

MEMORANDUM

March 20, 2019

To: [Redacted]

From: Luisa Blanchfield, Coordinator, Specialist in International Relations
Nick M. Brown, Analyst in Foreign Assistance and Foreign Policy
Kristy N. Kamarck, Analyst in Military Manpower

Subject: **Selected U.S. Laws and Policies Addressing Gender Equality in Foreign Affairs**

This memorandum responds to [a] request for an overview of laws and policies [...] that address gender equality in U.S. foreign affairs. [...] Information in this memo may be used in other CRS products.

Enacted and Proposed Legislation

Percy Amendment¹

The “Percy Amendment,” adopted in 1973 as an amendment to the Foreign Assistance Act of 1961 (P.L. 87-195), directs that U.S. foreign assistance give special attention to integrating women into national economies.² It was part of a wider U.S. strategic shift in foreign assistance policy from assisting national governments to increasing focus on addressing the needs of the poor. This statutory requirement originally directed that development goals in other technical areas, such as agriculture, health, and education, take into account the role of women in developing countries. As a result, the U.S. Agency for International Development (USAID) in 1974 formed the Women in Development Office and issued Policy Directive No. 60, requiring that women be included in all agency strategies and projects.³ Today, this provision designates integration of women into national economies as a standalone aim of foreign assistance. USAID addresses this priority in two ways. First, women’s participation is often tracked as a “cross-cutting” objective of programs by, for example, incorporating specific targets for female beneficiaries of programs. Second, USAID funds standalone programs focused exclusively on women’s issues, such as the Women’s Leadership Development Program in Afghanistan.⁴

¹ This section is written by Nick M. Brown, Analyst in Foreign Assistance and Foreign Policy.

² The amendment was named after its sponsor, Senator Charles Percy. See P.L. 93-189, The Foreign Assistance Act of 1973, enacted December 17, 1973 (22 U.S.C. 2151k).

³ Additional information on the USAID Office of Women in Development is available in the “USAID Office of Gender Equality and Women’s Empowerment” section.

⁴ For more information on USAID’s gender equality programs, see <https://www.usaid.gov/what-we-do/gender-equality-and-womens-empowerment>. The most recently available policy is available at https://www.usaid.gov/sites/default/files/documents/1865/GenderEqualityPolicy_0.pdf.

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USAID Office of Gender Equality and Women's Empowerment

Many USAID programs to address women in development were first authorized in 1973 as part of the aforementioned Percy Amendment. The USAID Office of Women in Development (WID) was subsequently established in 1974 to help integrate women's issues into the Agency's development programs and activities. WID remained the primary USAID mechanism for addressing global women's issues until 2009, when President Obama expanded the office and renamed it the Office of Gender Equality and Women's Empowerment (GenDev).⁵ The office focuses on development activities related to managing centrally funded technical assistance and gender training contracts, piloting innovative programs addressing gender equality and women's empowerment, coordinating working groups on gender across sectors, and training staff to effectively integrate gender considerations into USAID projects, among other activities. In July 2017, Michelle Bekkering was appointed Deputy Assistant Administrator to oversee the gender equality and women's empowerment portfolio for USAID. She also serves concurrently as the Agency's Senior Coordinator for Gender Equality and Women's Empowerment.

State Department Office of Global Women's Issues

In the mid-1990s, amid increased domestic and international awareness of global women's issues, Congress enacted legislation declaring that the State Department "should designate a senior advisor ... to promote international women's human rights within the overall human rights policy of the United States."⁶ The Clinton Administration subsequently established the Office of International Women's Issues (IWI) within the Department of State to advise on, coordinate, and raise awareness of international women's issues. The Office, led by a Senior Advisor, remained in place during the Clinton and George W. Bush Administrations. In 2006, then-Secretary of State Condoleezza Rice appointed a Senior Advisor for Women's Empowerment.⁷

