



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

On January 22, 2001, President George W. Bush reimposed the global gag rule, a policy that prohibits the U.S. Agency for International Development (USAID) from granting family-planning funds to any overseas health center unless it agrees not to use its own, private, non-U.S. funds for: (1) abortion services, (2) abortion-related advocacy, or (3) abortion counseling or referrals. As originally formulated, the policy applied only to groups that receive grants from the USAID's family-planning program. In August 2003, however, the Bush administration expanded the policy to cover the entire State Department budget.

History of the Global Gag Rule

The global gag rule, also known as the "Mexico City policy," was first imposed by a Reagan administration executive order. 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. 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.¹ 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.

In October 2000, the House and Senate passed a final FY'01 foreign-aid bill that repealed the global gag rule but postponed the release of any FY'01 funds until February 15, 2001

¹ 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.

– effectively leaving the fate of the global gag rule in the hands of the next president. On January 22, 2001, the first business day of the new administration, President George W. Bush, by executive memo, reimposed the policy in the same form as the Reagan/Bush I administrations. The Bush administration then expanded the policy to cover the entire State Department budget on August 29, 2003.

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, and no violation of this law has been reported.
- 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 a wide range of safe and effective family-planning services can only lead to more, not fewer, abortions.
- 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.
- Among adolescents, lack of access to contraception and its consequences is particularly severe. Complications from pregnancy and childbirth are the leading cause of death for teenage girls in the developing world. An estimated 70,000 adolescent mothers – and more than 1 million infants – die each year because they are not physically ready for childbearing. Yet only 17 percent of sexually active adolescents in developing nations use any form of contraception.
- USAID supports voluntary family-planning services in more than 60 countries throughout the developing world. Voluntary family planning can prevent maternal and child deaths, unintended pregnancies, unsafe abortions, and the spread of HIV/AIDS and other sexually transmitted infections.
- The global gag rule not only dictates how health centers spend their private, non-U.S. funds, it prohibits organizations from engaging in the democratic process – a restriction that would be unconstitutional in the United States.

FY'07 Congressional Action

- February 6, 2006: President Bush proposes \$357 million in funding for the U.S. Agency for International Development (USAID) population-assistance program in his FY'07 budget request – a \$79 million cut from the FY'06 funding level.
- May 19, 2006: House Appropriations Subcommittee on Foreign Operations passes the FY'07 spending bill. The bill includes \$432 million in funding for the USAID population-assistance program, a \$4 million cut from the FY'06 funding level. The bill contains no language repealing the global gag rule.
- May 25, 2006: House Appropriations Committee passes the FY'07 spending bill, which includes \$432 million in funding for the USAID population-assistance program. The bill contains no language repealing the global gag rule.
- June 9, 2006: House passes the FY'07 spending bill, which includes \$432 million in funding for the USAID population-assistance program. The bill contains no language repealing the global gag rule.
- June 28, 2006: Senate Appropriations Subcommittee on Foreign Operations releases the FY'07 spending bill to the full committee without mark-up.
- June 29, 2006: Senate Appropriations Committee passes the FY'07 spending bill. The bill includes \$465 million in funding for the USAID population-assistance program, an increase of \$29 million from the FY'06 funding level and \$108 million more than the president's FY'07 budget request.

The bill also contains language stating that: (1) foreign non-governmental organizations cannot be denied funding based on the medical services they provide; and (2) they cannot be forced, as a condition of eligibility for U.S. aid, to sacrifice their rights of free speech and assembly. This language would effectively repeal the global gag rule.

- December 9, 2006: After anti-choice leaders lose control of Congress in the midterm elections, lawmakers return for a lame-duck session and pass a continuing resolution to fund most government programs – including the USAID population-assistance program – at the FY'06 spending levels through February 15, 2007. No policy change is made to the global gag rule, leaving the restriction in force.

FY'08 Congressional Action

- 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.

January 1, 2008