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KEMP-KASTEN AMENDMENT AND THE GLOBAL GAG RULE —WHAT'S THE DIFFERENCE?

	KEMP-KASTEN AMENDMENT	GLOBAL GAG RULE
LEGAL STATUS	Amendment to appropriations legislation passed by Congress and signed by the President. Kemp-Kasten must be renewed annually.	Executive branch policy imposed under presidential authority. The Global Gag Rule remains in effect until rescinded.
TYPE OF RESTRICTION	Eligibility condition—organization is rendered ineligible for U.S. foreign aid funding if it engages in the prohibited activities.	Eligibility condition—organization is rendered ineligible for U.S. foreign aid funding if it engages in the prohibited activities.
PROHIBITED ACTIVITIES	Support for or participation “in the management of a program of coercive abortion or involuntary sterilization.”	Perform abortion, counsel or refer for abortion, or advocate for abortion law reform—even if these activities are supported with non-U.S. funds.
AFFECTED ORGANIZATIONS	Multilateral organizations, U.S. and non-U.S. NGOs.	Non-U.S. NGOs only.
ENTITIES TO WHICH THE RESTRICTION DOES <u>NOT</u> APPLY	Foreign governments.	Foreign governments and multilateral organizations.
TYPES OF U.S. GOVERNMENT ASSISTANCE AFFECTED	All of the funds contained in the annual appropriations bill for foreign assistance and State Department operations—“none of the funds appropriated by this Act.”	“Global health assistance furnished by all departments and agencies”—under the Trump 2017 presidential memorandum.
ORGANIZATIONS LOSING U.S. FUNDING TO DATE	United Nations Population Fund (UNFPA).	International Planned Parenthood Federation and Marie Stopes International, as well as their country affiliates.*
HISTORY	<p>Enacted into law in 1985 as part of supplemental appropriations bill.</p> <p>Interpreted by Presidents Reagan and Bush to deny UNFPA funding from 1985 to 1993 due to its program in China.</p> <p>Reinterpreted by President Clinton to restore voluntary contribution to UNFPA from 1993 to 1998, and from 2000 to 2001, the first year of the Bush administration.**</p> <p>Reinterpreted by President Bush to deny UNFPA funding in 2002.</p> <p>Reinterpreted by President Obama in 2009 to restore voluntary contribution to UNFPA during his term.</p> <p>Reinterpreted by President Trump in early 2017 to deny both UNFPA’s voluntary contribution and funding for reproductive health care in humanitarian crises—totaling about \$70 million.</p>	<p>Announced by the U.S. delegation at the 1984 International Conference on Population in Mexico City. The policy was in effect from 1984 to 1993 under Presidents Reagan and Bush.</p> <p>Rescinded by President Clinton. The policy was not in effect during his term in office, from 1993 to 2001.***</p> <p>Reinstated by President Bush on January 22, 2001—his second day in office as well as the anniversary of the U.S. Supreme Court’s 1973 <i>Roe v. Wade</i> decision legalizing abortion. The policy was in effect during his term in office, from 2001 to 2009.</p> <p>Rescinded by President Obama. The policy was not in effect during his term in office, from 2009 to 2017.</p> <p>Reinstated and expanded to all of U.S. global health assistance by President Trump on January 23, 2017, with new restrictions in effect as of May 15, 2017.</p>

* The list of affected organizations is expected to increase with the policy’s expansion to all of U.S. global health assistance, mandated in 2017. In prior iterations, restriction applied to U.S. family planning assistance only.

** In 1999, an explicit congressional prohibition on UNFPA funding was enacted. This was in response to the initiation of a new UNFPA program in China—not Kemp-Kasten.

*** A modified version of the Global Gag Rule with presidential waiver authority was included in the FY2000 omnibus spending bill—part of an agreement to pay \$1 billion in dues owed to the United Nations.