In 2009, President Obama consolidated IWI and the Office of the Senior Advisor for Women's Empowerment into the Office of Global Women's Issues (GWI). GWI works to ensure that the promotion of women's rights is fully integrated into U.S. foreign policy, including in the areas of education, food security, climate change, health, peace and security, political participation, and sexual and gender-based violence. The Office is led by an Ambassador-at-Large who is appointed by the President, subject to the advice and consent of the Senate. The Ambassador reports directly to the Secretary of State; he or she provides advice and assistance on issues related to promoting gender equality and advancing the status of women and girls internationally. The Ambassador also plays a key role in developing and implementing policies, strategies, and actions related to global women's issues in coordination with other U.S. agencies, and also with foreign governments, international organizations, non-governmental organizations, and the private sector. Since 2009, two individuals have served as Ambassador: Melanne Verwee (2009 to 2013) and Catherine Russell (2013 to 2016). The position is currently vacant.⁸

⁵ For more information on the evolution of USAID's gender policies, see *Gender Equality and Female Empowerment Policy*, USAID, March 2012, pp. 4-5, at https://www.usaid.gov/sites/default/files/documents/1865/GenderEqualityPolicy_0.pdf.

⁶ Section 142 of P.L. 103-236, Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, April 30, 1994, 108 STAT. 401-402.

⁷ Shirin Tahir-Kheli appears to have served as the Senior Advisor for Women's Empowerment from 2006 (when the position was created) through the end of the George W. Bush Administration.

⁸ On March 8, 2019, President Trump nominated Kelly E. Currie to be Ambassador-at-Large for Global Women's Issues. For more information, see <https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-announces-intent-nominate-individual-key-administration-post-6/>.

In August 2017, then-Secretary of State Rex Tillerson transmitted information to Congress that included plans the Department of State was considering regarding Ambassador-at-Large positions. The letter noted the department's intent to maintain the Ambassador-at-Large for Global Women's Issues as an ambassador-level post, and to realign the Ambassador-at-Large and the GWI staff from the Office of the Secretary to the Under Secretary for Civilian Security, Democracy, and Human Rights. In addition, the department intended for the Ambassador-at-Large to report to the Under Secretary rather than to the Secretary of State, and for the officeholder to "continue to promote the rights and empowerment of women and girls through U.S. foreign policy." It does not appear that the proposed changes were implemented; the State Department website and the President's FY2020 budget request indicate that GWI continues to report to the Secretary of State.⁹

Women, Peace, and Security Act of 2017

On October 6, 2017, Congress enacted the Women, Peace, and Security Act of 2017 (P.L. 115-68) which aims to ensure that the United States promotes the meaningful participation of women in mediation and negotiation processes seeking to prevent, mitigate, or resolve violent conflict. The act, among other things:

- requires the President to submit to Congress a Women, Peace and Security Strategy to address the role of women in conflict prevention, peacebuilding and decision making institutions (including a specific implementation plan from each federal agency);
- calls on the State Department and Department of Defense to ensure that the relevant personnel receive training in conflict prevention, mitigation, and resolution, among other areas;
- requires the State Department and USAID to establish guidelines for overseas U.S. personnel to consult with stakeholders regarding U.S. efforts to prevent, mitigate, or resolve violent conflict; and enhance the success of mediation and negotiation processes by ensuring the meaningful participation of women; and
- requires the State Department, within one year of the strategy's submission, to brief congressional committees on training regarding the participation of women in conflict resolution and, within two years of the strategy's submission, report to Congress on the implementation of the strategy and the impact of U.S. diplomatic efforts and foreign assistance programs to promote the participation of women.

