

December 9, 2022

Georgia on My Mind: Senate Support for International Family Planning Grows, Will Counter New Hostile Republican-Controlled House

On Tuesday, as they did in the 2020 election, Georgia voters delivered. With the re-election of incumbent Senator Raphael Warnock, the Democratic majority in the chamber was protected and expanded and with it, the level of bipartisan support for international family planning and reproductive health (FP/RH) programs in the Senate grew. A supportive Senate will be crucial in countering inevitable attacks on domestic and international sexual and reproductive health and rights (SRHR) that will soon ensue from a newly elected hostile House Republican majority in the 118th Congress.

A pro-FP/RH Senate and President Biden in the White House should be sufficient to thwart any House Republican efforts to enact funding cuts and anti-FP/RH policies. But opportunities to increase bilateral and multilateral funding and advance pro-SRHR legislative initiatives will also likely be limited.

The Supreme Court's Dobbs decision in June overturning *Roe v. Wade* and ending the constitutional right to abortion for Americans helped to galvanize the electorate, particularly young voters, and contributed significantly to blocking what some political prognosticators wrongly predicted would be a "red wave" of Republicans gaining a sizable margin in seats and the majority in both the House and Senate.

Instead, the Senate remains in Democratic hands with an increased 51-49 majority. (Today's announcement by Sen. Kyrsten Sinema switching her party affiliation from Democrat to Independent should not have any practical effect if she continues to vote consistently with her past record and caucuses with Democrats as her fellow Independents Bernie Sanders of Vermont and Angus King of Maine do now.) Although the winners of several House races have yet to be called and one vacancy has resulted from a death since the election, Republicans are projected by [CNN](#) and other news outlets to have only a narrow 222 to 213 margin over Democrats — a lackluster performance for the opposition party to the incumbent president in a midterm election, far below the historical norm.

Bipartisan Senate Support for FP/RH

On the substance of the issue, international SRHR advocates are up one vote in the Senate and now should be able to count on 52 solid supporters, composed of all Democrats, except Sen. Joe Manchin (D-WV) and two Republican women, Sens. Susan Collins (R-ME) and newly re-elected Lisa Murkowski (R-ME) — both of whom have consistent pro-FP/RH records and a multitude of favorable recent votes on both policy-related amendments (e.g., Global Gag Rule (GGR) repeal or United Nations Population Fund (UNFPA) contributions) and bilateral and multilateral funding increases as members of the full appropriations committee.

As election historians have noted, with Sen. Warnock's win on Tuesday, President Biden is the first president to not lose a Senate seat held by his party in a midterm election since FDR in 1934. In fact, he gained one. Democrat John Fetterman's victory in Pennsylvania and his replacement of retiring anti-choice Republican Pat Toomey added to the Democratic majority and brought the number of pro-SRHR supporters

to 52. Current House member Peter Welch (D-VT) will succeed retiring Appropriations Committee Chairman Patrick Leahy, arguably one of the all-time Senate champions of international FP/RH programs over the four decades of his Senate service. In five other states — Alabama, Missouri, North Carolina, Ohio and Oklahoma — anti-choice Republicans replace retiring Republican incumbents holding the same position, resulting in a wash.

Senate Democrats enjoying a 51-49 majority in the new Congress versus the current 50-50 even split has important implications for their ability to organize the Senate to advance the president's priorities and their own legislative agenda, including those initiatives related to SRHR. Perhaps the most consequential for making progress on international FP/RH funding and policy in the chamber is ending the power-sharing agreement on the composition of committees that has resulted in there being equal number of Democratic and Republican members, including the 15 members from each party on the Appropriations Committee currently.

A Democratic majority on this committee means that Republicans will not be able to [block](#) Democrats from marking up and approving subcommittee bills like the State Department and foreign operations appropriations bill, which funds global health assistance, as Republican committee members, led by Ranking Member Richard Shelby (R-AL), have done for the last two fiscal years. Republicans will also lose the ability to obstruct or delay the confirmation of executive branch nominations, such as the appointment of Geeta Rao Gupta as Ambassador for Global Women's Issues that has languished in the Foreign Relations Committee for nearly a year.

