



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

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	KEMP-KASTEN AMENDMENT	GLOBAL GAG RULE
LEGAL STATUS	amendment to appropriations legislation passed by Congress and signed by the President (must be renewed annually)	executive branch policy imposed under presidential authority (remains in effect until rescinded)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 or participate 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 activities supported with non-U.S. funds
AFFECTED ORGANIZATIONS	multilateral organizations U.S. NGOs non-U.S. NGOs	non-U.S. NGOs <u>only</u>
ENTITIES TO WHICH RESTRICTION DOES NOT APPLY	foreign governments	foreign governments multilateral organizations
TYPES OF USG ASSISTANCE AFFECTED	all 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 Trump 2017 presidential memorandum
ORGANIZATIONS LOSING USG FUNDING TO DATE	United Nations Population Fund (UNFPA)	country affiliates of International Planned Parenthood Federation & Marie Stopes International—list of affected organizations expected to increase with expansion to all global health assistance mandated by Trump 2017 presidential memorandum
HISTORY	<ul style="list-style-type: none"> • first enacted into law in 1985 as part of supplemental appropriations bill • interpreted by Presidents Reagan and Bush to deny funding to UNFPA from 1985 to 1993 due to its program in China • U.S. contributes to UNFPA from 1993 to 1998 and in 2000 under President Clinton that continues into 2001, the first year of the Bush administration* • UNFPA cut off in 2002 after President Bush reinterprets Kemp-Kasten amendment • President Obama reinterprets Kemp-Kasten in 2009 and restores voluntary contribution to UNFPA through remainder of his term <p>* explicit congressional prohibition on UNFPA funding in 1999 in response to initiation of new UNFPA program in China and not related to Kemp-Kasten</p>	<ul style="list-style-type: none"> • announced by U.S. delegation at the International Conference on Population in Mexico City in 1984 and in effect from 1984 to 1993 under Presidents Reagan and Bush • rescinded by President Clinton and not in effect from 1993 to 2001 during his term in office# • reinstated by President Bush on January 22, 2001—his second day in office and the anniversary of the U.S. Supreme Court’s 1973 <i>Roe v. Wade</i> decision legalizing abortion and in effect from 2001 to 2009 during his term in office • rescinded by President Obama and not in effect from 2009 to 2017 during his term in office • reinstated and expanded by President Trump on January 23, 2017 <p># modified version of GGR with presidential waiver authority included in FY 2000 omnibus spending bill as part of an agreement to pay \$1 billion in dues owed to the United Nations</p>