U.N. Security Council Resolution 1325 on Women, Peace and Security

Increased international awareness of the role of women in international security led to the adoption of U.N. Security Council Resolution 1325 on women, peace, and security in October 2000. The resolution, which was supported by the United States, calls on U.N. member states to increase women's participation at all decision-making levels; ensure the protection of and respect for human rights of women; support local women's peace initiatives; provide suitable candidates as U.N. special representatives and envoys; and create special measures to protect women and girls from violence in armed conflict. Shortly after the adoption of the resolution, the Security Council issued a presidential statement calling on U.N. member states to develop national action plans that outline steps they are taking to implement Resolution 1325. The United States published its first National Action Plan for Women, Peace, and Security in 2011.¹⁰

⁹ For FY2020, the Administration proposed \$5 million for GWI, compared to \$10 million in FY2018 (the FY2019 funding level is not yet available). See Congressional Budget Justification, Department of State, Foreign Operations, and Related Programs, FY2020, p. 120.

¹⁰ For more information on the U.S. National Action Plan on Women, Peace, and Security, see the "Obama Administration Initiatives" section.

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To date, the State Department has not published the Women, Peace, and Security Strategy as required by the act.

Provisions in FY2019 Appropriations and Authorizing Legislation¹¹

The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (Division F of the Consolidated Appropriations Act, 2019; P.L. 116-6) includes several provisions addressing gender equality.

- Section 7059 (a) “Gender Equality,” states that funds appropriated by the act shall be made available to promote gender equality in U.S. government diplomatic and development efforts by “raising the status, increasing the participation, and protecting the rights of women and girls.”
- Section 7059 (b) “Women’s Leadership,” requires that of the funds appropriated by Title II of the act, not less than \$50 million shall be made available for programs specifically designed to increase leadership opportunities for women in countries where women and girls suffer discrimination due to law, policy, or practice, by strengthening protections of women’s political status, expanding women’s participation in political parties and elections, and increasing women’s opportunities for leadership positions in the public and private sectors at the local, provincial, and national levels.
- Section 7059 (c) “Gender-Based Violence,” requires that funds appropriated under titles III and IV of the act that are available to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons, and shall promote the integration of women in the police and other security forces.
- Section 7059 (d) “Women, Peace, and Security,” states that funds appropriated by the act under certain headings should be made available to support a multi-year strategy to explain, and improve coordination of, U.S. government efforts to empower women as equal partners in conflict prevention, peacebuilding, traditional processes, and reconstruction efforts in countries affected by conflict or in political transition, and to ensure the equitable provision of relief and recovery assistance to women and girls.¹²

In addition, recent defense authorization legislation includes a provision related to gender equality in the Afghan Security Forces. Section 1223 of the FY2019 National Defense Authorization Act (NDAA; P.L. 115-232) authorizes up to \$25 million and no less than \$10 million in Afghan Security Forces Funds to be used for (1) the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces; and (2) the recruitment, training, and contracting of female security personnel for future elections.¹³

¹¹ This section is written by Luisa Blanchfield, Specialist in Foreign Relations, and Kristy N. Kamarck, Analyst in Military Manpower.

¹² The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (Division K of the Consolidated Appropriations Act, 2019; P.L. 116-6), enacted February 15, 2019.

¹³ The FY2019 NDAA was adopted on August 13, 2018. In FY2018, Section 1521 of the FY2018 NDAA (P.L. 115-91) authorized up to \$41 million and no less than \$10 million in Afghan Security Forces Funds to be used for the same purposes.

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Women in Combat in the U.S. Armed Forces¹⁴

The expansion of roles for women in the U.S. Armed Forces has evolved since the early days of the military when women were generally restricted by law and policy from serving in certain occupations and units. Women have not been precluded *by law* from serving in any military unit or occupational specialty since 1993. In 1991 and 1993, Congress repealed the remaining statutory prohibitions on women serving on combatant aircraft and vessels.¹⁵ A statutory requirement for gender-neutral occupational performance standards for military career designators, first enacted in 1993, remains in effect today.¹⁶

While women were not prohibited by law from serving in combat, Department of Defense (DOD) policies before 2013 prevented the assignment of women to units below brigade level where the unit's primary mission was to engage directly in ground combat.¹⁷ This policy effectively barred women from serving in infantry, artillery, armor, combat engineers, and special operations units of battalion size or smaller. On January 24, 2013, then-Secretary of Defense Leon Panetta rescinded the rule that restricted women from serving in combat units and directed the military departments and services to review their occupational standards and assignment policies and to make recommendations for opening all combat roles to women no later than January 1, 2016.¹⁸

