



July 19, 2023

## Status Quo Ant[i]: Funding Cuts and Culture War Exports in House Republican Foreign Aid Bill

Last Wednesday, the Republican-controlled House Appropriations Committee approved a State Department and foreign operations appropriations [bill](#) for fiscal year (FY) 2024 that includes a massive proposed funding cut for bilateral and multilateral family planning and reproductive health (FP/RH) programs and attaches a litany of anti-sexual and reproductive health and rights (SRHR) restrictions, most notably a legislative codification of an expanded version of the Global Gag Rule (GGR) and a prohibition on any U.S. contributions to the United Nations Population Fund (UNFPA). The committee bill, adopted on a straight party-line vote, is entirely predictable in its duplication of the identical attacks directed at global SRHR activities the last time Republicans held the majority on the committee four years ago.

In an attempt to corral the House Freedom Caucus and its members, House Speaker Kevin McCarthy (R-CA) and the Republican leadership have offered up a gutting of the federal government budget and a steady diet of extreme, right-wing policy “riders” to its increasingly assertive MAGA contingent as Republican appropriators have proceeded to markup the 12 subcommittee bills. The hostile treatment that international FP/RH programs receive in the State-foreign operations bill is emblematic of that cynical and pointless legislative chicanery.

A little over a month ago in early June, President Biden and House Speaker McCarthy negotiated a compromise to avoid an unprecedented default on the nation’s financial obligations and set top-line discretionary spending levels for defense and nondefense programs for the next two fiscal years with the intent of facilitating a smooth bipartisan, bicameral appropriations process. But no sooner than the ink on the president’s signature on the Fiscal Responsibility Act of 2023 had dried, the House Republican majority reneged on the deal on top-line spending levels and began treating the levels adopted as “ceilings” rather than “floors.” With the tacit approval of the Speaker, Republican appropriators have pulled a bait-and-switch and reverted to writing bills that roll back funding allocations to below FY 2022 levels, which would result in cuts in the hundreds of billions of dollars to nondefense discretionary programs, a reduction of as much as 30% below current enacted levels. To make matters worse, in addition to the lower discretionary allocations, House Republicans are doubling down with rescissions, cuts and claw backs from previously enacted appropriations, including targeting the landmark Inflation Reduction Act passed in the last Congress under Democrats.

The State-foreign operations bill contains one of the most egregious and untenable rescissions. The committee-approved bill provides \$52.5 billion for diplomatic operations and foreign assistance programs for development, health and humanitarian relief activities overseas, a 12% cut from the FY 2023 appropriated level of \$61.6 billion (not including emergency funding). However, an \$11.1 billion rescission of funds previously appropriated to the Environmental Protection Agency (EPA) in the Inflation Reduction Act is necessary. According to an [analysis](#) by the U.S. Global Leadership Coalition, if the proposed rescission of the EPA funds — which are not under the jurisdiction of the subcommittee — and their transfer to international affairs programs is rejected, the State-foreign operations bill would have to be further reduced by 21% in order to bring the bill in under the subcommittee cap (aka the 302(b) allocation) set by Republican Chair Kay Granger (R-TX). But this attempted grab of previously appropriated funds from another part of the federal government will be summarily rejected by the Senate and the White House.

On policy, the GOP majority’s bill injects the same [litany](#) of provisions evidencing House Republicans’ growing fixation on fighting “culture wars” and expressing anti-“woke” grievance through the appropriations process, in this case, for export. In the State-foreign operations bill, this tedious recitation of policy “riders” reflecting an extreme right-wing ideology includes: prohibitions on funding for diversity, equity, inclusion and accessibility initiatives and any activity that advances critical race theory; a ban on funding for “drag queen workshops, performances or documentaries”; a prohibition on funding for gender-affirming care and other anti-LGBTQI+ restrictions (e.g., flying Pride flags); restrictions on efforts to address climate change; and a host of other topics not germane to the matter at hand. These new “poison pills” are on top of the [perennial attacks by Republicans](#) directed at contraception and abortion that have occurred in assembling foreign aid bills since the mid-1980s.

By renegeing on the bipartisan budget deal and ignoring agreements on top-line spending allocations — combined with efforts to claw back previously enacted funding and attach new divisive “culture war” policy “riders” — House Republicans are threatening to blow up the FY 2024 appropriations process and send Congress headlong into an extended continuing resolution or even a government shutdown.

### Funding for International FP/RH Slashed

The committee-approved bill imposes a statutory ceiling of “not more than” \$461 million for bilateral and multilateral FP/RH programs for FY 2024, a whopping \$146.5 million cut below the current FY 2023 enacted level of \$607.5 million. The bill seeks to return FP/RH funding to the same amount appropriated in FY 2008 — 16 years ago — despite the persistently high levels of unmet need for modern contraception expressed by 218 million women in low- and middle-income countries and the pernicious effects of inflation on the purchasing power of FP/RH funds.

