

## Everything but the Kitchen Sink

On May 15<sup>th</sup>, the State Department released the implementation plan for the expansion of the Trump Global Gag Rule (GGR) to “global health assistance furnished by all departments or agencies” of the U.S. government. Consistent with the [January 23<sup>rd</sup> presidential memorandum](#), a foreign nongovernmental organization (NGO) will now be required to certify that it does not provide abortion services, counsel or refer for abortion, or advocate for abortion law reform, even if done with its own, non-U.S. funds, in order to remain eligible to receive U.S. bilateral global health assistance for any purpose and from any funding account—with very few exceptions. Because the only exemption within the U.S. government’s massive global health portfolio is provided for water and sewer infrastructure, the Trump GGR has literally been extended to everything but the kitchen sink.



Since the issuance of the presidential memorandum dramatically expanding the reach of the Global Gag Rule nearly four months ago, the crucial question has been how the parameters of “global health assistance” were to be defined in the implementation plan that the Secretary of State was directed to prepare. Now we know.

Late last night, the U.S. Agency for International Development (USAID) finally made public the [“standard provisions”](#) to be included in grants and cooperative agreements by USAID to implement the expanded Trump GGR. The revision to the agency’s automated directives system clarifies that with regard to USAID assistance, the GGR restrictions are “applicable to those awards using federal funding predictably for international health activities with a primary purpose or effect of benefiting a foreign country, typically from the [Global Health Programs], [Economic Support Fund], [Assistance for Europe, Eurasia, and Central Asia], or successor accounts.” The USAID standard provision also stipulates that, in addition to health activities funded under the named funding accounts, the GGR applies to “awards reported on under the Health category of the Foreign Assistance Standardized [Program Structure](#), except those under program area HL.8.” Two additional programs were explicitly exempted—American Schools and Hospitals Abroad and Food for Peace.

For global health assistance administered by the State Department, a document issued by the State Department’s Office of the Procurement Executive, titled Federal Assistance Management Advisory Number 2017-01, states that “this policy applies to all Department of State awards that fall under the Health category of the Foreign Assistance Standardized Program Structure except: awards funded under program area HL.8, Water Supply and Sanitation....”

As a result, the expanded Trump GGR requires that foreign NGOs certify their willingness to comply with the policy and refrain from any abortion-related activities paid for with their own, privately raised, non-USG-funds as a condition for receiving U.S. bilateral global health assistance to address the following urgent public health challenges:

- HIV/AIDS, including the President’s Emergency Plan for AIDS Relief (PEPFAR);