

March 2026

**BRIEFING PAPER**

# The Trump Administration's Global Gag Rules

What to Know and How to Respond



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## EXECUTIVE SUMMARY

In January 2026, the Trump administration introduced the Promoting Human Flourishing in Foreign Assistance policy, establishing three rules governing U.S. State Department foreign assistance and requiring recipients to accept new restrictions as a condition of funding. These rules expand upon a “global gag rule” issued under previous Republican administrations in the U.S. that has restricted what organizations receiving U.S. foreign assistance can say or do on abortion. The new set of global gag rules addresses a range of politically contested issues, extending beyond abortion to constrain programming, advocacy, and services related to gender identity and equity.

The rules prohibit recipients from promoting what the administration defines as “gender ideology,” “discriminatory equity ideology,” and abortion as a method of family planning. Non-governmental organizations (NGOs) based in the U.S. are restricted primarily in activities tied to U.S. funding, while foreign NGOs and international organizations may face broader organization-wide restrictions outside the United States regardless of funding source.

The policy represents a structural shift in U.S. foreign assistance, conditioning development funding on alignment with the administration’s ideological positions and constraining governments, multilaterals, and NGOs. The rules are likely to undermine global health, education, and economic development outcomes, particularly for marginalized populations.

In this brief, Outright offers a series of recommendations to actual or potential U.S. foreign assistance recipients and donor governments, including avoiding over-compliance, maintaining existing non-discrimination obligations, negotiating implementation terms, coordinating across institutions, protecting subrecipients, and encouraging other donors to help offset funding gaps.

## Introduction

On January 27, 2026, the U.S. State Department issued three final rules, collectively referred to as the Promoting Human Flourishing in Foreign Assistance (PHFFA) Policy governing foreign assistance. These rules apply to specific flows of foreign assistance funding administered by the Department of State. Under each rule, before a recipient — including foreign governments and parastatals, foreign NGOs, U.S.-based NGOs, and multilateral organizations — can receive new or renewed forms of foreign assistance, it must agree to a set of terms inserted into funding agreements. The policies are sometimes described as “global gag rules,” a term commonly used to refer to funding conditions that restrict what recipients of U.S. assistance may say or do on politically contested issues; in this case, the rules extend that model beyond abortion to also constrain programming, advocacy, and services related to gender identity and equity.

The Combating Discriminatory Equity Ideology in Foreign Assistance Rules (CDEIFA) bars recipients from engaging in the promotion of “discriminatory equity ideology” and from engaging in activities considered diversity, equity, and inclusion (DEI)-related discrimination.<sup>1</sup> Combating Gender Ideology in Foreign Assistance (CGIFA) rule bars recipients from providing “sex-rejecting procedures” and from promoting “gender ideology.”<sup>2</sup> The Protecting Life in Foreign Assistance (PLFA) rule bars recipients from providing or promoting abortion as a method of family planning.<sup>3</sup>

These rules apply to new agreements and amendments of current agreements signed after February 26, 2026, including State Department grants, cooperative agreements, and voluntary contributions. While the set of rules released on January 27 applies specifically to State Department funding, there are indications that other U.S. Departments will promulgate similar rules.

## What Stakeholders Need to Know

### 1. The foreign assistance rules extend an “America First” approach to global development.

The PHFFA rules represent an extension of the Trump administration’s “America First”<sup>4</sup> foreign policy into the fields of international development and foreign assistance. They align with a broader strategic objective to expand U.S. influence over governments and institutions that rely on U.S. assistance, trade relationships, or security cooperation. They eschew the principle that foreign assistance should “do no harm” and the global commitment in the 2030 Agenda for Sustainable Development to “leave no one behind.”

Many countries have adopted laws and policies that provide abortion services, offer gender-affirming care, recognize diverse gender identities, and protect excluded minorities. The new rules place such policies in direct tension with eligibility for U.S. assistance. This approach reflects a broader pattern in the administration’s America First foreign policy of using economic, diplomatic, and at times military tools to assert U.S. priorities internationally. This includes tariffs as bargaining tools, sanctions and visa restrictions

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<sup>1</sup> U.S. Department of State. “Combating Discriminatory Equity Ideology in Foreign Assistance Rules.” Federal Register 91, no. 17 (January 27, 2026): 3345–3360. <https://www.federalregister.gov/documents/2026/01/27/2026-01517/combating-discriminatory-equity-ideology-in-foreign-assistance-rules>.