The cut of \$146.5 million reflects a reduction of \$114 million for bilateral programs administered by the U.S. Agency for International Development (USAID) and zeroing out the \$32.5 million U.S. contribution to UNFPA from the International Organizations and Programs (IO&P) account. In percentage terms, the \$146.5 million cut is a 24% reduction from current levels. Compared to the president’s FY 2024 budget request, the bill’s funding cap is 32% or \$216 million lower than the amount the Biden administration [proposed](#) back in March.

(in millions of dollars)	FY 2023 Enacted (P.L. 117-328)	FY 2024 President’s Budget Request	FY 2024 House Committee-Approved Bill
Global Health Programs (GHP) account	(523.95)	600.0	--
Economic Support Fund (ESF)	(51.05)	19.3	--
Assistance for Europe, Eurasia and Central Asia (AEECA)	--	0.4	--
<b>TOTAL, bilateral FP/RH</b>	<b>575.0</b>	619.7	<b>461.0</b>
U.S. contribution to UNFPA (IO&P)	<b>32.5</b>	57.5	0.0
<b>TOTAL, bilateral &amp; multilateral FP/RH</b>	<b>607.5</b>	677.2	<b>461.0</b>

If the funding cut and cap in the committee-approved bill were to be enacted into law, the [potential impact](#) on reproductive and maternal health outcomes of a cut of that magnitude in U.S.-assisted countries would be 8.2 million fewer women and couples with contraceptive services — resulting in 2.7 million additional unintended pregnancies, 1.1 million additional unplanned births, nearly 900,000 additional unsafe abortions and 4,700 additional maternal deaths.

Global program advocates might consider ourselves lucky to have funding cut only by a quarter as the Republican’s subcommittee bill for Labor, Health and Human Services, released late last week, proposes zeroing out all funding for the essential Title X domestic family planning program and the Teen Pregnancy Program in their entirety, an incredibly reckless and cruel attack on public health in the wake of the Dobbs decision overturning the constitutional right to abortion as rates of maternal mortality and morbidity spike in Republican-controlled red states, particularly among women of color. If you considered yourself a “pro-life” Republican and your goal was to reduce the number of abortions, eliminating federal funding to increase access to contraceptive services would seem to be the very definition of counterproductive.

## Anti-SRHR Policy “Riders” – Old and New

### Global Gag Rule

The bill would legislatively codify the expanded version of the [GGR](#) in place during the Trump administration known as Protecting Life in Global Health Assistance (PLGHA) by prohibiting appropriated funds “for global health assistance ... to any foreign nongovernmental organization that promotes or performs abortion, except in cases of rape or incest or when the life of the mother would be endangered if the fetus were carried to term.” The provision would enshrine in statute what has previously otherwise only been an executive branch policy under Republican presidents. Because the eligibility condition applies to all global health assistance, funding to non-U.S. nongovernmental organizations (NGOs) delivering services to improve maternal and child health and nutrition and combat HIV/AIDS, tuberculosis, malaria and other infectious diseases would be implicated. This language is identical to that attached to the FY 2019 House bill, passed the last fiscal year that Republicans held the majority.

### UNFPA

The bill contains a statutory prohibition on funding for UNFPA from any account. (“None of the funds appropriated or otherwise made available by the Act...”) As a result, the funding prohibition applies not just to the voluntary contribution provided through the IO&P account but to funding provided to UNFPA through other accounts. UNFPA is not alone as the bill also prohibits all U.S. funding for the World Health Organization. The Republican majority’s bill demonstrates a strong animus toward multilateralism in general and guts U.S. assessed and voluntary contributions to the United Nations (U.N.) and other international organizations. In the case of the U.N., the main account funding the U.N. regular budget is cut by \$1.2 billion or 83% below the FY 2023 level (and \$1.5 billion below the full amount needed to pay assessed dues owed), and all funding for voluntary contributions to U.N. agencies through the IO&P account is completely eliminated.

New [report language](#) accompanying the bill from the Republican majority expresses that the “Committee remains deeply concerned by United Nations entities that consider abortion as a foundational component of comprehensive health care, sexual and reproductive rights, and reproductive health and family planning resources by their own organizational definitions” and notes that “in the context of constrained resources, the Committee must be assured, prior to supporting funds, that support for multilateral organizations complies with statutory prohibitions and requirements related to abortion included in this Act and prior acts.” In addition to challenging the underlying premise and motivation of the new section, it is important to remember that report language is technically nonbinding but serves as an important expression of congressional intent. Nevertheless, unless specifically endorsed in the final conference report or joint explanatory statement approved by the House and Senate, such report language bears no official imprimatur or weight and remains merely an observation or expression of opinion by the committee.

