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## Appropriations Policy Brief

### H.R. 2764—State and Foreign Operations Appropriations Act for FY 2008

#### BY THE NUMBERS:

*In Millions of Dollars*

	FY07	FY08 Bush Request	FY 08 Committee	Cmte v. Request	Cmte v. FY07
Appropriations	31,277	34,943	34,243	-700	2,966
<i>Emergency Approps</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<b>TOTAL</b>	<b>31,277</b>	<b>34,943</b>	<b>34,243</b>	<b>-700</b>	<b>2,966</b>

**Excluding Emergency Appropriations, the Committee Bill is:**

- \$2.96 billion or 9.5 percent *more* than last year
- \$700 million or -2.0 percent *less* than the request

**Budget Compliance:** According to CBO, the bill is within the 302(b) allocation of the Foreign Operations Appropriations Subcommittee and thus complies with the Budget Act.

### **Earmarks:**

According to the Committee Report, the bill contains no earmarks.

### **Items of Note:**

**PRO-LIFE PROVISIONS:**

The State & Foreign Operations Appropriations Act contains two extremely problematic provisions that would undermine the Mexico City Policy, as well as existing spending directives regarding abstinence funding within the President’s foreign AIDS assistance (PEPFAR) program (see below). The bill does maintain the following important pro-life provisions: the Kemp-Kasten language that allows the President to take funding away from any group that supports a

coercive population control program; the Tiahrt language to require family planning be voluntary; the ban on using Peace Corps funds for abortion.

**PEPFAR:** PEPFAR is a 5-year, \$15 billion plan implemented by President Bush to address the AIDS pandemic. The program was first authorized by H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (P.L. 108-25). PEPFAR includes a provision that requires 33 percent of all prevention funding for the program to be spent for abstinence-until-marriage programs. Prevention funding represents approximately 20 percent of the overall PEPFAR funding, and 33 percent *of that* is to be spent specifically on abstinence-until-marriage (the “Abstinence” and “Be Faithful” components of the ABC Model, where “Condoms” is the third component). Thus, abstinence represents roughly seven percent of the overall PEPFAR funding (approximately \$293.7 million of the overall \$4.45 billion for FY2008).

The current law provision represents a carefully negotiated compromise and consensus on how to best proceed with efforts to prevent HIV/AIDS, utilizing all three components of the ABC Model. The original compromise agreement (H.Amdt.111), offered by Rep. Pitts, passed the House by a vote of [220-197](#).

**However, the Global HIV/AIDS section of the FY2008 State, Foreign Operations Appropriations Act would waive the spending requirement.** It states:

Provided Further, That funds made available under this heading and under the heading "Child Survival and Health Programs Fund" shall be made available notwithstanding the second sentence of section 403(a) of Public Law 108-25.

**Current law stipulates:**

403(a). THERAPEUTIC MEDICAL CARE- For fiscal years 2006 through 2008, not less than 55 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance for each such fiscal year shall be expended for therapeutic medical care of individuals infected with HIV, of which such amount at least 75 percent should be expended for the purchase and distribution of antiretroviral pharmaceuticals and at least 25 percent should be expended for related care. *For fiscal years 2006 through 2008, not less than 33 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS prevention consistent with section 104A(d) of the Foreign Assistance Act of 1961 (as added by section 301 of this Act) for each such fiscal year shall be expended for abstinence-until-marriage programs.(emphasis added)*

More information on the PEPFAR program can be found at: <http://www.pepfar.gov/>.

Note: Rep. Pitts will be offering an amendment to strike this problematic language and restore the current directive that requires at least 1/3 of the AIDS/HIV prevention funds be spent on abstinence-until-marriage programs, ensuring a comprehensive and evidence-based approach to HIV/AIDS prevention.

