INTERNATIONAL FAMILY PLANNING & REPRODUCTIVE HEALTH RECOMMENDATIONS FOR THE FY 2019 STATE-FOREIGN OPERATIONS BILL

Organization: 35 organizations supportive of international family planning and reproductive health programs (see list of endorsers below)

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FY 2019 FUNDING REQUEST

Funding Request: a total of $1.5 billion for family planning and reproductive health programs, both bilateral and multilateral, with funding provided from the Global Health Programs account and the Economic Support Fund and from the International Organizations and Programs account in order to provide a $100 million voluntary contribution to the United Nations Population Fund (UNFPA), but no less than the FY 2017 enacted level of $607.5 million, including a $32.5 million for UNFPA.

Rationale/Background:

This recommended level is the U.S.’ fair share of the $12.1 billion estimated to be necessary to address the unmet need for modern contraception of 214 million women in the developing world.1 It is calculated by adopting the burden-sharing targets included in the 1994 International Conference on Population and Development’s Programme of Action, which specified that one-third of the financial resources necessary to provide reproductive health care should be furnished by donor countries and two-thirds by the developing nations themselves. By applying the U.S. percentage share of total gross national income (GNI) of the developed world to its assigned one-third contribution to the total funding required to address the unmet need for contraception, the U.S. share of the cost, based on relative wealth, equals $1.5 billion.

U.S. investments in family planning and reproductive health (FP/RH) programs support the health and rights of women and families around the world, are cost-effective, and deliver results. FY 2017 funding of $607.5 million for international FP/RH programs (of which $32.5 million is a contribution to the United Nations Population Fund)—the last fiscal year for which programmatic impact data is currently available—made it possible to achieve the following:

- 25 million women and couples received contraceptive services and supplies;
- 7.4 million unintended pregnancies, including 3.3 million unplanned births, averted;
- 3.1 million induced abortions averted (the majority of which are provided in unsafe conditions); and
- 15,000 maternal deaths averted.2

Despite these investments, an estimated 214 million women in developing countries want to delay or avoid pregnancy but face significant barriers to using modern contraceptive methods.3 For every increase of $10 million in U.S. international family planning and reproductive health assistance, the following would result:

- 414,000 more women and couples would receive contraceptive services and supplies;
- 123,000 fewer unintended pregnancies, including 55,000 fewer unplanned births, would occur;

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3 “Adding It Up.”
• 52,000 fewer abortions would take place (the majority of which are provided in unsafe conditions); and
• 250 fewer maternal deaths would occur.4

In reality, the appropriated level for overseas FP/RH programs has fallen over $40 million or over six percent since FY 2010. The House State Department and Foreign Operations Subcommittee has proposed slashing funding by about $150 million from the prior year’s appropriation to $461 million for the last seven fiscal years (FY 2012—FY 2018).

Currently, an estimated 303,000 women in developing countries die each year from pregnancy-related causes, and unsafe abortion continues to be a major cause of these unacceptably high maternal mortality rates.5 Addressing the demand for access to reproductive health services, including through the provision of a full range of effective contraceptive methods and accurate information about sexual and reproductive health and rights, along with integration with other health services, will improve maternal and child health, reduce unintended pregnancies, lower HIV infection rates, promote women’s and girl’s rights and empowerment, enhance women’s and girl’s education, raise standards of living, and support more sustainable development.

Furthermore, for the nearly 2 billion adolescents and young people worldwide, the largest youth population in history, access to quality and youth-friendly reproductive health services, including comprehensive sexuality education and contraceptives, is critical to ensure they have the opportunity to remain healthy, continue their education, and develop skills to build more peaceful and prosperous communities.

The unmet need for contraceptives is also a key driver of the 74 million annual unintended pregnancies worldwide and a contributor to the net increase in global population of nearly 90 million people in 2016. At the end of 2011, world population reached 7 billion, and the next billion people is expected to be added by the year 2023 at current growth rates, creating serious challenges to the efforts of the international community to improve human health and wellbeing, promote economic development, enhance security and stability, and protect the global environment.

In order to meet these 21st century challenges, the United States should be increasing investment in international FP/RH programs. Investments in FP/RH are integral to the future progress of U.S. global health programs, in particular achieving the goals of important initiatives to improve maternal, newborn and child health (Acting on the Call – Ending Preventable Child and Maternal Deaths) and combat HIV/AIDS [the President’s Emergency Plan for AIDS Relief (PEPFAR) and DREAMS.]

