



## **Global Gag Rule: A Flawed Policy That Sacrifices Women's Lives**

On January 23, 2009, during his first week in office, President Barack Obama repealed the global gag rule,<sup>1</sup> a policy that prohibited the U.S. Agency for International Development (USAID) from granting family-planning funds to any overseas health center unless it agreed not to use its own, private, non-U.S. funds for: (1) abortion services, (2) abortion-related advocacy, or (3) abortion counseling or referrals.

### **History of the Global Gag Rule**

The global gag rule, also known as the "Mexico City policy," was first imposed by the Reagan administration.<sup>2</sup> The policy was introduced in 1984 and carried through the end of the first Bush administration. Upon taking office in 1993, President Clinton signed an executive order repealing the policy.<sup>3</sup> However, by 1999, after years of fighting to reinstate the global gag rule, anti-choice lawmakers forced President Clinton to reinstate the policy by linking it to the release of nearly \$1 billion in U.S. back dues to the United Nations.<sup>4</sup> This marked the first time the global gag rule was written into law. President Clinton vowed that the provision would not be extended beyond the one-year duration of the funding bill.<sup>5</sup>

In October 2000, the House and Senate passed a final FY'01 foreign-aid bill that repealed the global gag rule but postponed the release of any FY'01 funds until February 15, 2001 – effectively leaving the fate of the global gag rule in the hands of the next president.<sup>6</sup> On January 22, 2001, the first business day of the new administration, President George W. Bush, by executive memo, reimposed the policy. The global gag rule remained in effect for eight years, until President Obama rescinded it.<sup>7</sup>

### **The Global Gag Rule is Flawed Policy**

- Since at least 1973, no taxpayer dollars have been spent to provide or "promote" abortion services overseas. The Helms amendment to the Foreign Operations appropriations bill, renewed annually by Congress, explicitly forbids such activities,<sup>8</sup> and no violation of this law has been reported.
- Many of the clinics subjected to the global gag rule provide a wide range of family-planning services, not just abortion services. Access to international family-planning services is one of the most effective means of reducing the need for abortion. Anti-choice members of Congress say that they are in favor of reducing the number of abortions, but restricting funds to health centers that provide safe and effective family-planning services can only lead to more, not fewer, abortions. Voluntary family planning can also prevent maternal and child deaths, unintended pregnancies, unsafe abortions, and the spread of HIV/AIDS and other sexually transmitted infections.
- Women in developing countries want to plan the number and spacing of their children,

a goal that leads to healthier mothers and children. However, limited access to family planning results in higher rates of unintended and high-risk pregnancy, unsafe abortion, and maternal deaths.

- The World Health Organization estimates that more than half a million women – more than one woman every minute – die each year from pregnancy- or childbirth-related causes. Ninety-nine percent of these women live in developing countries.<sup>9</sup>
- Among adolescents, lack of access to contraception and its consequences is particularly severe. A 2004 report found that complications from pregnancy and childbirth are the leading cause of death for teenage girls in the developing world.<sup>10</sup> An estimated 70,000 adolescent mothers – and more than 1 million infants – die each year because they are not physically ready for childbearing.<sup>11</sup> Yet only 17 percent of sexually active adolescents in developing nations use any form of contraception.<sup>12</sup>
- The global gag rule not only dictated how health centers spend their private, non-U.S. funds, it prohibited organizations from engaging in the democratic process – a restriction that would be unconstitutional in the United States.

### **Recent Congressional Action**

#### **FY'08**

- February 5, 2007: President Bush proposes \$324 million in funding for the U.S. Agency for International Development (USAID) population-assistance program in his FY'08 budget – a \$112 million cut from the FY'07 funding level.
- June 5, 2007: House Appropriations Subcommittee on State, Foreign Operations passes the FY'08 spending bill. The bill includes \$441 million in funding for the USAID population-assistance program, a \$5 million increase from the FY'07 funding level and a rejection of the president's proposed cut. The bill also contains a partial repeal of the global gag rule, which would allow overseas health centers otherwise ineligible for USAID assistance to receive U.S.-donated condoms and contraceptives.
- June 12, 2007: House Appropriations Committee passes the FY'08 spending bill. The bill includes \$441 million in funding for the USAID population-assistance program and a partial repeal of the global gag rule.
- June 21, 2007: House passes the FY'08 State, Foreign Operations spending bill. The bill includes \$441 million in funding for the USAID population-assistance program and a partial repeal of the global gag rule. House members defeated, 218-205, a motion to strike the partial repeal from the bill offered by anti-choice Reps. Chris Smith (R-NJ) and Bart Stupak (D-MI).
- June 28, 2007: Senate Appropriations Committee passes the FY'08 spending bill. The bill includes \$461 million in funding for the USAID population-assistance program, a \$25 million increase from the FY'07 funding level and a rejection of the president's proposed cut, and language to partially repeal the global gag rule.