<sup>2</sup> U.S. Department of State. “Combating Gender Ideology in Foreign Assistance.” Federal Register 91, no. 17 (January 27, 2026): 3332–3345. <https://www.federalregister.gov/documents/2026/01/27/2026-01516/combating-gender-ideology-in-foreign-assistance>.

<sup>3</sup> U.S. Department of State. “Protecting Life in Foreign Assistance.” Federal Register 91, no. 17 (January 27, 2026). <https://www.federalregister.gov/documents/2026/01/27/2026-01519/protecting-life-in-foreign-assistance>.

<sup>4</sup> The “America First” doctrine holds that U.S. foreign policy should be guided primarily by what the administration defines as U.S. national interest, rather than by international norms, alliances, or shared commitments to global development and human rights.

on International Criminal Court officials, efforts to exert greater influence within international institutions, and the use or threat of military force in pursuit of what the administration describes as national security objectives.

Through the PHFFA rules, the United States effectively seeks to condition the policy choices of the governments, multilateral organizations, and nonprofits that receive its funding. In practice, this will constrain the ability of these actors to pursue development, humanitarian, and human rights objectives that diverge from U.S. priorities. Ultimately, this shift places U.S. foreign assistance policy in direct tension with the internationally agreed standards to which the United States itself was a signatory: that assistance must first do no harm, and that it must reach those furthest behind.

## 2. The rules impose political ideology and ignore human reality.

The new rules restrict the use of U.S. foreign assistance funds in activities that the administration characterizes as promoting “gender ideology.” At issue is how programs supported by U.S. assistance address the gender identity of individuals in the many populations impacted by this assistance. While recognizing the importance of a person’s sex, medical, psychological, and public-health research also recognizes gender identity as a component of human health.<sup>5</sup> Gender identity is generally defined as an individual’s deeply held sense of being female, male, both, neither, or another gender. A substantial body of research across these fields documents that gender diversity occurs across all human populations and cultures.<sup>6</sup>

The administration grounds its approach in the assumption that gender does not exist, or that it is fixed for life at birth by one’s sex. The administration frames the human reality of gender identity as an ideology, asserting that its policies are intended to stop this “gender ideology” from displacing biological sex. The term “gender ideology” emerged from advocacy discourse associated with the Vatican and a range of religious and political organizations beginning in the 1990s.<sup>7</sup> By using this framing, the administration also created the basis for disregarding gender as a social and legal category in development and human rights, and governance activities.

Studies also indicate that access to appropriate, evidence-based services — including healthcare, educational support, and social services — can improve health and wellbeing outcomes for gender-diverse individuals, including reductions in depression and suicide risk.<sup>8</sup> International human rights standards recognize gender identity as a component of human dignity, individual autonomy, and equality before the

<sup>5</sup> Reisner, Sari L., Tonia Poteat, JoAnne Keatley, Mauro Cabral, Tampose Mothopeng, Emilia Dunham, Claire E. Holland, Ryan Max, and Stefan D. Baral. “Global Health Burden and Needs of Transgender Populations: A Review.” *The Lancet* 388, no. 10042 (2016): 412–436. [https://doi.org/10.1016/S0140-6736\(16\)00684-X](https://doi.org/10.1016/S0140-6736(16)00684-X)

<sup>6</sup> American Psychological Association. *Guidelines for Psychological Practice with Transgender and Gender Nonconforming People*. Washington, DC: American Psychological Association, 2015. <https://www.apa.org/practice/guidelines/transgender.pdf>.