For example, scaling up voluntary family planning between 2013 and 2020 in the U.S. government’s 24 priority countries would avert 7 million newborn and child deaths and 450,000 maternal deaths by preventing unintended and high-risk pregnancies.6 The number of deaths averted by increased use of family planning would represent nearly half (47 percent) of the Acting on the Call initiative’s goal for children’s lives saved and over three-quarters of its goal of women’s lives saved by 2020.

In countries with high HIV prevalence, where most new HIV infections are occurring in women and adolescent girls, it is particularly important that reproductive health services be integrated with programs addressing HIV/AIDS, as well as maternal and child health. Integration of FP/RH information and services with other sector programming, including those which aim to prevent and mitigate the negative impacts of child, early and forced marriage, early pregnancy, and gender-based violence and advance gender equality and women’s empowerment, ensure progress on a wide range of development goals shared by the United States and the international community.

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4 “Just the Numbers.”
Conflicts, like those in Syria and the surrounding area, as well as natural disasters and the resulting displacement can greatly limit women’s access to health services. Women and girls face increased vulnerability during crises and in the aftermath to gender-based violence, including rape, sexual exploitation and abuse and child marriage. These, and other crises, highlight the importance of all women being able to access the contraceptive services needed to plan their families and other critical sexual, reproductive and maternal health services.

In addition, the United States must also continue to support the critical role of the United Nations Population Fund (UNFPA), which is the only intergovernmental institution with an explicit mandate to address the reproductive health needs of men and women worldwide. UNFPA was slated to receive U.S. funding of about $70 million in FY 2017 from all accounts before the Trump administration’s March 2017 decision to withhold all funding. UNFPA complements the U.S.’s bilateral family planning program by working in more than 100 countries in which USAID does not operate. With UNFPA and USAID providing the bulk of donated contraceptives in 47 low-income countries, drastic funding cuts will further worsen supplies shortages. UNFPA also plays an indispensable role in providing reproductive and maternal health services in humanitarian settings, reaching 38 million people (of which over 5.6 million are pregnant women) in 56 countries—most notably Syrian refugee women in Jordan as well as refugees and internally displaced persons in Iraq, South Sudan, and Yemen.

### Funding levels:

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<th>(in millions of dollars)</th>
<th>FY 2017 enacted</th>
<th>FY 2018 House - approved bill</th>
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**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).

### FY 2019 BILL & REPORT LANGUAGE REQUESTS

**DELETE FROM HOUSE FY 2018 COMMITTEE-APPROVED STATE-FOREIGN OPERATIONS BILL (H.R. 3362)**

**LIMITATIONS RELATED TO FAMILY PLANNING/REPRODUCTIVE HEALTH**

SEC. 7056. (a) None of the funds appropriated or otherwise made available by this Act may be made available for the United Nations Population Fund.

(b) None of the funds appropriated or otherwise made available by this Act for global health assistance may be made available to any foreign nongovernmental organization that promotes or performs abortion, except in cases of rape or incest or when the life of the mother would be endangered if the fetus were carried to term.
UNITED NATIONS POPULATION FUND

SEC. 7082. (a) CONTRIBUTION.—Of the funds made available under the heading ‘‘International Organizations and Programs’’ in this Act for fiscal year 2019, $100,000,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the ‘‘Global Health Programs’’ account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People’s Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(2) If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People’s Republic of China in the year covered by the report, then the amount of such funds the UNFPA plans to spend in the People’s Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That for purposes of this Act, the term "supports or participates in coercive abortion or involuntary sterilization” means working with the purpose to continue, advance, or expand the practice of coercive abortion or involuntary sterilization: Provided further, That any determination made pursuant to the ________ proviso must be made not later than 6 months after the date of enactment of this Act, must be based on a thorough investigation of the policies, programs, and activities of the organization, and must be accompanied by the evidence and criteria utilized to make the determination:

Rationale/Background

The proposed changes in statutory language would modify the 1985 Kemp-Kasten amendment to limit the ability of the President to interpret the law in such a manner as to unfairly and inconsistently apply the prohibition on funding to organizations that are merely working with government institutions in countries in which coercive abortion or involuntary sterilization may be occurring. The revision would provide a more precise definition of what constitutes the type of involvement in human rights abuses that would properly trigger a termination of all U.S. government financial assistance to an organization. Prompted by the superficiality and shallowness of the analysis utilized in the Trump-Pence administration’s determination of March 30, 2017 that resulted in the withdrawal of all U.S. funding to UNFPA, the
proposed modification would also require that the President conduct an actual investigation of the policies and programs of the organization each year before issuing the required determination.

