

The U.S. Government and International Family Planning & Reproductive Health: Statutory Requirements and Policies

This fact sheet summarizes the major statutory requirements and policies pertaining to U.S. global family planning/reproductive health (FP/RH) efforts over time and identifies those currently in effect. These laws and policies collectively serve to direct how U.S. funds are spent, to where and which organizations funds are provided, and generally shape the implementation and define the scope of U.S. global FP/RH activities. It includes U.S. laws and annual requirements enacted by Congress through appropriations bills (statutory provisions) as well as executive branch policies and guidance specific to FP/RH (policy provisions). Each category lists provisions in chronological order.

TABLE 1: STATUTORY REQUIREMENTS AND POLICIES FOR U.S. GLOBAL FP/RH EFFORTS (as of FY 2018)¹

Provision (Year First Instituted)	Issue(s)	Applies to	Status
STATUTORY			
Helms Amendment (1973) Prohibits the use of foreign assistance to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortion. Note: meaning of "motivate" clarified by Leahy Amendment (1994); see below.	Abortion	All foreign assistance authorized under the Foreign Assistance Act of 1961 (FAA); all funds under State-Foreign Operations Appropriations (State-Foreign Ops.)	Yes, in effect. Permanent law, amendment to the FAA. Also included in annual State-Foreign Ops.
Involuntary Sterilization Amendment (1978) Prohibits the use of funds to pay for involuntary sterilizations as a method of family planning or to coerce or provide a financial incentive to anyone to undergo sterilization.	Voluntarism/ Informed Choice & Consent; Incentives; Involuntary Sterilization	All foreign assistance authorized by the FAA of 1961; all foreign assistance funds under State-Foreign Ops.	Yes, in effect. Permanent law, amendment to the FAA. Also included in annual State-Foreign Ops.
Peace Corps Provision (1978) Prohibits Peace Corps funding from paying for an abortion for a Peace Corps volunteer or trainee; beginning in FY 2015, allows for payment in cases where the life of the woman is endangered by pregnancy or in cases of rape or incest. ²	Abortion	All Peace Corps funding	Yes, in effect. Included under the "Peace Corps" heading of the State-Foreign Ops.
Biden Amendment (1981) States that funds may not be used for biomedical research related to methods of or the performance of abortion or involuntary sterilization as a means of family planning.	Abortion; Involuntary Sterilization	All foreign assistance authorized by the FAA of 1961; all foreign assistance funds under State-Foreign Ops.	Yes, in effect. Permanent law, amendment to the FAA. Also included in annual State-Foreign Ops.
Siljander Amendment (1981) Prohibits the use of funds to lobby for or against abortion. When initially introduced, the amendment prohibited only lobbying for abortion, but in subsequent years Congress modified the language to include lobbying against abortion as well.	Abortion	All funds under State-Foreign Ops.	Yes, in effect. Included in annual State-Foreign Ops.
DeConcini Amendment (1985) Requires that U.S. funds be provided to organizations that offer, either directly or through referral to, information about access to a broad range of family planning methods and services. See Livingston-Obey Amendment (1986) below.	Voluntarism/ Informed Choice	All FP funds under State-Foreign Ops.	Yes, in effect. Included in annual State-Foreign Ops.

