disastrous House committee-approved bill as the starting point as they have done for the last two fiscal years.

Family planning advocates are preparing to work for passage of an amendment in full committee markup to be sponsored by Senator Jeanne Shaheen (D-NH) that will seek to correct all of the deficiencies in the House version on both FP/RH funding and policy. Passage of the Shaheen amendment will set the stage for the endgame negotiation between the House and Senate that has resulted in the passage of a final appropriations deal preserving the status quo for FP/RH programs for the last seven

fiscal years—level bilateral FP/RH funding, a U.S. contribution to UNFPA allowed, and no new abortion-related policy “riders,” neither positive nor negative on the GGR.

It’s anyone guess when the FY 2018 appropriations cycle will be finalized. There are roughly 10 weeks until the start of the new fiscal year on October 1st and even fewer legislative days in session. The inability of the Republican Congress to legislate, a debt ceiling limit that needs to be extended this fall, and the necessity of negotiating a bipartisan budget deal that lifts caps on defense and non-defense discretionary spending—combined with President and OMB Director musing out loud about the virtues of a government shutdown—concocts a toxic recipe for potential disaster. A continuing resolution (CR) to keep the federal government operating for some duration seems all but inevitable at this point. Level funding and current policies under a long-term CR might very well be the best case scenario for international FP/RH programs at a time of unrelenting political attacks from the White House and now the ratification of damaging funding cuts and policies by House GOP appropriators.