**Mexico City Policy:** The Mexico City policy, originally instituted by President Reagan and reinstated by President [George W. Bush](#), requires that foreign non-governmental organizations (NGOs) agree – as a condition of receipt of federal funds for family planning activities – that the organization will not perform or promote abortion as a method of family planning. The Mexico

City Policy applies only to family planning programs and is designed to protect the integrity of U.S. funded international family planning programs by creating a bright line of separation between abortion and family planning.

**Under the bill's current language (sponsored by Rep. Lowey), foreign NGOs that promote or provide abortion would now be eligible for U.S. taxpayer funded family planning activities.**

Bill language that undermines the current Mexico City Policy:

In order to prevent unintended pregnancies, abortions, and the transmission of sexually transmitted infections, including HIV/AIDS, no contract or grant which includes funding for the provision of contraceptives in developing countries, *shall be denied to any nongovernmental organization solely on the basis of the policy contained in the President's March 28, 2001*, Memorandum to the Administrator of the United States Agency for International Development with respect to providing contraceptives in developing countries, or any comparable administration policy regarding the provision of contraceptives. (emphasis added)

President Bush's statement reinstating the Mexico City Policy on January 22, 2001:

It is my conviction that taxpayer funds should not be used to pay for abortions or advocate or actively promote abortion, either here or abroad. It is therefore my belief that the Mexico City Policy should be restored. Accordingly, I hereby rescind the "Memorandum for the Acting Administrator of the Agency for International Development, Subject: AID Family Planning Grants/Mexico City Policy," dated January 22, 1993, and I direct the Administrator of the United States Agency for International Development to reinstate in full all of the requirements of the Mexico City Policy in effect on January 19, 1993.

Thus, under the current bill language, the Mexico City policy which ensures that non-governmental entities that promote abortion would not be provided U.S. funding could be completely disregarded, and these entities would receive U.S. taxpayer funds.

Note: Reps. Chris Smith (R-PA) and Bart Stupak (D-MI) will be offering an amendment to strike this problematic language, which will ensure that non-governmental entities that support abortion will not receive U.S. taxpayer funds.

**UNFPA Funding:** Provides \$40 million for the United Nations Population Fund (UNPFA), provided that the UNFPA does not fund abortions and that the U.S. contribution is not spent in China. The underlying bill added the following language regarding additional reporting requirements:

Provided further, That any determination made under the previous proviso [stating the funding restriction on organizations that support coercive abortion policies] must be made no later than six months after the date of enactment of this Act, and must be accompanied by a comprehensive analysis as well as the complete evidence and criteria utilized to make the determination.

This provision originally read in the introduced text as "...no later than May 1, 2008" but an amendment by Rep. Weldon changed the May 1, 2008 date to "six months after the date of

enactment of this Act” to provide greater flexibility. Thus, the provision adds a new reporting requirement to that would explain how the determination is made to withhold funds from organizations that support coercive abortion or involuntary sterilization.

**Note:** Since FY 2002, the Bush Administration has determined that “UNFPA’s support of, and involvement in, China’s population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion” (Source: Secretary Powell, July 21, 2002). This determination has triggered the Kemp-Kasten statutory language and thus UNFPA has not received any U.S. taxpayer funds in the past few years, despite the fact that the appropriations committee continues to earmark funds for the organization. Because UNFPA refuses to stop its collusion with the enforcers of China’s brutal one-child policy, it is expected the FY 2008 funds allocated in this bill would again be frozen.

**Israel:** The bill contains the standard provisions regarding Israel and no provisions about which strongly pro-Israel people should be concerned.

