Why the Mexico City Policy is so significant

By Matt Hadro

On Thursday, President Joe Biden struck down bans on U.S. funding of international pro-abortion groups—an act that could have far-reaching consequences.

Biden on Thursday issued a sweeping presidential memorandum on “Protecting Women's Health at Home and Abroad,” repealing the Mexico City Policy and the Trump administration’s expansion of it.

However, what is the Mexico City Policy, and why is the repeal of it so significant?

The Mexico City Policy was first instituted in 1984 by President Reagan. It is named for the location of the UN population conference at which it was announced. The policy has been rescinded by Democratic Presidents Clinton, Obama, and now Biden; it was reinstated by Republican Presidents George W. Bush and Trump during their presidential terms.

Under the policy, the U.S. Agency for International Development (USAID) cannot distribute family planning funds to foreign non-governmental organizations (NGOs) that perform or promote abortions.

Rep. Chris Smith (R-N.J.), who has served as co-chair of the House Pro-Life Caucus for decades, was in office when the policy was first instituted.

He told CNA that existing policy—the Helms Amendment—had prohibited direct funding of abortions abroad, but stronger pro-life funding protections were still required.

“And the accounting trick that the pro-abortion groups were doing was that they would take the all of the U.S. funding and then tell us our money wasn’t being used to pay for abortion,” he said. “And then they would just fund abortions-on-demand, however many they wanted to do, and lobby for it.”

The Mexico City Policy, he said, “was all about saying if we care enough about the precious lives of unborn children who are going to be dismembered or chemically poisoned by an organization,” then “we’re not going to let bookkeeping tricks and accounting methods prevent us from as much protection as we can possibly provide.”

Many international pro-abortion groups that have partnered with the U.S. in the past—such as Marie Stopes International and the International Planned Parenthood Federation—aggressively promote abortion in developing countries.

“It is unrelenting,” Smith said of abortion advocacy by certain NGOs. “A lot of countries are pro-life, particularly in Africa and Latin America, and, sadly, we’re being forced to subsidize the lobbying and the performance of abortion by these groups.”

These groups work with multilateral organizations such as the United Nations and African Union to promote abortions in the developing world, he said. As an example, he noted that one NGO

that received U.S. assistance wrote legislation in Kenya authorizing legal abortion.

The Mexico City Policy originally applied to around $600 million of U.S. international family planning funding. Critics call it the “global gag rule,” alleging that it silences recipients from referring for abortions or advocating for legal abortion.

However, beginning in 2017, the Trump administration not only reinstated the policy, but it also extended to more than $8 billion in global health assistance.

As pro-abortion groups withdrew from partnership with the U.S. over the pro-life requirements, their funding shortfall was not insignificant. The International Planned Parenthood Federation estimated in 2017 it would lose $100 million annually in funding, while Marie Stopes International estimated an $80 million funding shortfall.

Critics of the policy alleged that the pro-life restrictions were so broad they would hurt important global health initiatives such as AIDS relief. They argued that if NGOs forfeited U.S. foreign aid over the abortion restrictions, and the U.S. could not find suitable replacement partners, then there could be significant gaps in critical health care.

In August, a federal report found that the “vast majority” of U.S. partners in global health assistance accepted the new pro-life policies instituted by the Trump administration. For those which did not accept, either an alternative health provider, foreign governments, or donors stepped in to fill health care gaps.

Smith formerly chaired the House global health subcommittee, and in 2018 he authored a five-year extension of the President’s Emergency Plan for AIDS Relief (PEPFAR). He affirmed the conclusion that there were no significant gaps in health care as a result of the policy.

“So there wasn’t a single dollar cut for any health initiative—not one. It was redirected, but in most cases it was accepted,” Smith said.

“The issue is, abortion is not health care,” he said. “It is a very violent deed, and we don’t want complicity in global abortion.”

The Trump administration also applied funding restrictions to multilateral organizations because of abortion lobbying or alleged involvement in abortions.

In 2019, the Trump administration cut funding for the Organization of American States (OAS) because of its lobbying for abortion. In 2017, it stopped funding the UN’s population fund (UNFPA) because of the fund’s partnership with China on family planning—and alleged complicity in forced abortions and sterilizations under China’s two-child policy.

On Thursday, President Biden issued a sweeping order that repealed the Mexico City Policy and restored funding to UNFPA. He instructed federal agencies to begin reaching out to global health partners, to inform them that the previous restrictions on abortion performance, advocacy, and lobbying are no longer in place.

“Now more money will be flowing to the NGOs that so aggressively promote the destruction of innocent human life,” Smith said.

In addition, on Thursday Biden instructed the Secretary of Health and Human Services—Xavier Becerra has been nominated for the position but not yet confirmed—to review the Trump administration’s “Protect Life Rule.”

That rule applied to the Title X program, set up in 1970 to subsidize family planning and contraception. The Trump administration required Title X grant recipients to not refer for abortions or be co-located with abortion clinics. The original law that created Title X said that funding could not go to “programs where abortion is a method of family planning.”

Planned Parenthood, the nation’s largest abortion provider, withdrew from the Title X program in 2019 rather than comply with the new requirements. It forfeited an estimated $60 million annually in Title X grants by doing so.

Biden said the new prohibition on abortion referrals “puts women's health at risk by making it harder for women to receive complete medical information.”

The idea of the Protect Life Rule was similar to the Mexico City Policy, Smith said: to ensure tax dollars don’t fund clinics where abortions are also being performed.

“We’re supporting the organization and, in this case, it’s under the same roof where babies are being dismembered or chemically poisoned,” he said.

The Biden administration is also withdrawing from the Geneva Declaration, a statement signed by the U.S. and 31 other countries in October stating that abortion is not an international human right.

Biden’s support for abortion—after he once supported the Mexico City Policy in 1984 while a senator—is “tragic,” Smith said.

“I’ve been in the pro-life movement for almost half a century, 48 years. This is tragic that a man who purported to be so pro-life—even during the campaign and then gave it up under pressure—will now become the most aggressive promoter of abortion on the face of the earth.”

“It was a core conviction, and you shredded your core conviction for political expediency. That, to me, is tragic.”

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