As a result of the retirement of both Chairman Leahy and Ranking Member Shelby, two women will succeed them as the leaders of the full Appropriations Committee: Sen. Patty Murray (D-WA) and Sen. Susan Collins (R-ME) as Chair and Ranking Member, respectively. Both are strong supporters of domestic and international FP/RH programs and, to varying degrees, on abortion rights.

The Senate Appropriations Committee has been a rare bastion of bipartisan cooperation in support of international FP/RH programs over the last several Congresses, regardless of which party held the majority, because of the presence of Sens. Susan Collins and Lisa Murkowski and, earlier, former Sen. Mark Kirk (R-IL). One can expect a strong effort to return to "regular order" and a functioning committee under the new women leaders at the top of the panel. That should include a timely committee approval of a fiscal year (FY) 2024 State Department-foreign operations bill that includes bilateral and multilateral FP/RH funding increases and strong pro-SRHR legislative language.

House Republicans Opposed to SRHR Gain Slim Majority

Based on projections of the party breakdown as a result of the mid-term election with some races yet to be called, it would appear that international SRHR advocates have likely suffered a loss of nine supporters, leaving the headcount at 213 supporters — just below the 218 votes needed to pass positive, or defeat negative, policy-related amendments (e.g., on GGR or a UNFPA contribution) or block proposals to cut FP/RH funding, if they were to be offered on the House floor.

The estimate of relative levels of support in the House illustrates the deep partisan chasm on reproductive rights — and, by extension, on international FP/RH policies and funding — that now exists. In the projected headcount on FP/RH for the incoming 118th Congress, no House Republican, either returning incumbents or incoming freshmen (as best as can be determined at the moment), can be characterized as supportive, and no Democrats are classified as opponents. As a result, the vote headcount on FP/RH issues is highly likely to exactly mirror the final party breakdown in the House come January.

As in the Senate, the majority party wields great influence over the work of the chamber and in setting the legislative agenda. In the House, this means that Republicans will lead the key authorizing and appropriations committee and its subcommittees with jurisdiction over international FP/RH programs and may use their newfound authority to investigate and hold oversight hearings on U.S. foreign assistance and global health programs of the Biden administration during the 118th Congress.

Also, as in the Senate, two women will soon be at the helm of the full House Appropriation Committee with Representative Kay Granger (R-TX) as Chair and Rep. Rosa DeLauro (D-CT) as Ranking Member. This means that women will occupy the top two leadership posts on the Appropriations Committees in both chambers for the first time in history. Despite the achievement of this milestone, House Republican appropriators led by Chair Granger are likely to produce a State Department-foreign operations bill for the

next two fiscal years that proposes slashing bilateral FP/RH funding, prohibiting a UNFPA contribution and legislatively reinstating the GGR, as they did when the GOP last controlled the appropriations process from 2011 to 2019.