**ADD THE FOLLOWING NEW SECTION**

**ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS**

SEC. ____ Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 104C, the following new section:

‘‘SEC. 104D. ELIGIBILITY FOR ASSISTANCE. ‘‘Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under sections 104, 104A, 104B, and 104C—

‘‘(1) a foreign nongovernmental organization shall not be ineligible for such assistance solely on the basis of health or medical services, including counseling and referral services, provided by such organization with non-United States Government funds if such services are permitted in the country in which they are being provided and would not violate United States law if provided in the United States; and

‘‘(2) a foreign nongovernmental organization shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under this part.’’.

**Rationale/Background**

This proposed change would ensure that foreign nongovernmental organizations are not prohibited from receiving U.S. assistance based on their provision of counseling, referrals or medical services that are legal in the U.S. and the country in which they operate. Furthermore, the language would ensure that foreign nongovernmental organizations are treated fairly and afforded the same ability as U.S. organizations to engage in advocacy and lobbying activities with non-U.S. funding.

The language reflects the operative text of the bipartisan Global Health, Empowerment, and Rights (HER) Act (H.R. 671 and S. 210), which is cosponsored by 157 Representatives and 47 Senators and would end the harmful global gag rule, including the newly expanded version which prohibits foreign organizations from receiving any U.S. global health assistance if they provide information, referrals, or services for legal abortion or advocate for the legalization of abortion in their country, even if these activities are supported solely with non-U.S. funds.

The global gag rule is a harmful policy that negatively impacts the health and lives of communities worldwide, particularly women and girls and LGBT people who are often the most marginalized in their countries. The policy undermines access to contraception, HIV/AIDS services, and maternal health care, contributing to more unintended pregnancies and more unsafe abortions. By undermining the effectiveness our global health investments, the global gag rule hinders our ability to meet our global health, development and foreign policy goals.

**AMEND THE FINAL FY 2017 OMNIBUS (H.R. 244—P.L. 115-31)** – see strikethrough for language recommended for deletion and see additions indicated in *italics*

**SPECIAL PROVISIONS**

Sec 7034. (n) HIV/AIDS WORKING CAPITAL FUND.—Funds available in the HIV/AIDS Working Capital Fund established pursuant to section 525(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–477) may be made available for pharmaceuticals and other products for child survival, malaria, and tuberculosis other global health and child survival activities to the same extent as HIV/AIDS pharmaceuticals and other products, subject to
the terms and conditions in such section: Provided, That the authority in section 525(b)(5) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–477) shall be exercised by the Assistant Administrator for Global Health, USAID, with respect to funds deposited for such non-HIV/AIDS pharmaceuticals and other products, and shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall include in the congressional budget justification an accounting of budgetary resources, disbursements, balances, and reimbursements related to such fund.

Rationale/Background

Current law only allows “child survival, malaria, and tuberculosis” programs to use the HIV/AIDS Working Fund to procure and distribute pharmaceutical commodities for use in USG-funded programs. This change would broaden the fund to allow USAID to use the fund to procure contraceptive commodities, as well as to clarify and ensure that pharmaceutical products to prevent and treat other infectious diseases like Zika and Ebola—not just malaria and TB—could be procured.

This technical language change would allow USAID, specifically the Office of Population and Reproductive Health (PRH), to increase the purchasing power of family planning funding. It would allow their forecasting to be more efficient by providing the technical staff with the time and flexibility to purchase the right commodities for countries, when they are needed, in the right amounts.

This technical language change will not affect in any way the amount allocated to the fund for the procurement of HIV/AIDS, malaria, TB, or child survival commodities. It will only serve to increase the purchasing power of the FP/RH funds allocated to the fund when it comes to the procurement of contraceptive commodities by allowing the use of this more efficient and cost-effective procurement mechanism utilized by most of the other global health sectors at USAID, except for contraceptives.

AMEND THE FINAL FY 2017 OMNIBUS (H.R. 244—P.L. 115-31) – see strikethrough for language recommended for deletion and see additions indicated in italics

GLOBAL HEALTH ACTIVITIES

Sec. 7058. (a) IN GENERAL.—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease global health programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading “Global Health Programs” and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: . . .