On December 3, 2015, then-Secretary of Defense Ashton Carter ordered the military to open all combat jobs to women with no exceptions. This most recent policy change followed extensive studies by the military departments and by the Special Operations Command (SOCOM) on issues such as unit cohesion, women's health, equipment, facilities modifications, propensity to serve, and international experiences with women in combat.¹⁹ These studies also included a review and validation of gender-neutral occupational standards for combat roles where such standards existed. On March 10, 2016, Secretary Carter announced that the Services' and SOCOM's implementation plans for the integration of women into direct ground combat roles were approved.²⁰

Congress has continued in its oversight of integration issues. The FY2017 NDAA required annual reports to the congressional Armed Services Committees on the status of implementation of women into combat positions in the Army, Marine Corps, and Special Operations Command through the year 2020.²¹

International Violence Against Women Acts

Since 2007, some Members of Congress have introduced, but not enacted, versions of the International Violence Against Women Act (IVAWA). Initial iterations of the bill would have required the President to develop a strategy to combat violence against women, established offices in the Department of State and

¹⁴ This section is written by Kristy N. Kamarck, Analyst in Military Manpower. For a broader discussion of this topic, see CRS Report R42075, *Women in Combat: Issues for Congress*, by Kristy N. Kamarck.

¹⁵ P.L. 102-190 §531; National Defense Authorization Act for Fiscal Years 1992 and 1993; December 5, 1991. P.L. 103-160 §541, National Defense Authorization Act for Fiscal Year 1994, November, 20, 1993.

¹⁶ P.L. 103-160 Section 543, as amended by P.L. 113-66 Section 523.

¹⁷ Department of Defense, *Direct Ground Combat Definition and Assignment Rule*, January 13, 1994.

¹⁸ Department of Defense, *Memo from the Chairmen of the Joint Chiefs of Staff to the Secretary of Defense on Women in the Service Implementation Plan*, January 9, 2013.

¹⁹ In July 2015, Government Accountability Office (GAO) reported that the Office of the Secretary of Defense and the military departments had conducted 41 studies as part of their women in the services reviews. U.S. Government Accountability Office, *DOD Is Expanding Combat Service Opportunities for Women, but Should Monitor Long-Term Integration Progress*, GAO-15-589, July 2015.

²⁰ Department of Defense, "Statement from Pentagon Press Secretary Peter Cook on Secretary Carter's Approval of Women in Service Review Implementation Plans," March 10, 2016.

²¹ P.L. 114-328 §593.

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USAID to address global women's issues, developed training related to violence against women, and authorized funding for related programs and activities.²² More recent versions of IVAWA are narrower in scope; in the 115th Congress, S. 2120 and H.R.5034 would have codified State Department and USAID offices and positions addressing global women's issues, and required the State Department to create and update a U.S. strategy to prevent and respond to global violence against women.²³ To date, IVAWA has not been introduced in the 116th Congress.

Selected Policies and Initiatives

Department of Defense Policy on Gender Advisors²⁴

DOD's guidance for gender advisors can be found in DODI 2000.17, *DOD Participation in the NATO Committee on Gender Perspectives (NCGP)*. This policy document states that

The Department of Defense promotes gender mainstreaming as a strategy for making women's and men's concerns and experiences an integral part of the design, implementation, monitoring, and evaluation of DoD policies, programs, and military operations.

The Chairman of the Joint Chiefs of Staff is responsible for responding to any requests from the NCGP or NATO International Military Staff Office of the Gender Advisor (GENAD).

