

July 31, 2024

Clean Up on Aisle 5—Bipartisan Senate Supporters Address House Bill Mess of Funding Cuts and Anti-SRHR “Riders”

Just one month after the House passed its State Department, Foreign Operations and Related Programs (SFOPS) bill for fiscal year (FY) 2025, the Senate Appropriation Committee adopted its own version on July 25.

During full committee markup of the FY 2025 SFOPS bill ([S. 4797](#)), the Democratic-controlled committee approved a bipartisan bill that is widely divergent in its treatment of international family planning and reproductive health (FP/RH) funding and policy than the House version adopted by the Republican majority on June 28.

The House-passed bill ([H.R. 8771](#)) caps bilateral funding at a low level, legislatively imposes the expanded Global Gag Rule (GGR) in force during the Trump administration and prohibits a U.S. contribution to the United Nations Population Fund (UNFPA). Conversely, the Senate version modestly increases funding above current levels, earmarks funding for UNFPA under long-standing conditions on the use of the U.S. contribution, reiterates existing abortion-related restrictions and rejects any new policy “riders.” In other words, it cleans up most of the mess made in the House Republican bill.

It’s important to note that they missed a few spots: The Senate committee-passed bill contains none of the Republican House bill’s [“culture war” funding bans](#) with one disappointing exception, a ban on flying Pride flags at U.S. embassies and diplomatic facilities. The Pride flag ban was included in the final FY 2024 spending package reportedly to appease a certain vice presidential candidate and the price paid for lifting his opposition to the Senate confirmation of ambassadorial nominees, who he had targeted and sought to intimidate with an [anti-LGBTQI+ questionnaire](#). It would be a travesty if a Pride flag ban made its way into the final appropriations deal again this year, casting a homophobic statute in boilerplate as a legacy “rider.”

The House-passed bill duplicates almost word for word the [identical lines of attack](#) directed at global sexual and reproductive health and rights (SRHR) by Republicans in last year’s House FY 2024 bill. During floor consideration at the end of June, the House Rules Committee, controlled by the Republican leadership, did not make in order the offering of any amendments on FP/RH funding and policy, although Representative Grace Meng (D-NY) announced that she planned on offering the same pro-SRHR amendment that she proposed in full committee markup if the “motion to recommit”—a privileged motion afforded to the minority that seldom prevails—had been adopted. But the fact that the House Democratic leadership again chose to make international FP/RH funding and policy the focus of their “motion to recommit” for the second year in a row signals the high priority that Democrats are attaching to the protection of women’s reproductive rights—at home and abroad—and the perception of the issue’s political salience in an election year.

On the morning of July 25, the Senate Appropriations Committee, bypassing formal subcommittee markups and going straight to the full committee, conducted an efficient and serious [markup](#) of four subcommittee bills —Commerce, Justice, Science (CJS); Interior, Environment; Transportation, Housing and Urban Development (T-HUD); and last but not least, State Department and foreign operations. In perhaps a knock on her House Republican colleagues, Chair Patty Murray (D-WA) said in her [opening remarks](#) that “we have shown once again that it is possible to make progress in a serious, bipartisan way when we bring solutions to the table, leave politics at the door and listen to what folks back home are telling us about the programs and investments that make a difference in their lives every day.”

The SFOP bill was advanced out of committee on a 24-to-5 bipartisan vote with only Republican Senators Marco Rubio (R-FL) and Deb Fischer (R-NE) voting in opposition as they did last year, joined by three Democrats—Sens. Jeff Merkley (D-OR), Chris Murphy (D-CT), and Chris Van Hollen (D-MD)—registering their concern about the bill’s extension of the current prohibition against U.S. funding for the United Nations Relief and Works Agency (UNRWA) for the remainder of the fiscal year.

While the House appropriations bills have been assembled again this year to appease the most extreme elements of the GOP caucus with deep funding cuts to programs targeted by MAGA members, Senate appropriators are proceeding in a much more bipartisan fashion using the top-line budget allocations for defense and non-defense discretionary programs set in the Fiscal Responsibility Act (FRA) passed in May 2023 to raise the federal debt ceiling and avoid default on the nation’s debts, to construct their 12 subcommittee bills. Senate Appropriations Committee Chair Murray and Vice Chair Susan Collins (R-ME) have also reached a bipartisan agreement to provide an additional \$13.5 billion in non-defense programs and \$21 billion for defense programs beyond the FRA levels later in the appropriations process.