<sup>7</sup> Kuhar, Roman, and David Paternotte, eds. *Anti-Gender Campaigns in Europe: Mobilizing against Equality*. London and Lanham, MD: Rowman & Littlefield International, 2017. [https://transreads.org/wp-content/uploads/2021/07/2021-07-23\\_60fa088d192f4\\_Anti-GenderCampaignsinEuropeMobilizingAgainstEqualitybyRomanKuharDavidPaternotte-lib.org\\_.pdf](https://transreads.org/wp-content/uploads/2021/07/2021-07-23_60fa088d192f4_Anti-GenderCampaignsinEuropeMobilizingAgainstEqualitybyRomanKuharDavidPaternotte-lib.org_.pdf).

<sup>8</sup> Tordoff, Diana M., Jonathon W. Wanta, Arin Collin, Cesalie Stepney, David J. Inwards-Breland, and Kym Ahrens. “Mental Health Outcomes in Transgender and Nonbinary Youths Receiving Gender-Affirming Care.” *JAMA Network Open* 5, no. 2 (2022): e220978. <https://doi.org/10.1001/jamanetworkopen.2022.0978>; Reisner, Sari L., Tonia Poteat, JoAnne Keatley, Mauro Cabral, Tampose Mothopeng, Emilia Dunham, Claire E. Holland, Ryan Max, and Stefan D. Baral. “Global Health Burden and Needs of Transgender Populations: A Review.” *The Lancet* 388, no. 10042 (2016): 412–436. [https://doi.org/10.1016/S0140-6736\(16\)00684-X](https://doi.org/10.1016/S0140-6736(16)00684-X); Day, Mahaila, and Annette Brömdal. “Mental Health Outcomes of Transgender and Gender Diverse Students in Schools: A Systematic Literature Review.” *International Journal of Transgender Health* (2024). <https://doi.org/10.1080/26895269.2024.2359934>.

law.<sup>9</sup> Within this framework, policies that acknowledge gender identity aim to ensure that individuals can access services, participate in social and economic life, and receive equal protection under the law.

The rules also restrict “discriminatory equity ideology.” This concept is used to critique policies and programs that address structural inequality. In public policy and social science literature, structural inequality refers to patterns of disadvantage embedded in institutions, laws, and social systems that affect different groups unevenly. Policy approaches that acknowledge structural inequality typically aim to address barriers that affect access to education, healthcare, employment, housing, and other social goods.

Policies intended to advance the human rights and development outcomes of LGBTIQ people are generally grounded in the international human rights framework, emphasizing equality and human dignity, and evidence-based recognition of lived experience. Policies targeted to the LGBTIQ community respond to documented disparities affecting individuals on the basis of sexual orientation, gender identity, gender expression, or sex characteristics. The U.S. dismissal of such policies as “gender ideology” mischaracterizes the nature of vital work taking place across scores of countries to prevent violence and discrimination against LGBTIQ people.

### 3. The rules will set back health, education, and economic development.

The rules restrict a number of activities that are important for maintaining positive public health and economic development outcomes. Although the rules do not explicitly prohibit providing services to transgender people, they prohibit important services according to what they are and how they are delivered. At the most basic level, the rules prohibit the recognition of a person's gender identity through the use of a name or pronouns that the U.S. deems inconsistent with their sex at birth.

The impact on HIV programming is particularly significant. Transgender women are among the populations most vulnerable to HIV globally, and existing prevention efforts fall critically short of reaching them at the scale needed.<sup>10</sup> Data indicates that when prevention and treatment are delivered through tailored programs that include trans-adapted health services, results are more promising than through standard service delivery.<sup>11</sup> The rules' restrictions on targeted outreach, provider training, and trans-adapted service delivery will directly undermine these programs at a moment when they are already critically underfunded.

More broadly, the rules restrict a range of programmatic and service activities, including:

- **Gender-affirming medical care**, as well as counseling, referrals, and clinical guidance related to gender identity.
- **Education programs, public-information initiatives, and community-outreach efforts** targeted at transgender populations and other marginalized groups.
- **Training for healthcare workers, social-service providers, teachers, and employers** on best practices for working with transgender individuals and other marginalized groups.
- **Stakeholder engagement, policy dialogue, civic participation, and legal reform efforts** related to gender identity or gender-based discrimination.

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<sup>9</sup> Yogyakarta Principles Plus Ten: Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, 10 November 2017, [http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5\\_yogyakartaWEB-2.pdf](http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf).