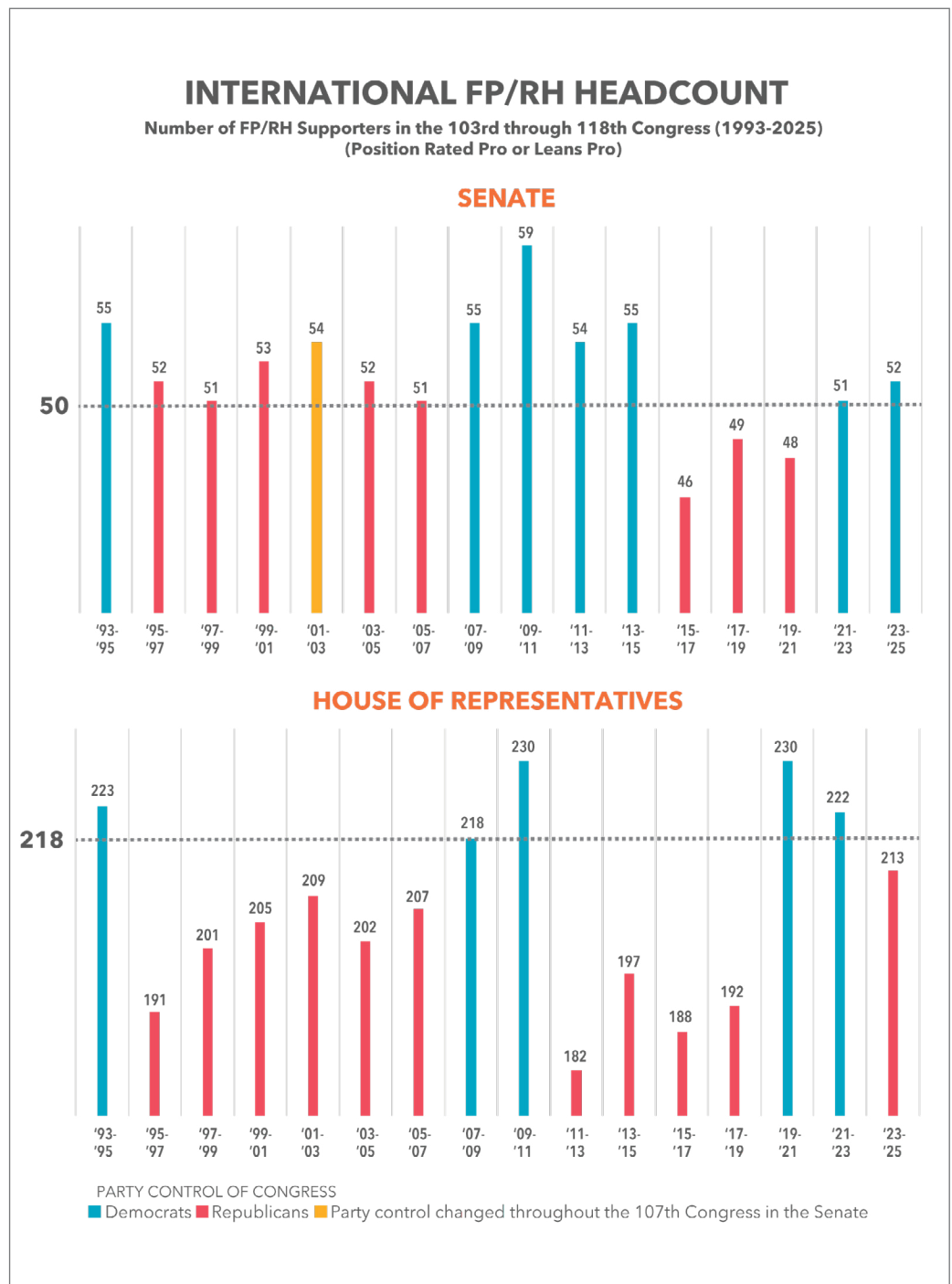
Congressional Support for International FP/RH Programs Over the Years

Over the last the 30 years, PAI has contemporaneously tracked the level of support in the House and Senate for the U.S. government’s international FP/RH program, based on voting records on FP/RH policy and funding amendments on the floor and in committee, co-sponsorship of bills and supportive statements and letters.

The charts below illustrate the trends in levels of congressional support since 1993, enabling comparisons between the headcount of supporters and opponents in the past with the political environment that will affect policymaking on FP/RH in the incoming 118th Congress.

In the Senate, FP/RH supporters historically outnumbered opponents (above the 50 votes required for a simple majority) regardless of whether Democrats or Republicans were in control of the chamber until 2015. The loss of majority support in the full Senate was the result of Democratic losses in the 2014 election in the middle of President Obama’s second term. The number of FP/RH supporters has come close but has never reached the 60 votes necessary to end a filibuster on a pro-FP/RH bill or amendment — a threshold required to move any legislation off the Senate floor in recent years.