OR—potential amendment to existing Section 7058 exempting FP/RH programs from termination of U.S. foreign assistance as a result of a coup d’e’tat in a country—Section 7008—only)

After the word “amended,” add the following new provisos:

Provided, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 7008 of this Act: Provided further, That the previous proviso shall only apply to ongoing family planning activities through governments to which assistance appropriated by this Act has been terminated under section 7008: . . .

Rationale/Background

The 2012 coup in Mali and the resulting cut-off of U.S. government foreign assistance to that country points out the fact that only one global health program—family planning and reproductive health—is not exempted from a variety of prohibitions on assistance that can and have been enforced against country
governments that commit coups, nuclear proliferation, loan default, expropriation of U.S. assets, and other misdeeds. In contrast, child survival and HIV/AIDS, and other disease-specific programs are currently exempted from these country assistance prohibitions, as well as many other provisions of law.

In order for the U.S. government to be consistent in its efforts to use the leverage of a foreign aid cut-off on a country to encourage changes in national policy or behavior—but in not at the same time punishing citizens for the actions of their government—it would be entirely appropriate that the exemption currently granted only to child survival, HIV/AIDS, and other disease programs be extended to the full spectrum of life-saving global health activities. (According to USAID staff, maternal health has always been considered a part of child survival for purposes of this exemption.)

Exempting FP/RH programs done in cooperation with foreign governments from defunding when U.S. foreign assistance is otherwise cut off to a country because of various prohibitions in the law is important as a matter of principle and consistency, and will improve program efficiency.

This ought to be a non-controversial technical change. All that is required is changing a few words so that the provision in the annual appropriations bill reads “global health programs”—rather than “child survival activities or disease programs.”

The Senate committee-approved FY 2018 State-foreign ops bill (S. 1780) included the change (Sec. 7058, p. 292), as it had for the last several years, except in FY 2016.

Alternatively, a specific exemption applying only to the section in the bill terminating U.S. foreign assistance after coup d’e tat (Section 7008), which would allow the continuation of direct U.S. assistance to the government for ongoing family planning activities could be added.

ADD THE FOLLOWING REPORT LANGUAGE

"The Committee recognizes that there is a need to accelerate research and development of contraceptives that are more effective, affordable, and easier to deliver and may also prevent sexually transmitted diseases. The Committee directs USAID to increase funding to its Office of Population and Reproductive Health to support the expansion of such efforts, and encourages partnerships and cost-sharing with USAID’s Office of HIV/AIDS and National Institutes of Health. The Committee directs USAID to consult with the Committee on funding for such purposes."

Rationale/Background

USAID’s contraceptive research and development program has provided strong leadership in developing new methods, especially for use in low-resource countries. And yet, the contraceptive revolution remains unfinished. One in four women in developing countries in need of contraception are not using a modern method, resulting in 74 million unintended pregnancies, 28 million unplanned births and 36 million abortions, the majority of which are unsafe. An expanding body of knowledge suggests that improving and expanding use requires more than just increasing access to existing methods. Biomedical research is needed to refine existing contraceptive methods to make them more acceptable, affordable, and accessible, and to develop new methods that fill gaps in the existing method mix, including the development of multipurpose prevention technologies that simultaneously prevent both unintended pregnancy and STIs/HIV.

The report accompanying the Senate committee-approved FY 2015 State-foreign operations appropriations bill (S. Rpt. 113-195) included the language above. According to the terms of the FY 2015 omnibus, House and Senate committee–approved report language is included in the accompanying explanatory statement unless explicitly excluded. Identical report language was also included in the FY 2014 omnibus under the same terms. However, similar language was not included in the FY 2016,
FY 2017 or FY 2018 report of either the House or Senate, although both included report language supportive of global health research in general.