<sup>10</sup> UNAIDS. HIV and Transgender People: Global AIDS Update 2024—Thematic Briefing Note. Geneva: Joint United Nations Programme on HIV/AIDS (UNAIDS), 2024. <https://www.unaids.org/en/resources/documents/2024/2024-unaids-global-aids-update-transgender-people>.

<sup>11</sup> de la Paz, Martha O., and Harry Barbee. “Beyond Prevention: How Gender-Affirming Care Can Transform HIV Outcomes for Transgender and Gender-Diverse Populations.” *American Journal of Public Health* 115, no. 10 (2025): 1611–1615. <https://doi.org/10.2105/AJPH.2024.307984>.



- **Financial or technical support for partner organizations** that carry out such activities.

Evidence from global health research indicates that barriers to gender-affirming care and supportive services are associated with poorer health outcomes among transgender populations.<sup>12</sup> These barriers have been linked to higher rates of depression, anxiety, substance use, and suicide attempts compared with the general population. In educational settings, transgender youth experience elevated levels of harassment, higher dropout rates, and poorer educational outcomes. In labor markets, transgender individuals frequently face wage disparities and hostile workplace environments that limit economic participation. Taken together, these health, education, and labor market effects compound one another – poor health reduces educational attainment, lower educational attainment limits economic participation, and exclusion from the workforce deepens health disparities – creating a cycle of disadvantage that the rules will entrench rather than address. These effects translate into lost human capital, reduced economic output, and increased public expenditures, imposing broader costs on national economies.<sup>13</sup>

#### 4. The rules will have negative economic consequences.

These rules will burden the economy and create additional costs. According to the U.S. government's own cost estimates published in the Federal Register, compliance with all three PHFFA rules will impose recurring annual costs of more than \$342 million on affected recipients and grantees. The broader economic costs – from service disruption, reduced health outcomes, and lost human capital – are explicitly acknowledged in the rules themselves as unquantifiable.

The fiscal impact on HIV programs warrants particular attention. Transgender people are recognized as a key population in national HIV responses globally. Yet interventions targeting key populations are already severely underfunded relative to their impact – they are where the highest number of new infections occur. According to data from UNAIDS, the estimated number of new HIV infections in 2022 was 55 percent among key populations and their partners.<sup>14</sup> Meanwhile, interventions focusing on key populations received only two percent of HIV prevention and testing spending in low- and middle-income countries,<sup>15</sup> and are often disproportionately reliant on international funding. The rules' restrictions on trans-adapted outreach, prevention, and provider training will widen this gap further, increasing long-term treatment costs and undermining public-health investments that take years and significant resources to rebuild.

For transgender populations and other marginalized groups, poorer health outcomes increase burdens on already-constrained health systems. Lower levels of good health among the workforce equate to reduced workforce participation and lower labor productivity. This drives down profits of companies and eventually the entire economy.

Economic effects may also arise through education and labor-market channels. When schools, training programs, and social services lack staff who are trained to engage transgender individuals respectfully and safely, transgender students and participants are more likely to experience harassment, exclusion, or disengagement from services.<sup>16</sup> These conditions contribute to higher dropout rates and lower educational

<sup>12</sup> Institute of Medicine. *The Health of Lesbian, Gay, Bisexual, and Transgender People: Building a Foundation for Better Understanding*. Washington, DC: The National Academies Press, 2011. <https://doi.org/10.17226/13128>.

<sup>13</sup> Flores, Andrew R., Dominik Koehler, Leonardo Lucchetti, Clifton Cortez, Jovana Djindjić, and Lidija Kuzmanov. *The Economic Cost of Exclusion Based on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in the Labor Market in the Republic of North Macedonia*. Washington, DC: World Bank, 2023. <https://www.worldbank.org/en/region/eca/publication/economic-cost-of-exclusion-lgbti>.

<sup>14</sup> van Schalkwyk, Cari, Mary Mahy, Leigh F. Johnson, and Jeffrey W. Imai-Eaton. "Updated Data and Methods for the 2023 UNAIDS HIV Estimates." *Journal of Acquired Immune Deficiency Syndromes* 95, no. 1 Suppl. (2024): e1–e4. <https://doi.org/10.1097/QAI.0000000000003344>.