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(as of FY 2018)¹**

Provision (Year First Instituted)	Issue(s)	Applies to	Status
Kemp-Kasten Amendment (1985)³ Prohibits funding any organization or program, as determined by the President, that supports or participates in the management of a program of coercive abortion or involuntary sterilization.	UNFPA Funding; Abortion; Voluntarism/ Informed Choice & Consent; Involuntary Sterilization	All funds under State-Foreign Ops. as well as unobligated balances from prior appropriations acts	Yes, in effect. Included in annual State-Foreign Ops. ⁴ each year; Presidents determined that it applied to UNFPA in FY85-FY92, FY02-FY08, FY17-FY18. ⁵
Involuntary Sterilization and Abortion Provision (1985) Specifies that U.S. foreign assistance funding could be withheld from a country or organization if the president certifies that the use of such funds would violate key provisions of the FAA of 1961 related to abortion or involuntary sterilization (namely the Helms, Biden, and Involuntary Sterilization Amendments).	Voluntarism/ Informed Choice & Consent; Incentives; Abortion; Involuntary Sterilization	All foreign assistance funds under State-Foreign Ops.	Yes, in effect. Included in annual State-Foreign Ops.
Livingston-Obey Amendment (1986) Prohibits discrimination by the U.S. government against organizations that offer only “natural family planning” for religious or conscientious reasons when the U.S. government is awarding related grants. All such applicants must comply with the requirements of the DeConcini Amendment (1985).	Voluntarism/ Informed Choice	All FP funds under State-Foreign Ops.	Yes, in effect. Included in annual State-Foreign Ops.
Leahy Amendment (1994) Clarifies Helms Amendment (1973) language that uses the term “motivate” by stating that “motivate” shall not be construed to prohibit, where legal, the provision of information or counseling about all pregnancy options.	Abortion; Voluntarism/ Informed Choice	All authorizing and appropriating legislation related to the State Dept., foreign operations, and related programs	Yes, in effect. Included in annual State-Foreign Ops.
Timing of Release of UNFPA Contribution Funds (1994) Not more than half of funding designated for the U.S. contribution to UNFPA is to be released before a particular date (varies by fiscal year).	UNFPA Funding	Funds made available to UNFPA	No, not in effect. Sometimes included in annual State-Foreign Ops.
Conditions on Availability of UNFPA Funds (UNFPA Segregated U.S. Contribution Account; UNFPA Does Not Fund Abortions; Prohibition on the Use of U.S. Funds in China by UNFPA) (1994) States that funds may not be made available to UNFPA unless: <ul style="list-style-type: none"> UNFPA keeps the U.S. contribution to the agency in a separate account, not to be commingled with other funds, and UNFPA does not fund abortions (note: language used beginning in FY00). It also prohibits UNFPA from using any funds from the U.S. contribution in their programming in China.	UNFPA Funding; Abortion	Funds made available to UNFPA	Yes, in effect. Included in annual State-Foreign Ops.
UNFPA Dollar-for-Dollar Withholding of Amount UNFPA Plans to Spend in China During Fiscal Year (1994) Reduces the U.S. contribution to UNFPA by one dollar for every dollar that UNFPA spends on its programming in China.	UNFPA Funding	Funds made available to UNFPA	Yes, in effect. Typically included in annual State-Foreign Ops.
Tiaht Amendment (1998) Prohibits the use of targets/quotas and financial incentives ⁶ in family planning projects and requires projects to provide comprehensible information on family planning methods. Protects people who choose not to use family planning from being denied rights or benefits and requires experimental family planning methods be provided only in the context of a scientific study. Intended to “promote voluntarism and prevent coercion in family planning programs,” it specifically prohibits three types of targets: total number of births, number of family planning acceptors, and acceptors of a particular method of family planning. ⁷	Voluntarism/ Informed Choice & Consent; Incentives and Disincentives	All FP funds under State-Foreign Ops.	Yes, in effect. Included in annual State-Foreign Ops.
Reallocation of Funds Not Made Available to UNFPA (2004) Provides for funds not made available to UNFPA to be reallocated to USAID’s family planning, maternal, and reproductive health activities/services (and, in some years, assistance to vulnerable children and victims of trafficking in persons). ⁸	UNFPA Funding	Funds appropriated for UNFPA	Yes, in effect. Typically included in annual State-Foreign Ops.