- September 6, 2007: Senate passes the FY'08 spending bill. The bill includes \$461 million in funding for the USAID population-assistance program and a partial repeal of the global gag rule. In addition, in floor action, Sens. Barbara Boxer (D-CA) and Olympia Snowe (R-ME) offered a successful amendment to the bill, passing 53-41, to repeal the global gag rule in its entirety. Similarly, senators defeated an amendment offered by Sen. Sam Brownback (R-KS) to continue the administration's policy unchanged.
- December 17, 2007: House passes the FY'08 omnibus appropriations bill, which left the global gag rule policy unchanged.
- December 18, 2007: Senate passes the FY'08 omnibus appropriations bill, which left the global gag rule policy unchanged.
- December 26, 2007: President Bush signs the bill into law – P.L. 110-161.<sup>13</sup>

### **FY'09**

- February 4, 2008: President Bush proposes \$327 million in funding for the U.S. Agency for International Development (USAID) population-assistance program in his FY'09 budget request – a \$134 million cut from the FY'08 funding level.
- July 16, 2008: House Appropriations Subcommittee on State, Foreign Operations passes the FY'09 spending bill. The bill includes \$540 million in funding for the USAID population-assistance program, a \$79 million increase from the FY'08 funding level and a \$213 million increase from the president's FY'09 request. The bill also contains language that reverses the global gag rule, which would allow overseas health centers otherwise ineligible for USAID assistance to receive U.S.-donated condoms and contraceptives.
- July 17, 2008: Senate Appropriations Committee passes the FY'09 spending bill.<sup>14</sup> The bill includes \$475 million for the USAID population-assistance program.
- September 24, 2008: House passes a FY'09 continuing resolution, which continues funding the USAID population-assistance program at \$461 million and which contains no language repealing the global gag rule. The CR expires March 6, 2009.
- September 27, 2008: Senate passes a FY'09 continuing resolution, which level-funds USAID's population assistance-program at \$461 million and which contains no language repealing the global gag rule. The CR expires March 6, 2009.
- September 30, 2008: President Bush signs the bill into law – P.L. 110-329.<sup>15</sup>

January 23, 2009

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<sup>1</sup> As reported on CNN (official source forthcoming).

<sup>2</sup> *U.S. Policy Statement for the International Conference on Population*, 10 POPULATION AND DEVELOPMENT REVIEW 574, 578 n. 3 (1984).

<sup>3</sup> Press Release, White House, *Memorandum for the Acting Administrator of the Agency for International Development: AID Family Planning Grants/Mexico City Policy* (January 22, 1993).

<sup>4</sup> P.L.106-113, 106th Cong. (1999).

The global gag rule operating from November 1999 until October 2000 differed from the original Reagan/Bush era policy in two respects. First, the 1999-2000 global gag rule did not include a ban on health centers' ability to counsel or refer patients to legal abortion services elsewhere. Second, the policy allowed a small percentage of funds – a mere \$15 million, representing less than four percent of the entire USAID family-planning account – to be made available to organizations that declined to accept the policy's restrictions on the use of private funds. However, once the president invoked the waiver, which he did soon after the bill was signed into law, \$12.5 million immediately would be transferred from the family-planning program to the USAID child survival account.

Further complicating matters, these groups were forced to “certify” as a waiver group – effectively identifying and segregating them from other organizations that accepted the restrictions. Non-governmental organizations and pro-choice advocates feared these groups would be exposed to anti-choice violence and harassment. Interestingly, anti-choice Sen. Jesse Helms (R-NC) repeatedly requested the names of the “waiver” groups, dismissing USAID's concerns about confidentiality and safety.

<sup>5</sup> *Congress Pays U.N. With Women's Lives*, Toronto Star, Nov. 21, 1999.

<sup>6</sup> P.L.106-429, 106th Cong. (2000).

<sup>7</sup> Press Release, White House,

<sup>8</sup> 22 U.S.C. §2151b-f1.

<sup>9</sup> Mathai, Matthews, *Reviewing Maternal Deaths and Complications to Make Pregnancy and Childbirth Safer*, 9 REGIONAL HEALTH FORUM 27, 27 (2005).

<sup>10</sup> Press Release, Save the Children, *Pregnancy and Childbirth the leading cause of death for teen girls in the developing world* (May 5, 2004).

<sup>11</sup> Press Release, Save the Children, *Pregnancy and Childbirth the leading cause of death for teen girls in the developing world* (May 5, 2004).

<sup>12</sup> UNFPA Interactive Population Center, *Women's Empowerment and Reproductive Health: Links Throughout the Life Cycle: Adolescence and the Transition to Adulthood*, at [www.unfpa.org/intercenter/cycle/adolescence.htm](http://www.unfpa.org/intercenter/cycle/adolescence.htm) (last visited Nov. 7, 2008).

<sup>13</sup> P.L.110-161, 110th Cong. (2007) at <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:HR02764:@@X|TOM:/bss/d110query.html> (last visited Nov. 7, 2008).

<sup>14</sup> S.3288, 110th Cong. (2008) at <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:SN03288:@@X> (last visited Nov. 7, 2008).

<sup>15</sup> P.L.110-362, 110th Cong. (2008). at <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:HR05571:@@X|TOM:/bss/d110query.html> (last visited Nov. 7, 2008).