<sup>15</sup> UNAIDS. *The Path: Ending AIDS by 2030*. Geneva: Joint United Nations Programme on HIV/AIDS (UNAIDS). <https://thepath.unaids.org/>.

<sup>16</sup> Fontanari, Anna Martha Vaites, Marina Feijó, Anna Paula Villas-Boas, Guilherme Welter Wendt, and Angelo Brandelli Costa. "School Climate, Absenteeism and School Transfer Due to Transphobic Bullying in Transgender and Non-Binary Youth." *Journal of Adolescence* 98 (2026): 591–601. <https://doi.org/10.1002/jad.70084>.

attainment,<sup>17</sup> both of which have well-documented long-term economic consequences.<sup>18</sup> Each additional year of education is associated with higher lifetime earnings and increased economic productivity; conversely, early school departure can reduce lifetime income and limit labor-force participation. Similar dynamics occur in the workplace, where hostile or exclusionary environments can reduce employment opportunities,<sup>19</sup> depress wages,<sup>20</sup> and increase turnover.<sup>21</sup> These are not abstract projections — they are the documented consequences of exclusionary policies,<sup>22</sup> and the rules make them more likely for millions of people in countries that depend on U.S. foreign assistance.

## Recommendations

The new rules represent a structural shift in U.S. foreign assistance policy — not a narrow grant condition — extending the "America First" doctrine into development and designed to shape the behavior of recipient governments and institutions. Their effects will be real, but they are not inevitable. The rules contain significant ambiguity, built-in flexibility, and formal mechanisms for modification. Recipients should conduct strategic risk assessments on their dependence on U.S. funding and plan for scenarios in which that assistance becomes incompatible with their mandates. The following recommendations are offered as a guide to preserving as much programmatic integrity and human dignity as possible within a constrained environment.

### To Actual or Potential U.S. Foreign Assistance Recipients

#### 1. Understand exactly what these rules require of you — and do not over-comply.

The rules' broad and ideologically motivated language creates a risk that organizations will restrict far more than they are legally required to. Past experience under similar rules shows that over-compliance — driven by an excess of caution, administrative convenience, or even confusion — has been one of the most significant drivers of harm to the populations these programs serve. Comply strictly with what the rules require and no more, applying restrictions only where explicitly required by funding agreements and avoiding internal policies that extend the restrictions beyond their legal scope. Conduct a thorough threshold review, document your conclusions, and resist internal pressure to adopt restrictions that go beyond what your specific agreement legally requires.

<sup>17</sup> UNESCO. Out in the Open: Education Sector Responses to Violence Based on Sexual Orientation and Gender Identity/Expression. Paris: United Nations Educational, Scientific and Cultural Organization, 2016. <https://unesdoc.unesco.org/ark:/48223/pf0000244652>.

<sup>18</sup> Sticca, Alessandro. The Inclusion of LGBTQI+ Students across Education Systems: An Overview. OECD Education Working Papers, no. 273. Paris: OECD Publishing, 2022. <https://doi.org/10.1787/91775206-en>.

<sup>19</sup> UNDP, Asia Pacific Transgender Network, and Curtin University. Denied Work: An Audit of Employment Discrimination on the Basis of Gender Identity in South-East Asia. Bangkok: United Nations Development Programme, 2018. <https://www.undp.org/asia-pacific/publications/denied-work-audit-employment-discrimination-basis-gender-identity-south-east-asia>.

<sup>20</sup> Flores, Andrew R., Dominik Koehler, Leonardo Lucchetti, Clifton Cortez, Jovana Djindjić, and Lidija Kuzmanov. The Economic Cost of Exclusion Based on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in the Labor Market in the Republic of North Macedonia. Washington, DC: World Bank, 2023. <https://www.worldbank.org/en/region/eca/publication/economic-cost-of-exclusion-lgbt>.