However, while there is no agreement between the Chair and Vice Chair reinstating the no new “riders” deal that helped them achieve committee passage of all 12 subcommittee bills last year, there continues to be little appetite or tolerance in the Senate for the even more egregious “culture war” funding bans attached to this year’s House Republican bills. Even in the absence of a formal deal, SRHR advocates got what they expected emerging from committee—a Senate SFOPS bill with modest bilateral and multilateral FP/RH funding increases and a straightforward reiteration of the status quo on policy—setting the stage for the [same endgame negotiation](#) that has resulted in stagnant funding and no policy advancements for the last 14 years.

Funding

The Senate Appropriations Committee-approved bill provides \$61.6 billion for international affairs programs, including FP/RH and other global development and health programs, a \$3.2 billion or 5.6% increase above the FY 2024 enacted level, according to the U.S. Global Leadership Coalition. More relevant for SRHR advocates, the Global Health Programs (GHP) account, which encompasses the bulk of global health assistance, suffered a \$356 million cut below the current level to \$9.675 billion. The Senate allocation is an improvement over the House-passed bill, which contains a cut more than twice as large at \$762 million or nearly 8%. The cut is entirely attributable to reductions in the U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis (TB) and Malaria (due to a matching requirement), some of which is offset by increases proposed in the base bill for maternal and child health (\$25 million), global health security (\$30 million) and for “other global health threats” (\$14 million) and by the \$25 million for bilateral FP/RH programs added in committee markup by the adoption of the Shaheen amendment described immediately below. All other global health sectors are flat-funded.

Shaheen Amendment

The base text of the State-foreign operations bill agreed to by SFOPS subcommittee Chair Chris Coons (D-DE) and Ranking Member Lindsey Graham (R-SC) prior to markup included flat-line funding for bilateral and multilateral FP/RH funding at the FY 2024 appropriated level of \$607.5 million. During full committee markup, Sen. Jeanne Shaheen (D-NH) successfully offered an [amendment](#) to modestly increase FP/RH funding in FY 2025. The Shaheen amendment:

- Earmarks “not less than” \$600 million for bilateral FP/RH programs, an increase of \$25 million, and specifies in the [report language](#) accompanying the bill that within the total bilateral amount, \$548.95 million should come from the Global Health Programs account and \$51.05 million from the Economic Support Fund.

- Earmarks a U.S. voluntary contribution to UNFPA of “not less than” \$35.1 million, a \$2.6 million addition to the \$32.5 million amount contained in the base subcommittee text within the International Organizations and Programs (IO&P) account. [The House-passed bill contains a blanket prohibition on funding for UNFPA from any foreign assistance account, not just IO&P.]

If the amounts adopted by the committee with the passage of the Shaheen amendment were to be enacted into law, total bilateral and multilateral FP/RH funding would be \$635.1 million, an increase of \$27.6 million (4.5%) above the current FY 2024 enacted level and \$174 million or 38% more than the level set in the House-passed bill. However, the amended bill amount is only \$12.6 million or 2% more than the \$622.5 million [requested](#) by the Biden-Harris administration for FY 2025.

(in millions of dollars)	FY 2024 Enacted (P.L. 118-47)	FY 2025 President’s Budget Request	FY 2025 House-Passed Bill (H.R. 8771)	FY 2025 Senate Committee-Approved Bill (S. 4797)
Global Health Programs (GHP) account	(523.95)	549.0	--	(548.95)
Economic Support Fund (ESF)	(51.05)	29.0	--	(51.05)
TOTAL, bilateral FP/RH	575.0	578.0	461.0	600.0
U.S. contribution to UNFPA (IO&P)	32.5	44.5	0.0	35.1
TOTAL, bilateral & multilateral FP/RH	607.5	622.5	461.0	(635.1)



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 a short, five-minute [debate](#) on her amendment, Sen. Shaheen reminded committee members that international FP/RH funding has been [stagnant](#) for more than a dozen years while unmet needs for contraception in low- and middle-income countries go unanswered. Sen. Shaheen offered an estimate of the positive impact of the funding increase she proposed on the reproductive and maternal health of women and couples in U.S.-assisted countries, utilizing the [Guttmacher Institute’s formula](#) to calculate. Reprising his annual drama queen routine, subcommittee Ranking Member Graham warned that the funding for the FP/RH account “being plussed up will create not only a problem with the House, but a lot of us over here,” looking toward the Republican side of the conference table. Sen. Graham continued, “I try to be accommodating to Senator Coons to keep these things static. Increasing is just going to throw everything in a ditch.” Sen. Shaheen lamented that “the debate around abortion has morphed into a debate around a whole lot of other issues that affect women and families,” exasperatedly telling her Republican colleagues, “If you don’t like abortion, you should support this amendment.”

The Shaheen amendment was adopted on a bipartisan vote of 16 to 13 with Vice Chair Collins and Sen. Lisa Murkowski (R-AK) joining all Democrats, except Sen. Joe Manchin (D-WV), in support, and all other Republicans, plus Manchin, in opposition.