The aforementioned Women, Peace, and Security Act of 2017 (P.L. 115-68) requires DOD to ensure that relevant personnel receive training in

- Conflict prevention, peace processes, mitigation, resolution, and security initiatives that addresses the importance of participation by women;
- Gender considerations and participation by women, including training regarding international human rights law and protecting civilians from violence, exploitation, and trafficking in persons; and,
- Effective strategies and best practices for ensuring meaningful participation by women.²⁵

DOD has implemented this statutory requirement through a five-day Operational Gender Advisor Course (OGC).²⁶

Obama Administration Executive Orders and Memoranda

President Obama introduced and implemented a range of initiatives addressing gender equality in U.S. foreign policy. It is unclear to what extent, if any, these initiatives have continued during the Trump Administration. CRS has contacted the State Department and USAID about the status of these efforts and will forward their response when it becomes available.

- In 2009, President Obama issued an executive order, *Establishing a White House Council on Women And Girls*, which created the White House Council on Women and Girls to

²² See S.2279 [110th], International Violence Against Women Act of 2007, and H.R. 5927 [110th], International Violence Against Women Act of 2008.

²³ See S.2120 [115th] International Violence Against Women Act of 2017, and H.R. 5034 [115th], International Violence Against Women act of 2018.

²⁴ This section is written by Kristy N. Kamarck, Analyst in Military Manpower.

²⁵ P.L. 115-68.

²⁶ U.S. Indo-Pacific Command, "U.S. Indo-Pacific Command Delivers First U.S. Operational Gender Advisor Course," June 4, 2018.

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coordinate federal policy on issues, both domestic and international, that particularly impact the lives of women and girls.²⁷

- In 2011, President Obama issued an executive order, *Instituting a National Action Plan on Women, Peace, and Security*, which sought to incorporate five objectives into U.S. government activities: (1) women’s participation in peace processes and decision-making; (2) protecting women from violence; (3) enhancing women’s role in conflict prevention; (4) providing women access to humanitarian relief and recovery resources; and (5) integrating and institutionalizing a gender responsive approach into U.S. foreign policy. The U.S. National Action Plan in Women, Peace, and Security was first published in 2011 and updated in 2016.²⁸
- In 2012, President Obama issued an executive order calling for the implementation of a multi-year *U.S. Strategy to Prevent and Respond to Gender-based Violence Globally*. The strategy called on agencies to integrate gender-based violence (GBV) prevention and response into their current programs, improve GBV data collection and analysis, and enhance or expand existing government programs addressing GBV, consistent with the availability of appropriations. It also established an interagency working group led by the State Department and USAID to help coordinate existing anti-GBV activities and implementation of the strategy.²⁹
- In 2013, the Obama Administration issued a presidential memorandum, *Coordination of Policies and Programs to Promote Gender Equality and Empower Women and Girls Globally*, which sought to more formally establish State Department and USAID offices addressing gender equality. It directed that “the Secretary of State shall designate a coordinator, who will also be an Ambassador at Large...subject to the advice and consent of the Senate.” The memorandum also created the position of Senior Coordinator for Gender Equality and Women’s Empowerment at USAID to provide guidance to the USAID Administrator in identifying, developing, and advancing key priorities for U.S. development assistance, as well as coordinating with other agencies.³⁰ As previously mentioned, the Trump Administration has maintained the State Department Office of Global Women’s Issues and the USAID GenDev Office; however, the position of Ambassador at Large for Global Women’s issues remains vacant.

²⁷ E.O. 13506 of March 11, 2009 (74 Federal Register (FR) 11271; pp. 11269-11273).

²⁸ E.O. 13595 of December 19, 2011 (76 FR 80205, pp. 80205-80207).

²⁹ E.O. 13623 of August 10, 2012 (77 FR 49345, pp. 49345-49348). The most recent version of the U.S. National Action Plan on Women, Peace, and Security is available at <https://www.usaid.gov/sites/default/files/documents/1868/National%20Action%20Plan%20on%20Women%2C%20Peace%2C%20and%20Security.pdf>.

³⁰ Presidential Memorandum, February 4, 2013 (78 FR 7987, pp. 7987-7991).