### Long-Standing Abortion-Related Restrictions

Language restricting abortion-related activities is incorporated as it is year after year, including: inclusion of the 1973 Helms amendment restricting the use of U.S. foreign assistance funds to provide “abortion as a method of family planning” and the 1985 Kemp-Kasten amendment blocking funding to organizations or programs determined by the president to “support or participate in the management of program of

coerced abortion or involuntary sterilization;” restrictions on abortion coverage for Peace Corps Volunteers; and prohibitions on the use of foreign aid funds for biomedical research on abortion and involuntary sterilization (Biden amendment) or to lobby for or against abortion (Siljander amendment). The inclusion of these [boilerplate restrictions](#) on abortion is not surprising as they will undoubtedly be included in the bill to be drafted by Senate Democrats, but the inclusion of the Helms amendment is in marked contrast to the House bills produced by the Democratic majority on the committee for the last two fiscal years.

## **New “Culture War” Exports Including Anti-SRHR Policies**

New statutory provisions seeking to export America’s “culture wars” are added to the bill including bans on funding for counseling, promotion or providing surgery or hormone therapies for gender-affirming care and for “drag queen workshops, performances or documentaries” and prohibitions on use of funding to implement Biden executive orders on diversity, equity, inclusion and accessibility initiatives to increase diversity in the diplomatic and development work force or to advance critical race theory.

## **Full Committee Markup Action**

During the House full-committee markup of the bill on July 12, Democratic SRHR champions voiced strong opposition to the Republican majority’s draft subcommittee bill. A number of Democrats devoted some or all of their opening statements to decrying the bill’s attack on women’s health and rights, including full committee Ranking Member Rosa DeLauro (D-CT), subcommittee Ranking Member Barbara Lee (D-CA) and Representatives Sanford Bishop (D-GA), Lois Frankel (D-FL), Susie Lee (D-NV) and Bonnie Watson Coleman (D-NJ). Rep. Watson Coleman devoted the entirety of her remarks to critiquing the bill’s FP/RH funding cut and inclusion of the expanded GGR and UNFPA funding prohibition.

Across the dais, full committee Chair Granger and State-foreign operations subcommittee Chair Mario Diaz-Balart (R-FL) reassured House Republicans that no quarter would be given to SRHR programs and their supporters, with Chair Diaz-Balart concluding his opening statement by saying, “Finally, and most importantly, this bill includes all long-standing pro-life protections.” In her fiery [opening remarks](#), subcommittee Ranking Member Lee offered a counterpoint:

“Around the world, 218 million women still do not have access to the tools needed to decide when and how to have a baby. While hundreds of thousands of them die in childbirth, we are going to make it harder for women to access care through both policies and reduced funding ... Today, I will introduce an amendment to correct some of these [faults] and I hope my colleagues will listen to how we can support the health of women and their children in a supportive, not punitive, way.”

Offered immediately after the adoption of the bipartisan manager’s amendment, the [Lee amendment](#) struck the anti-SRHR section of the draft subcommittee bill (Sec. 7057 — Limitations Related to Global Health Assistance) that caps bilateral FP/RH funding at \$461 million, codifies the expanded version of the GGR and prohibits funding for UNFPA and replaced it with a new section that included the following provisions:

- Earmarks bilateral FP/RH funding at “not less than” \$575 million, the current enacted level;
- Permits funding for a voluntary contribution to UNFPA “in order to provide assistance to expand access 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;” and
- Reinstates long-standing restrictions on a UNFPA contribution requiring UNFPA to maintain U.S. funds in a segregated account, none of which may be spent in China, nor fund abortion, dollar-for-dollar “withholding” of the amount UNFPA plans to spend in China; and reprogramming funds that may be withheld from UNFPA due to the “operation of any provision of law” to bilateral “family planning, maternal and reproductive health activities.”

As written, the Lee amendment would have restored funding levels and policy restriction on international FP/RH programs to the status quo that has persisted for the last 13 fiscal years with the exception of no earmarked U.S. contribution to UNFPA specified, in all likelihood because Republicans zeroed out all funding in the IO&P account from which such voluntary contributions to U.N. agencies have always been derived in the past.