Conversely, FP/RH headcounts in the House have swung back and forth between pro-FP/RH and anti-FP/RH majorities over the last 30 years, but pro-FP/RH support at or above the 218 votes necessary to win on a simple majority has only occurred when Democrats have been in charge. When Republicans regained the House majority for the first time in 40 years as a result of the historic 1994 congressional election during President Clinton’s first term, the pattern reversed, and FP/RH opponents have since been in the ascendancy whenever



Republicans are in control of the House, as they will be in the 118th Congress.

The closest historical parallel to the incoming 118th Congress in terms of the array of forces in Congress was during the 109th Congress when anti-FP/RH Republicans in the House faced off against a narrow bipartisan majority of FP/RH supporters in the Senate. The Senate versions of the foreign assistance spending bills for FY 2006 and FY 2007 included proposals for incremental increases in bilateral and multilateral FP/RH funding and language overturning the GGR, while the House counterpart bills contained level funding and were silent on GGR repeal. The key difference between now and then is the occupant of the White House: George W. Bush, who reinstated the GGR in 2001, and Joe Biden, who rescinded the GGR. In the end, the final FY 2006 and FY 2007 spending bills largely settled on a continuation of the status quo — an outcome of the appropriations process that is likely to be very similar to that which will happen during the 118th Congress.

Lame Duck Action to Finalize FY 2023 Appropriations

Much work remains to be done during the post-election lame duck session before the current Congress adjourns. The most urgent task that Congress needs to complete in the waning days of 2022 is finalizing an FY 2023 omnibus spending package. The federal government is currently operating under a continuing resolution that expires at midnight on December 16.

Negotiations among Senate Democratic and Republican leaders have proven slow and challenging, and no bipartisan agreement has been reached yet on top-line spending levels for defense and nondefense domestic programs. Senate Republicans are insisting on increases for defense and rejecting parity in the amount of an increase for domestic programs sought by Democrats. An agreement on the split between defense and nondefense discretionary funding would enable appropriators to write an omnibus package encompassing all 12 subcommittee bills, including the State Department-foreign operations bill which funds and governs bilateral and multilateral FP/RH programs, although time is running out quickly.

Frustrated by the inability to reach an agreement with their Republican counterparts, Senate Appropriations Chairman Leahy took to the Senate floor on Thursday to [announce](#):

“On Monday, Chair DeLauro and I will introduce an omnibus bill that we believe is fair and bipartisan. It will fully fund defense ... and provide the needed increase to non-defense programs to stave off inflation and serve the American people. In an effort to reach bipartisan agreement, we eliminated the so-called poison pill riders that Republicans have objected to. We firmly believe that this bill can and should earn the votes of at least 10 Republican Senators. As the clock ticks toward December 16, this is a reasonable path forward, and I suggest my Republican friends take it.

The alternative will be a continuing resolution, at last year’s levels, with no adjustments for inflation and the real-life consequences that entails. They will have no one to blame but themselves.”

Chairman Leahy’s remark about conceding to Republicans on the policy “riders” they oppose suggests that the provision codifying the repeal of the GGR and other pro-SRHR policy language contained in both the [House](#) and Senate versions of the State Department-foreign operations bill may now be off the negotiating table. In recognition of the possibility that the negotiations would turn in this direction as it did last year and in the wake of the Dobbs decision, SRHR advocates have adjusted their sights and prioritized the necessity of breaking the stagnation in international and domestic family planning funding levels in order to finance an expansion in access to contraception and increased efforts to prevent unintended pregnancies, both at home and abroad.

There does appear to be consensus among House and Senate leaders of both parties to do what is necessary to avoid a government shutdown, which may require the passage of a short-term continuing resolution to allow negotiations to continue until just before Christmas, when the proverbial smell of jet fuel may be the incentive needed to force action so members can leave town for the holidays. Stay tuned.