

United States Senate

WASHINGTON, DC 20510

August 11, 2022

The Honorable Samantha Power
Administrator
U.S. Agency for International Development
1300 Pennsylvania Avenue NW
Washington, DC 20004

Dear Administrator Power:

Thank you for your leadership as we continue to grapple with dynamic development challenges across the globe. On June 24, 2022, the U.S. Supreme Court decision in *Dobbs v. Jackson Women’s Health Organization* overturned *Roe v. Wade* and *Planned Parenthood v. Casey* and held that the right to abortion is no longer protected by the U.S. Constitution. Since the decision was released, there has been widespread confusion regarding the legal status of abortion in the U.S. Given the uncertainty domestically, the influence that this decision has in countries receiving U.S. foreign assistance, and past issues communicating the impact of U.S. policy changes abroad, we urge the U.S. Agency for International Development (USAID) to convey clearly to in-country organizations and partners that the *Dobbs* decision does not impact the ability to provide a full range of legally authorized family planning and reproductive health services allowed prior to the decision.

USAID plays a key role in increasing access to family planning and reproductive health care around the world. Currently, the U.S. is the largest donor of bilateral family planning and reproductive health assistance to increase opportunities for voluntary healthy timing and spacing of pregnancies.¹ Ensuring everyone has access to these services is an essential component of a number of USAID’s policy priorities, including improving maternal and child health, reducing HIV transmission, advancing LGBTQI+ inclusive development, and promoting gender equality and women’s empowerment. These policy priorities are critical to advancing overall global health, political stability, economic development, and environmental sustainability, and are in line with the Biden-Harris administration’s National Strategy on Gender Equity and Equality.^{2,3}

In addressing USAID’s family planning and reproductive health priorities, a significant challenge USAID faces is ensuring in-country organizations and partners receive timely, accurate information regarding U.S. policy that impacts the services that partner organizations can provide. This challenge has become especially apparent in the context of the implementation

¹ “International Family Planning Assistance: USAID Has Faced Implementation Challenges Related to U.S. Policy and COVID-19,” U.S. Government Accountability Office, May 31, 2022, <https://www.gao.gov/assets/gao-22-104228.pdf>.

² Starrs AM et al., “Accelerate Progress—Sexual and Reproductive Health and Rights for All: Report of the Guttmacher-Lancet Commission,” *Lancet*, 2018, 39(110140):2642–2692, [https://doi.org/10.1016/S0140-6736\(18\)30293-9](https://doi.org/10.1016/S0140-6736(18)30293-9).

³ “National Strategy on Gender Equity and Equality,” White House, October 22, 2021, <https://www.whitehouse.gov/wp-content/uploads/2021/10/National-Strategy-on-Gender-Equity-and-Equality.pdf>.

and revocation of the Mexico City Policy, also known as the Global Gag Rule (GGR).⁴ For example, an April 2022 report based on organizations in Malawi, Mozambique, and Zimbabwe on the revocation of the Mexico City Policy, found that “the consensus among implementing partners and advocates... was that the [U.S. government]’s communications related to the revocation of GGR were insufficient, and that guidance for implementing the policy change was wholly lacking.”⁵ Further, according to a May 2022 GAO report, implementing partners that declined U.S. funding due to the Mexico City Policy highlighted that, despite USAID actions to inform staff and implementing partners, “lingering confusion about the policy continued to reduce collaboration even after its rescission.”⁶

Further, the combination of the Mexico City Policy and Helms Amendment has had a chilling effect on USAID grantees, leading to their reluctance to offer abortion services where legally permissible and even to provide information and counseling about all pregnancy options consistent with local law.⁷ Current U.S. law, through the Leahy Amendment, specifically allows for the provision of information and counseling about all pregnancy options in programs funded by U.S. foreign assistance. Nevertheless, in 2021, organizers of a USAID-sponsored conference, citing the Helms Amendment language in their contract, canceled a presentation on telemedicine abortion research from the Royal College of Obstetricians and Gynecologists.⁸

Considering USAID’s challenges communicating the revocation of the Mexico City Policy and appropriately implementing of the Helms Amendment, it is imperative that the agency proactively and clearly communicate with in-country partners about the impact of *Dobbs* on programs funded by U.S. global health assistance. This is to ensure that USAID-funded organizations do not mistakenly believe they must cease providing family planning and reproductive health services due to the *Dobbs* decision. Given the evidence of poor implementation of U.S. policy related to the Mexico City Policy and reports of overbroad interpretation of the Helms Amendment, USAID must be vigilant to prevent further misinterpretations by organizations and programs funded by U.S. global health assistance from occurring in the future. To that end, we request that you respond in writing to the following questions:

1. What steps has USAID taken to date and what plans does the agency have to ensure in-country partners understand that the decision in *Dobbs* does not impact their ability to provide the full range of family planning and reproductive health care services as permitted by law, including information and counseling about abortion consistent with local law?

⁴ “International Family Planning Assistance,” <https://www.gao.gov/assets/gao-22-104228.pdf>.

⁵ “Chaos Continues: The 2021 Revocation of the Global Gag Rule and The Need for Permanent Repeal,” *Fòs Feminista*, April 2022, https://fosfeminista.org/wp-content/uploads/2022/04/Fos-Feminista_-_Chaos-Continues_Full-Report-FINAL.pdf.

⁶ “International Family Planning Assistance,” <https://www.gao.gov/assets/gao-22-104228.pdf>.

⁷ “US ‘Helms Amendment’ is misogynistic legislation preventing women from accessing safe abortion around the world, says RCOG,” Royal College of Obstetricians and Gynaecologists, June 9, 2021, <https://www.rcog.org.uk/news/us-helms-amendment-is-misogynistic-legislation-preventing-women-from-accessing-safe-abortion-around-the-world-says-rcog/>.

⁸ *Ibid.*

2. A May 2022 GAO report listed actions USAID took to inform staff and in-country partners about the revocation of the Mexico City Policy, but despite those actions, confusion remained. What steps is USAID taking to address the information gaps that have led to confusion and prevented access to essential care?
3. What steps has USAID taken to date and what plans does the agency have to inform programs funded by U.S. foreign assistance about their ability to provide information and counseling regarding all pregnancy options, where permitted by local law?

In addition to a written response, we request a staff briefing on this matter. Thank you in advance for your prompt attention to this request.

Sincerely,



Benjamin L. Cardin
United States Senator



Cory A. Booker
United States Senator



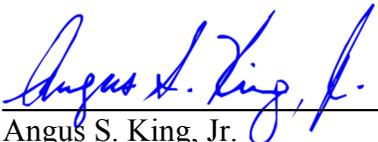
Sherrod Brown
United States Senator



Dianne Feinstein
United States Senator



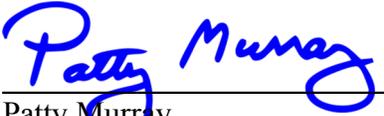
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