Joining Rep. Lee in speaking in strong support of the amendment to remove the anti-SRHR section inserted by the Republican majority and to restore provisions in current law were Ranking Member DeLauro and Reps. Frankel, Grace Meng (D-NY) and Betty McCollum (D-MN), who advocated for the adoption of the Lee amendment by recounting her visits to U.S.-funded health facilities where she witnessed safe deliveries in Tanzania and Peru and listened to the stories of rape survivors in the Democratic Republic of Congo. Speaking in opposition were subcommittee Chair Diaz-Balart and Reps. Andy Harris (R-MD) and Bob Aderholt (R-AL). After a spirited defense was waged by its proponents, the Lee amendment was rejected on the straight party line vote of 27 to 32, with all Democrats supporting and all Republicans opposing.

In speaking in opposition to the Lee amendment and in attempting to justify the anti-SRHR provisions contained in his bill, subcommittee Chair Diaz-Balart asserted without any factual foundation or evidence that “this administration has demonstrated a really, really concerning willingness to, shall I say, push the envelope with regards to abiding by statutory restrictions on funding for partners and activities related to abortion internationally.” He justified the low ceiling on FP/RH funding as “allow[ing] for strong oversight of such funds” and freeing up FP/RH assistance “to fund other funding priorities.”

Since the narrow House Republican majority was sworn in back in early January, an unprecedented amount of scrutiny and oversight from GOP authorizing and appropriations committee leaders has been directed at multiple bureaus and offices at USAID and the State Department on U.S. law and policy related to SRHR, in particular abortion. The aggressive oversight has taken the form of incessant questions, including multiple letters and questions for the record (QFR), following testimony on Capitol Hill by executive branch witnesses. One example of a such a letter that is publicly available is a May [letter](#) from the Republican Chair and Vice Chair of the House Foreign Affairs Committee to the career official who served as interim director of the State Department’s Office of Global Women’s Issues (GWI) for the last two years while their Republican colleagues in the Senate blocked the confirmation of Geeta Rao Gupta as the GWI Ambassador.

GOP staff are busily scouring NGO websites for any sign that grantees may be using non-U.S. government funds for abortion and questioning whether such NGOs should remain a funding recipient. Congressional “holds” have been placed on notifications from the executive branch about new or reprogrammed funding to NGOs. For example, a hold is currently in place on the release of gender funding for an NGO for the transgression of engaging in public facing advocacy on abortion law and accessibility in the United States, an entirely permissible First Amendment activity with private funds.

New report language accompanying the bill doubles down on the committee’s oversight agenda stating that “the Committee continues to support rigorous monitoring and oversight of all uses of funds provided under Global Health Programs, including full compliance with statutory prohibitions on United States assistance and restrictions related to abortion included in this Act and prior acts.” It further requires a report from the Secretary of State and USAID Administrator within 180 days of the bill’s enactment listing all prime and sub-partners that received global health assistance since fiscal year 2020 “disaggregated by global health program and include, for each partner, the amount of funding received, the activity description and purpose and the country or region for such activity.” In the unfortunate event that this language was to find its way into the final conference report, the burden of compiling such an explicitly detailed report on over \$10 billion worth of global health programs would be a bureaucratic nightmare and completely pointless use of staff time and resources. But perhaps this is the point.

## What’s Next

The State-foreign operations subcommittee bill will not be among the appropriations bills that House Republicans will attempt to bring to floor and pass this month. It will be among the remaining 10 spending bills that the House may consider in September after Congress returns from a month-long August recess.

Complicating passage of any of the appropriations bills in the House is the ransom note to Speaker McCarthy from the House Freedom Caucus. The members of the caucus are pledging to vote against any appropriations bill that comes in higher than FY 2022 funding levels and are opposed to reallocated rescissions (e.g., EPA rescission in State-foreign operations), supplemental appropriations, including



increased funding for national defense, and an omnibus spending bill, packaging multiple subcommittee bills. Speaker McCarthy will have to balance the demands of the House Freedom Caucus with the political needs of the [18 House Republican members](#) elected in swing districts in 2022 won by President Biden, whose electoral fortunes may be jeopardized by having to vote for massive funding cuts to politically popular government programs and for the avalanche of radical policy “riders” contained in virtually every committee-passed bill. Two subcommittee bills are tentatively slated for floor action next week. If the bills actually get to the floor and how they fare will provide an insight on the prospects for the appropriations process going off the rails in the House as the end of the fiscal year approaches in September.

On Thursday, the Senate Appropriations Committee will markup its version of the State-foreign operations bill. Given all of the hostile, anti-FP/RH provisions in the House committee-approved bill detailed above, SRHR advocates are counting on the Democratic majority on the committee led by full committee Chair Patty Murray (D-WA) and subcommittee Chair Chris Coons (D-DE) to set up the Senate version of the bill to ensure the preservation of a reasonable funding FP/RH level and to block inclusion of any new, anti-FP/RH “riders” in the final spending agreement. Stay tuned for a report on the outcome of the Senate markup.