



Trump-Pence Administration’s New, Expansive Global Gag Rule Interpretation Explained: This Time with Pictures

Last week, [Secretary Pompeo announced](#) a new interpretation of language included in the standard provisions implementing the [Global Gag Rule \(GGR\)](#) that gives the already massively expanded policy under the Trump-Pence administration even more [tentacles](#). Once this interpretation takes effect, the policy will usurp other donor priorities and force foreign nongovernmental organizations (NGOs) around the world to agree to U.S. demands to deny comprehensive sexual and reproductive health services to women and girls or face the loss of their U.S. global health assistance.

[As previously detailed by PAI](#), this interpretation is a marked departure from the position that the Trump-Pence administration took a little over a year ago as part of the [six-month review](#). At that time, the administration put forward an informed and (surprisingly) common sense interpretation of the meaning of the “financial support” provision. PAI understands that Secretary Pompeo decided the Department of State would **not** amend the requirement regarding “financial support.” The State Department does intend to move forward with the other two changes to the [standard provision](#) that were identified in the six-month review.

Under this new interpretation of the “financial support” provision, a foreign NGO who agrees to comply with the policy as either a direct recipient of U.S. global health assistance or as a subrecipient of U.S. global health assistance is prohibited from providing **any** financial support to **any** other foreign NGO that conducts activities prohibited under the GGR.

As a reminder, the GGR does not apply to U.S. NGOs and they still can engage in abortion-related activities with their private funding. U.S. NGOs are only required to flow down the policy to their foreign NGO subgrantees. As such, the new interpretation of the “financial support” provision represents no change for U.S. NGOs.

This new interpretation will have enormous implications for a variety of donors, ranging from other non-U.S. bilateral donors, to private foundations, even to other U.S. government funding streams outside of global health. This interpretation will also place an enormous burden of compliance on GGR-compliant foreign NGOs who, moving forward, will be required to conduct due diligence on subrecipients of any financial support they provide—regardless of source of funding or activity to be funded.

To better understand the full ramifications of this shift, let’s pretend that we work for a GGR-compliant foreign NGO called Girls Health International (GHI). GHI works to advance girls’ rights to health and

education. GHI receives funding from the U.S. government, private foundations and several bilateral donor governments.

Freedonia, a donor government, provides funding to GHI to support access to basic education and improve learning outcomes for girls in Oceania, a developing country. To achieve the objectives of the project, GHI plans to subgrant to foreign NGOs in Oceania who are experts in improving the quality of teaching and learning in schools.

- **Prior to the announcement** and based on the intent of the technical fix outlined in the six-month review:
 - To remain GGR-compliant, GHI would have been required to flow the policy down on all U.S. government global health assistance subgrants. With respect to other funding (in this case, the funding from Freedonia), GHI would have only needed to ensure that the funds being subgranted to the partners in Oceania were not being used to perform abortion-related activities that would violate the policy if undertaken by GHI itself.
 - Since GHI was subgranting funding from Freedonia to foreign NGO partners to improve learning conditions in schools, there would be no need to flow the policy language down, as it would not have been used to carry out activities prohibited by the policy.
- **As a result of the announcement:**
 - The U.S. government position is that since GHI has agreed to comply with GGR, it is required to flow the policy down on ALL funds—irrespective of origin or purpose—to retain its own eligibility for U.S. government global health assistance. GHI must now conduct due diligence on all organizations receiving its subgrants to ensure that none of the subgrantees are engaged in abortion-related activities prohibited by the policy—regardless of how those activities were financed.
 - So, if the foreign NGO partners in Oceania want to receive a subgrant from GHI to support access to education, they will also need to comply with the GGR and agree to not provide, counsel or refer for abortion “as a method of family planning” or advocate for the liberalization of abortion laws.
 - Per the shift in interpretation, the due diligence and subsequent gagging of the Oceania partners was triggered by the subgranting of funding originally from Freedonia and not U.S. global health assistance.

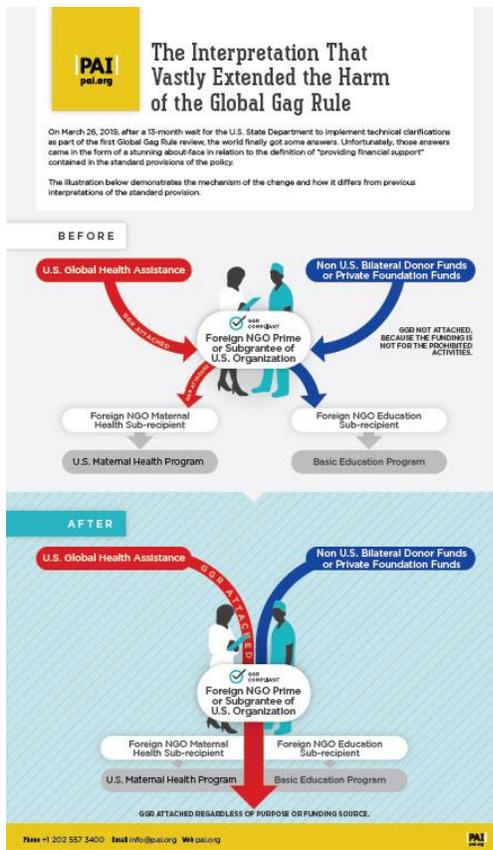
GHI also receives funding from the Ruckus Foundation, a large private family foundation focused on reducing global inequality. The funding from the Ruckus Foundation will be used to ensure girls in school have access to sanitation services. To achieve the objectives of the project, GHI plans to subgrant to foreign NGO partners in Oceania who have expertise in ensuring access to clean and convenient sanitation services.

- **Prior to the announcement:**
 - GHI would only need to ensure that the funds being subgranted from the Ruckus Foundation to the foreign NGOs in Oceania are not being used to perform abortion-related activities that would violate the policy if undertaken by GHI itself.
 - Since GHI is subgranting funding to foreign NGO partners in Oceania from the Ruckus Foundation to improve sanitation services in schools, there is no need to flow down the policy language because the funding is not being used to carry out activities prohibited by the policy.
- **As a result of the announcement:**
 - GHI must know and conduct due diligence on all foreign NGO partners in Oceania to whom they plan to subgrant Ruckus Foundation funding to improve sanitation services

in schools. Before the foreign NGO partners in Oceania can receive funding from GHI, they will need to agree to comply with the GGR.

- The due diligence and subsequent gagging of the foreign NGO partners in Oceania was a result of the subgranting of funding originally from the Ruckus Foundation and not the receipt of any U.S. global health assistance.

Clearly, this administration will take any and all actions to implement this policy to the broadest extent possible, even if that means running roughshod over other donors. The implementation of this interpretation also means that the Trump-Pence administration and their political appointee minions can no longer say the GGR does not directly apply to other donor funds. Bilateral and private foundation donors should take note and ask the administration how they can justify directly attaching the GGR to the funding priorities of sovereign countries and private foundations. While they are at it, they might also consider asking the administration to whom partners should send the bill to cover the time and money spent on due diligence versus implementing programs.



[Download the PDF](#)