

President Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue  
Washington D.C., 20500

April xx, 2021

Re: Call for Executive Action on United States Abortion Restrictions on Foreign Aid

Dear President Biden,

We, the undersigned organizations, welcome your administration's reengagement of the United States (US) with the UN Human Rights Council (HRC) and recommitment to promoting human rights. We also applaud you for revoking the Global Gag Rule (also known as the Mexico City Policy) within your first ten days in office, and now we ask you to go further to implement "the policy of the US to support women's and girls' sexual and reproductive health and rights in the US, as well as globally." Therefore, in light of your administration's response to the recommendations made to the US during the Universal Periodic Review (UPR) before the HRC in Geneva last November, we are writing to urge you to take further steps to implement the UPR recommendations made with regard to sexual and reproductive health and rights, including by taking executive and administrative action to ameliorate the harmful impact of US abortion restrictions on foreign aid, particularly the Helms Amendment. Recognizing the racist and neo-colonial roots of the Helms Amendment, we also urge the implementation of the recommendations made regarding racism and discrimination. These recommendations were made by 23 countries spanning across Asia, Africa, Latin America, Europe, and the Middle East and, if implemented, would positively impact access to sexual and reproductive health and rights, as well as the livelihood and wellbeing of persons experiencing discrimination.

During the UPR, the US was called on to strengthen its support for sexual and reproductive health and rights at home and abroad. A number of countries made formal recommendations for the US to take action on its restrictions on foreign assistance, and we commend your support of these recommendations. The Netherlands called on the US to "repeal the Helms Amendment...and, in the interim, allow United States foreign assistance to be used, at a minimum, for safe abortion in cases of rape, incest and life endangerment." During the UPR adoption, the United Kingdom specifically addressed its "hope that the US can go further and clarify its interpretation of the Helms Amendment, and ensure universal access to safe abortion care." In order to implement these recommendations, we encourage you to take steps to:

- Take executive action and issue guidance from relevant agencies and departments to clarify and implement US foreign assistance support for abortion care to the maximum extent allowed under the Helms Amendment, namely by immediately clarifying that funds can be

used to support abortion care provided in cases of rape, incest, or life endangerment of the pregnant person.

- Issue guidance from relevant agencies and departments to proactively clarify that US foreign assistance may be used for abortion information and counseling under the Leahy Amendment.
- Prioritize the removal of abortion funding restrictions like the Helms Amendment, in addition to addressing many other important sexual and reproductive health and rights (SRHR) priorities, through the White House Gender Policy Council, with its focus on promoting SRHR domestically and globally, in order to bring US policy in line with its human rights obligations and the administration's stated commitment to advancing global health and equity. All actions by the Gender Policy Council must also consider the role of racial and other forms of discrimination on recipients of sexual and reproductive healthcare in the US and elsewhere across the globe.
- Consult with relevant stakeholders and agencies to issue policies to combat systemic racism and discrimination against marginalized and minoritized populations and ensure implementation of these policies at the state, federal and local levels, recognizing that domestic US policy and practice influence the values exported through US foreign assistance and foreign policy.
- Ensure robust support for sexual and reproductive health and rights, including eliminating Helms and similar abortion coverage restrictions from the Fiscal Year 2022 budget.

The UPR recommendations bring attention to the US' need to address its restrictions on foreign assistance, namely the Helms Amendment, and its current implementation as a total ban on funding for abortion services. As written, the law restricts the use of US foreign assistance for "abortion as a method of family planning". This does not include cases of rape, incest, or life-endangerment; however, lack of clarity around the law has prevented the use of funds in these cases, even in humanitarian emergency settings. The Leahy Amendment clarifies that information and counseling on abortion is expressly permitted. However, some US grantees are unable to provide it out of confusion or overabundance of caution because of the chilling effect of abortion restrictions like the Global Gag Rule and the Helms and Siljander Amendments. This over-implementation denies not only abortion services in cases of rape, incest, or life-endangerment, but also critical health information to countless people despite being permitted under the law. The Biden Administration can unilaterally implement humanitarian and development programs that make abortion services available to those whose lives are endangered by a pregnancy or are survivors of rape or incest, including in conflict zones. The administration can also do more to proactively clarify and implement funding for abortion information and counseling where legally permissible.

The US is the largest funder of global health, including family planning, and is the only donor nation to single out abortion in this way. Many US abortion restrictions, including the Helms Amendment, have consistently been in place for decades, causing generations' worth of harm — and they will

continue to do so if action is not taken. This is a matter of utmost urgency as bodily autonomy and reproductive freedom are increasingly under siege.

We appreciate your expressed commitment to protecting and advancing human rights, health, gender equality and racial justice. The Trump Administration caused untold damage to global health systems, especially to sexual and reproductive health and rights, and undermined progress toward a more equitable and tolerant country and world. The Helms Amendment must be congressionally repealed and we urge your administration to expressly support H.R. 1670, the Abortion is Health Care Everywhere Act, which repeals the Helms Amendment and replaces it with proactive language allowing for funding of comprehensive abortion services, training and equipment. Furthermore, we ask that you also remove the Helms language, and other abortion funding restrictions, from your annual budget proposal. You can act **now** to begin to mitigate the harm caused by the Helms Amendment around the world by permitting the use of foreign assistance for abortion care in cases of rape, incest, life endangerment, and clarifying for grantees that abortion information and counseling are permissible. As a critical step that could help move the US in line with its human rights obligations and reassert US leadership, we urge you to implement the UPR recommendations and take decisive action to ensure that US aid serves its purpose: To alleviate suffering and save lives.

#### [Signatories]

CC: Kamala D. Harris, Vice President

Antony J. Blinken, Secretary of State

Lloyd J. Austin III, Secretary of Defense

Linda Thomas-Greenfield, US Ambassador to the United Nations

Gloria D. Steele, Acting Administrator, US Agency for International Development

Lisa Peterson, Senior Official for Civilian Security, Democracy, and Human Rights and Acting Assistant Secretary Bureau of Democracy, Human Rights, and Labor

Jennifer Klein, Co-Chair and Executive Director of the Gender Policy Council

Julissa Reynoso, Co-Chair of the Gender Policy Council and Chief of Staff to First Lady Jill Biden