



Absolutely Deplorable: Trump administration’s GGR interpretation represents massive overreach

After a 13-month wait for the Department of State to implement the technical clarifications issued as part of the first review of the Global Gag Rule, bilateral donors, private foundations, and U.S and foreign NGO implementing partners finally got some answers. Unfortunately, those answers came in the form of a stunning about-face. This morning, Secretary Mike Pompeo [announced](#) this new interpretation of the Global Gag Rule which represents a massive overreach of the policy. Specifically, the Trump administration is making an end-run around the technical fix related to the meaning of “provide financial support to any other foreign organization that conducts such activities,” legal language contained in the standard provisions to which foreign NGOs must agree in order to remain eligible to receive U.S. government global health assistance.

The [review](#) released and signed off on by former Secretary of State Rex Tillerson on February 7, 2018, adopted the position of PAI and multiple implementing NGOs who understood and asserted that the “financial support” clause meant that a foreign NGO subject to the policy cannot fund another organization to conduct activities that would violate the policy if undertaken by the foreign NGO itself.

The interpretation announced today effectively prohibits a foreign sub-recipient from using its non-U.S. government assistance to support any kind of health or development work of a foreign partner that receives no U.S. government global health assistance, if that partner separately engages in abortion-related work with its own funding—essentially blacklisting those organizations. Furthermore, this interpretation would effectively graft the policy onto partnerships with foreign NGOs that are funded by other bilateral donors that oppose the policy, potentially giving rise to or exacerbating tensions between the U.S. government and those donor nations. Under this interpretation, in order to remain in compliance with the Global Gag Rule, a foreign NGO would have to track funding they flow-down to a subgrantee from a bilateral donor or a private foundation, for example related to girls education, and ensure that their foreign partner organization is not engaged in any of the prohibited activities, even without any U.S. government assistance.

Proving that this administration continues to rely on alternative facts, Secretary Pompeo denied the Global Gag Rule is having a negative impact on the ground and continued to misrepresent what the policy actually does. The Global Gag Rule is not and has never been about U.S. taxpayer funding for abortion. Although unsafe abortion is a leading cause of maternal morbidity and mortality in the developing world, the Helms Amendment has restricted the use of U.S. foreign assistance funds for "abortion as a method of family planning" since 1973. The Global Gag Rule goes above and beyond the Helms Amendment, denying foreign organizations receiving U.S. global assistance the right to use their

own non-U.S. funds to provide information, referrals or services for legal abortion or to advocate for the legalization of abortion in their country. The Secretary of State knows well and good what this policy does, yet he continues to willfully misrepresent the facts.

Today's actions make clear that the Trump-Pence administration will stop at nothing in its quest to blacklist organizations who provide comprehensive sexual and reproductive health and rights information and services and starve them of funding—from any source. Even if that means extending the Global Gag Rule to funding from other bilateral donors and private foundations across all development sectors.

It is with great hope that the bilateral donors who are now directly impacted by this policy—many of whom created SheDecides in the immediate aftermath of the return and expansion of the Global Gag Rule—will call out this scheme to coopt their funding. This is completely unnecessary, it is a waste of resources and it is a purely political stunt aimed at stigmatizing the provision of comprehensive sexual and reproductive health information and services. We can only hope the U.S. private foundations, now with legal standing to sue, will take this administration to federal court—and win. This backdoor attempt to buy-up or shut down foreign NGOs who are doing good work in countless countries around the world on their behalf should not go uncontested.