DELETE OR REVISE REPORT LANGUAGE INCLUDED UNDER THE TERMS OF THE EXPLANATORY STATEMENT ACCOMPANYING THE FINAL FY 2017 OMNIBUS (H.R. 244—P.L. 115-31) - see strikethrough for language recommended for deletion and see additions indicated in italics

Healthy Timing and Spacing of Pregnancies

The Committee recognizes that information and assistance for families interested in healthy timing and spacing of pregnancies can enhance maternal and child health and improve the chances of survival of women and children. The Committee recognizes the important role played by faith-based and community organizations in the provision of global health services, and the Committee encourages USAID to expand partnership work with faith-based and community organizations on programs that support the healthy timing and spacing of pregnancies. The Committee encourages USAID to improve the reach and impact of voluntary family planning programs, including male behavior change and fertility awareness programs. The Committee recognizes that information and assistance for women and families interested in healthy timing and spacing of pregnancies can enhance maternal and child health and improve the chances of survival of women and children. (Source: minor revision to the language in the FY 2018 Senate committee-approved report, S. Rept. 115-152)

Fertility Awareness Methods (a.k.a natural family planning)

The Committee encourages USAID to increase funding for fertility awareness models of family planning that are proven effective, including those that rely on mobile and internet technologies. Awards should be made through an open and competitive process, and subject to the funding limitations and restrictions in this Act and section 104 of the Foreign Assistance Act of 1961, as well as the consultation requirements of the Committee on Appropriations. The Committee urges USAID to continue to promote voluntarism and informed choice and to expand the reach and impact of family planning programs by providing counseling, education, and services on a full range of modern and effective contraceptive methods.

Faith-Based Organizations

Faith-Based Organizations. The Committee appreciates the historical contributions of the faith sector in the delivery of assistance, care, and support at the grassroots level. The Committee encourages the Secretary of State and the USAID Administrator to use the faith sector, in conjunction with the public and private sectors, to improve the delivery of assistance in developing countries under this heading and the GHP, DA, and ESF headings.

Rationale/Background

Family planning and reproductive health supporters remain concerned that the inclusion of report language promoting “healthy timing and spacing of pregnancy,” and natural family planning does not properly represent the full scope of global health activities currently supported by USAID, and is therefore not constructive. Additionally, report language singling out the role faith-based organizations (FBOs) play in health care delivery is unnecessary given they—just like community organizations—have been and continue to be long-standing U.S. government service delivery partners.

The Office of Population and Reproductive Health (PRH) at USAID is already engaged in healthy timing and spacing of pregnancy (HTSP) programming, in fact, it is a core component of PRH’s program.
However, HTSP is but one of a number of rationales for the program. If an overemphasis on HTSP specifically or maternal and child health more generally were to occur, it would detract from and impact the broad contributions that family planning access provides around our larger development goals, including decreasing poverty, increasing economic gains, empowering women and girls, and protecting the environment. Report language that might be construed to limit other FP/RH activities that PRH engages in, including programs to prevent child, early, and forced marriage, address adolescent sexual and reproductive health, combat gender-based violence, encourage FP/HIV integration, prevent female genital mutilation and obstetric fistula, and to expand access to permanent or long-acting reversible contraceptive methods should also not be included.

The promotion of “fertility awareness methods” (more commonly known as natural family planning or NFP or periodic abstinence) has been an integral part of USAID’s FP/RH programming dating back to the Reagan administration. In fact, USAID financed the development of cycle beads, a low-tech tool that enables women to more accurately track their menstrual cycles. However, report language promoting higher funding for NFP, if at the expense of other contraceptive methods, is ill-advised and unethical given the birth control method preference of women and couples in developing countries where unintended pregnancy can frequently be life-threatening. Especially since NFP has a lower use-effectiveness rate than the other modern contraceptive methods such as the pill, injectables, implants, and IUDs offered in USAID-funded projects. The UN estimates that less than three percent of women of reproductive age worldwide utilize NFP as their birth control method.

Given the unmet need for family planning of 214 million women in developing countries, it is important that greater availability of all contraceptive options, including fertility-awareness methods, be supported in order to enable women to voluntarily select a method most appropriate to their needs. Report language should encourage USAID to continue to expand the reach and impact of voluntary family planning counseling, education, and services, through all the interventions and means and their disposal, ensuring that no one intervention is singled out.

Any report language on FBOs should convey the equal contributions the faith-based and community organizations play in the provision of global health services. Report language also should not entitle faith-based organizations to any special preferences in the awarding of grants, cooperative agreements, and contracts or in the responsibility to comply with applicable laws and regulations governing global health assistance not afforded to secular community organizations.

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7 U.S., Centers for Disease Control and Prevention, *Effectiveness of Family Planning Methods*
## ORGANIZATIONAL ENDORSERS

<table>
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<tr>
<th>Advocates for Youth</th>
<th>John Snow, Inc. (JSI)</th>
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<tr>
<td>American Jewish World Service (AJWS)</td>
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<td>Amnesty International USA</td>
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