## Funding Summaries:

*In Thousands*

	FY 2007 Enacted	FY 2008 Request	FY 2008 Cmte	Cmte Vs. FY 2007	Cmte Vs. Request	Cmte Vs. FY 2007	Cmte Vs. Request
Export-Import Bank.....	54,840	1,000	1,000	-53,840	0	-98.2%	0.0%
OPIC Subsidy Appropriation.....	20,073	29,000	20,000	-73	-9,000	-0.4%	-31.0%
OPIC Admin Expenses.....	41,851	47,500	47,500	5,659	0	13.5%	0%
Trade & Development Agency.....	50,391	50,400	50,400	9	0	0.0%	0.0%
USAID.....	4,744,452	3,756,827	4,809,660	65,208	1,052,833	1.4%	21.9%
<i>Child Survival.....</i>	1,718,150	1,564,279	1,955,150	237,000	390,871	13.8%	20%
<i>Development Assistance.....</i>	1,508,760	1,041,248	1,733,760	225,000	692,512	14.9%	66.5%
<i>Int'l Disaster Assistance.....</i>	361,350	297,300	322,350	-39,000	25,000	-10.8%	8.4%
<i>AID Operating Expenses.....</i>	626,832	609,000	625,700	-1,132	16,700	-0.2%	2.7%
Economic Support Fund.....	5,079,310	3,319,567	2,656,506	-2,422,804	-663,061	-47.7%	-20%
Economic Assistance to Israel.....	120,000	0	0	-120,000	0	-100%	0%
Economic Assistance to Egypt.....	455,000	415,000	415,000	-40,000	0	-8.8%	0%
Int'l Fund for Ireland.....	13,365	0	15,000	1,635	15,000	12.2%	----
Assistance for Eastern Europe.....	273,900	289,322	297,332	23,432	8,010	8.6%	2.8%
Assistance to the Former Soviet Union.....	452,000	351,585	397,585	-54,415	46,000	-12%	13.1%
Inter-American Foundation.....	19,305	19,000	19,000	-305	0	-1.6%	0%
African Development Foundation.....	22,770	30,000	30,000	7,230	0	31.8%	0%
Peace Corps.....	319,640	333,500	333,500	13,860	0	4.3%	0%
Millennium Challenge Corporation.....	1,752,300	3,000,000	1,800,000	47,700	-1,200,000	2.7%	-40%
Global HIV/AIDS Initiative.....	3,246,520	4,150,000	4,450,000	1,203,480	300,000	37.1%	7.2%
Int'l Narcotics Control & Law Enforcement.....	472,616	634,600	568,475	95,859	-66,125	20.3%	-10.4%
Andean Counterdrug Initiative.....	721,500	442,812	312,460	-409,040	-130,352	-56.7%	-29.4%
Migration & Refugee Assistance.....	833,033	773,500	829,900	-3,133	56,400	-0.4%	7.3%
Emergency Refugee & Migration Assistance	55,000	55,000	45,000	-10,000	-10,000	-18.2%	-18.2%

Fund.....							
Nonproliferation, anti-terrorism, demining.....	405,999	464,000	467,000	61,001	3,000	15%	0.6%
Debt Restructuring.....	64,350	207,300	200,300	135,950	-7,000	211.2%	-3.4%
<i>Military Assistance to Israel.....</i>	2,340,000	2,400,000	2,400,000	60,000	0	2.6%	0%
<i>Military Assistance to Egypt.....</i>	1,300,000	1,300,000	1,300,000	0	0	0.0%	0.0%
Peacekeeping Operations.....	1,135,275	1,107,000	1,302,000	166,725	195,000	14.7%	17.6%
Contribution to the Multilateral Invest. Guarantee.....	0	1,082	0	0	-1,082	----	-100.0%
Contribution to Inter-American Development Bank...	1,725	36,496	25,000	23,275	-11,496	1349%	-31.5%
Contribution to the Asian Development Bank.....	99,000	133,906	115,306	16,306	-18,600	16.5%	-13.9%
Contribution to the African Development Bank.....	137,945	142,621	137,721	-224	-4,900	-1.6%	-3.4%
Contribution to the European Bank for Reconstruct..	0	10	0	0	-10	0.0%	-100.0%
Contribution to the Int'l Fund for Agriculture.....	14,850	18,072	18,072	3,222	0	21.7%	0%
Int'l Organizations and Programs.....	326,163	289,400	333,400	7,237	44,000	2.2%	15.2%