Policy “Riders” – No GGR Repeal, Legacy Restrictions Remain

For the second year in a row, with Democrats holding the majority on the committee, the Shaheen amendment did not seek to legislatively prevent a reimposition of the GGR by a future Republican president. For the six years from FY 2014 through FY 2019, Sen. Shaheen successfully offered, with bipartisan support, an amendment in full committee markup of the SFOPS bill that combined funding increases and a legislative codification of a GGR repeal. Such Shaheen amendments were consistently

adopted by the committee by bipartisan votes even during the last four of those years when Republicans had the majority, and Sen. Graham chaired the subcommittee. [In fact, committee-approved SFOPS bills have contained GGR repeal provisions for 21 of the 23 fiscal years between FY 2001 and FY 2023, although none have ever been enacted into law.]

Last year, GGR repeal language was not included in the text of the Shaheen amendment because of the Murray-Collins agreement to jointly oppose any efforts to attach new policy “riders” to bills coming out of the committee. Even though no such deal between the Democratic Chair and her Republican Vice Chair is now formally in place, a de facto agreement to not include new policy “riders” in committee bills appears to exist. As a result, SRHR advocates and appropriations allies were not entirely sure how historically supportive Republican women Sens. Collins and Murkowski would vote on a Shaheen amendment combining both a funding increase and a GGR repeal codification—or a freestanding funding increase alone, for that matter in the case of Sen. Collins.

The committee-approved bill contains an unaltered recitation of the [current law policy requirements](#), including restrictions on abortion-related activities with U.S. government funds and requirements to ensure voluntarism and informed consent in U.S.-supported programs. In addition to no GGR repeal codification as well as reiterations of the Helms amendment, other technical changes requested by SRHR advocates are not included, such as ensuring that FP/RH programs are treated the same as other global health sectors when U.S. foreign assistance is cut-off to governments that violate country aid restrictions and allowing contraceptive commodities to be purchased and distributed under the more efficient and cost-effective procurement mechanism of the HIV Working Capital Fund.

Notably, the bill includes an additional one and a half years extension of the authorization of funding for the President’s Emergency Plan for AIDS Relief (PEPFAR) from the date in current law (March 25, 2025) to the end of FY 2026 (September 30, 2026). As you may recall, anti-abortion zealots, inside and outside Congress, [blocked](#) passage of a “clean” five-year PEPFAR reauthorization last year, mounting a mendacious disinformation campaign that sought to leverage strong bipartisan support for PEPFAR to legislatively impose the GGR restrictions on HIV/AIDS assistance programs. In the House-passed bill, HIV/AIDS assistance is covered under the same blanket waiver of the statutory requirement for an authorization for the expenditure of appropriated funds applying to all other global health and foreign assistance programs. Resolving the discrepancy between the two bills’ treatment of PEPFAR’s authorization will likely prove contentious in the endgame negotiations.

What’s Next?

Last week, the House Republican leadership abandoned its plan to pass all 12 subcommittee bills before the August recess after the schedule to bring the remaining appropriations bills to the House floor imploded. In the face of a party caucus in a mess, the GOP leadership was forced to surrender and decided to leave town a week earlier than planned. SFOPS was one of only five subcommittee bills that was successfully passed by the House Republican leadership. The Senate committee-passed SFOPS bill will not be brought to the floor and debated, nor will any of the other subcommittee bills. All but one of the 12—Homeland Security—will have received Senate committee approval by the end of this week.

Both chambers will be in recess until after Labor Day and will not be in session again until September 9. The universal expectation inside the Beltway is that Congress will pass a “continuing resolution” (CR) in the few legislative days that remain before the end of the fiscal year on September 30 to keep the federal government operating at current funding levels and policies until after the November election, perhaps through mid-December. During this “lame duck” session, Congress will attempt to complete the FY 2025 appropriations process. It perhaps goes without saying that the outcome of the presidential and congressional election will dramatically affect the political calculations of the White House, Senate Democrats and House Republicans, particularly on the timing of getting to a final agreement—either before the end-of-year holidays or pushing a final resolution into the new year with a new Congress and a new president in place.

Regardless of the timing, it’s a sure thing that international FP/RH funding and policy will be among the last issues resolved in the endgame negotiation among the House and Senate leadership. And if recent legislative history is any guide, the Senate should be able to clean up the House’s mess. The final FY 2025 funding package will continue the status quo on international FP/RH funding and policy for the 15th year in a row. If such an outcome were to be secured, it would be what qualifies as a clean sweep victory in the current political environment in Washington these days.