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Provision (Year First Instituted)	Issue(s)	Applies to	Status
Medically Accurate Information on Condoms (2005) Ensures that information provided by U.S.-supported programs about the use of condoms is medically accurate information and includes the public health benefits and failure rates of such use.	Condoms	All funds under State-Foreign Ops.	Yes, in effect. Typically included in annual State-Foreign Ops.
POLICY			
USAID Policy Paper on Population Assistance (1982) Outlines the longstanding USAID guidelines surrounding its fundamental programmatic principles of voluntarism and informed choice and consent. ⁹	Voluntarism/ Informed Choice & Consent	All FP/RH assistance provided by USAID	Yes, in effect.
Policy Determination 3 (PD-3) and Addendum: USAID Policy Guidelines on Voluntary Sterilization (1982) Describes guidelines for informed consent and voluntarism specifically for voluntary sterilization services, including provisions to ensure ready access to other contraceptive methods and prohibiting incentive payments that might induce a person to select voluntary sterilization over another method.	Voluntarism/ Informed Choice & Consent; Voluntary Sterilization	All FP/RH assistance provided by USAID	Yes, in effect.
Mexico City Policy (“Global Gag Rule”, 1984)¹⁰ As a condition for receiving U.S. family planning assistance and, now, also other global health assistance (see “Applies to”), requires foreign NGOs to certify that they will not perform or promote abortion as a method of family planning using funds from any source. Under the Trump administration, now called “Protecting Life in Global Health Assistance” policy.	Abortion	1984- 2003: when in effect, was applied to FP assistance at USAID only. In 2003, expanded to include all FP assistance at USAID and the State Dept., exempting multilateral organizations and HIV/AIDS funding under PEPFAR. 2009-17: Not in effect. 2017-: applied to all global health assistance. ¹¹	Yes, in effect. Currently in force through Executive action. ¹²
USAID Post-Abortion Care Policy (2001) Clarifies that post-abortion care – the treatment of injuries or illnesses caused by legal or illegal abortion – is permitted under the Helms Amendment and that any restrictions under the Mexico City Policy, when in force, do not limit organizations from treating injuries or illnesses caused by legal or illegal abortions (i.e., providing post-abortion care). Notes USAID does not finance manual vacuum aspiration equipment purchase/distribution for any purpose.	Post-Abortion Care	All FP/RH assistance provided by USAID	Yes, in effect.
Guidance on the Definition and Use of the Global Health Programs Account: Section on Allowable Uses of Funds for Family Planning/Reproductive Health (2014) Outlines allowable uses of funds for FP/RH by providing a description of activities allowed and examples of activities not allowed, addressing not only FP/RH activities but also family planning activities’ integration with other global health and multisectoral activities.	FP/RH Activities; FP/RH System Strengthening Activities; Integrated FP Activities	All FP/RH assistance provided by USAID	Yes, in effect. Updated periodically.
PEPFAR FY 2018 Country Operational Plan Guidance¹³ Outlines certain FP/RH activities that may be reported under specific PEPFAR budget categories, including: adolescent-friendly sexual and RH services that are part of prevention targeting priority populations; assessment of FP needs and, if indicated, provision of contraception or safer pregnancy counseling or referral for FP services for HIV-positive individuals; access to adolescent-friendly RH services in support of vulnerable children; and RH services that support the needs of adolescents with HIV. Includes explanation of implementation of the Mexico City Policy (now called Protecting Life in Global Health Assistance policy) in PEPFAR programs.	HIV/AIDS Program Linkages with FP/RH Activities; Abortion; Post-Abortion Care	“Wraparound” PEPFAR activities related to FP/RH; Mexico City Policy applied to all global health assistance, including PEPFAR. ¹⁴	Yes, in effect. Updated annually.

NOTES: PEPFAR= U.S. President’s Emergency Plan for AIDS Relief; UNFPA= United Nations Population Fund; USAID= U.S. Agency for International Development.

¹ Congressional Research Service (CRS), *U.S. International Family Planning Programs: Issues for Congress*, January 2016; CRS, *Abortion and Family Planning-Related Provisions in U.S. Foreign Assistance Legislation and Policy*, January 2017; USAID Global Health eLearning Center, "FP Legislative & Policy Requirements (Updated)," online course, February 2009, authored by Debbie Gueye, Management Systems International (MSI); CRS, *The U.N. Population Fund: Background and the U.S. Funding Debate*, February 1, 2010; congressional appropriations acts; USAID, *USAID Policy Guidelines on Voluntary Sterilization*, PD-3, September 1982; USAID, *USAID Policy Paper Population Assistance*, September 1982; USAID, "Memo from Duff Gillespie on Post-Abortion Care," September 10, 2001; USAID, *Guidance on the Definition and Use of the Global Health Programs Account: A Mandatory Reference for ADS Chapter 200*, December 2014; OGAC, *PEPFAR Country/Regional Operational Plan Guidance (COP/ROP) 2017 Guidance*, Jan. 2017; KFF, [The Mexico City Policy: An Explainer](#); KFF, [UNFPA Funding & Kemp-Kasten: An Explainer](#).

² As noted in CRS, *Abortion and Family Planning-Related Provisions in U.S. Foreign Assistance Legislation and Policy*, January 2017: "No restrictions exist on funding for the medical evacuation of Peace Corps volunteers who decide to have an abortion. Under existing policy, the Peace Corps covers the cost of evacuation to a location where 'medically adequate facilities' for obtaining an abortion are available and where abortions are legally permissible."

³ For more information, see KFF, [UNFPA Funding & Kemp-Kasten: An Explainer](#).

⁴ In most recent years, a provision is included requiring that any Kemp-Kasten determination that is made must be accompanied by the evidence and criteria used to make the determination.

⁵ For more information, see KFF, [UNFPA Funding & Kemp-Kasten: An Explainer](#).

⁶ USAID defines a target/quota as "a predetermined figure that a service provider or referral agent is assigned or required to affect or achieve" for the purposes of the Tiahrt Amendment. It states that "the key to interpreting 'incentives' is to see whether they are provided in exchange for accepting a method (in the case of a client) or linked to achievement of a predetermined target or quota (in the case of program personnel)." USAID Global Health eLearning Center, "FP Legislative & Policy Requirements (Updated)," online course, February 2009, authored by Debbie Gueye, MSI.

⁷ USAID Global Health eLearning Center, "FP Legislative & Policy Requirements (Updated)," online course, February 2009, authored by Debbie Gueye, MSI.

⁸ Although such reallocation began in practice in FY 2002, it was first authorized by Congress in legislation beginning in FY 2004 with reference to FY 2002 and FY 2003 funds.

⁹ Informed Choice: Effective access to information on family planning choices and to the counseling, services, and supplies needed to help individuals choose to obtain or decline services; to seek, obtain, and follow up on a referral; or simply to consider the matter further. Voluntarism: Decision to use a specific method of family planning or to use any method of family planning is based upon the exercise of free choice and is not obtained by any special inducements or any element of force, fraud, deceit, duress or other forms of coercion or misrepresentation. USAID Global Health eLearning Center, "FP Legislative & Policy Requirements (Updated)," online course, February 2009, authored by Debbie Gueye, MSI.

¹⁰ This policy was first instituted via presidential memorandum in 1984 by President Reagan. In 1993, it was rescinded by President Clinton, although it was briefly applied legislatively in 1999 (see "Status" column). In 2001, it was reinstated by President Bush, who expanded its applicability in 2003 to include family planning funds at the State Department (see "Applies to" column) with some exemptions. In 2009, it was rescinded by President Obama. In 2017, it was reinstated by President Trump, who expanded its applicability to include all global health assistance furnished by all departments and agencies. For more information, see KFF, [The Mexico City Policy: An Explainer](#).

¹¹ For more information, see KFF, [The Mexico City Policy: An Explainer](#).

¹² Note that, with one exception, has been applied via Executive action. The exception was in FY 2000, when President Clinton agreed to a one-year legislative codification with a partial waiver of restrictions as part of a broader arrangement to pay the U.S. debt to the United Nations. See P.L. 106-113, Sec. 599D, and PAI, *Global Gag Rule Timeline*, July 12, 2011.

¹³ OGAC, *PEPFAR 2018 Country Operational Plan Guidance for Standard Process Countries*; specifically, Section 5, subsections 5.2.1.1, 5.2.1.4, 5.2.2.5, 5.2.3.1, 5.7, and Section 9, subsections 9.1.3, 9.1.5.

¹⁴ For more information, see KFF, [The Mexico City Policy: An Explainer](#).