<sup>21</sup> Sabharwal, Meghna, Helisse Levine, Maria J. D'Agostino, and Tiffany Nguyen. "Inclusive Work Practices: Turnover Intentions among LGBT Employees of the U.S. Federal Government." Public Administration Review 78, no. 4 (2018): 561–572. [https://academicworks.cuny.edu/jj\\_pubs/390/](https://academicworks.cuny.edu/jj_pubs/390/).

<sup>22</sup> Badgett, M. V. Lee, Kees Waaldijk, and Yana van der Meulen Rodgers. "The Relationship between LGBT Inclusion and Economic Development: Macro-Level Evidence." World Development 120 (2019): 1–14. <https://doi.org/10.1016/j.worlddev.2019.03.011>; Badgett, M. V. Lee. The Economic Cost of Stigma and the Exclusion of LGBT People: A Case Study of India. Washington, DC: World Bank, 2014. <https://documents1.worldbank.org/curated/en/527261468035379692/pdf/940400WP0Box380usion0of0LGBT0People.pdf>.

## 2. Maintain compliance with all existing non-discrimination obligations.

The PHFFA rules do not override existing legal obligations. National laws, local anti-discrimination statutes, professional standards of care, labor laws, and contractual obligations with other funders all remain in force. In some countries, these existing obligations will require organizations to continue activities that the PHFFA rules seek to restrict. Organizations should document this tension explicitly and seek exemptions from the Department of State where local law and the award terms conflict, as the rules themselves provide a mechanism for this.

## 3. Treat these rules as negotiable, not fixed.

The rules are not self-executing and take effect through negotiated agreements with the U.S. government. Recipients should actively seek clarifications, waivers, and modifications where provisions conflict with national law, institutional mandates, or essential programming. This is especially important for multilateral organizations and foreign governments, where the rules' application is explicitly subject to Department of State assessment and discretion.

## 4. Strengthen collective positioning across institutions.

Individual negotiations with donors are unlikely to shift implementation practices. Governments, UN agencies, NGOs, and philanthropic actors should coordinate legal analysis, align messaging, share interpretations, and engage collectively with U.S. counterparts to strengthen leverage and promote consistent approaches. A shared legal framework and coordinated positions across institutions would reduce the leverage the rules currently give the U.S. government to apply them inconsistently or selectively.

## 5. Protect subrecipients from overreach.

The flow-down provisions in the rules require primary recipients to pass the award terms down to subrecipients — but this obligation has limits. Primary recipients should not impose restrictions on subrecipients that go beyond what the rules legally require, and should actively assist subrecipients in conducting their own threshold reviews. The obligations of subrecipients are not identical to those of primary recipients and depend on the subrecipient's own organizational type, location, and activities. Getting this wrong in either direction — failing to flow down required terms, or flowing down more restrictive terms than required — creates legal and programmatic risk for both parties.

### To Donor Governments

#### 1. Prioritize funding for programs and populations most affected by U.S. restrictions.

The PHFFA rules will create immediate shortfalls in programming for some of the world's most marginalized populations. Other donor governments should urgently review and redirect funding toward programs and organizations affected by U.S. conditionality. This need is intensified by the fact that some donors are ideologically aligned with the intent of the rules and will not fund activities the PHFFA restricts — meaning only a limited group of donors is in a position to support inclusive, evidence-based programming for affected populations. The donors willing and able to support this work are fewer than the need demands — making their engagement more valuable, and more urgent, than ever.



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## 2. Use diplomatic channels to push back on the rules' extraterritorial reach.

Through their flow-down provisions and organization-wide restrictions, the PHFFA rules effectively seek to condition the behavior of organizations operating across multiple donor relationships. Other donor governments have a direct interest in resisting this reach, which undermines the independence of organizations they also fund. Bilateral and multilateral engagement with the United States — including through UN agencies and multilateral development institutions — should explicitly address the rules' incompatibility with shared development norms and commitments.

## 3. Coordinate on legal analysis and shared standards.

The PHFFA rules create pressure on recipient organizations to choose between U.S. funding and compliance with other donors' requirements around non-discrimination and inclusive programming. Other donor governments should work collectively — through the OECD Development Assistance Committee, UN agencies, and bilateral donor forums — to develop shared legal analysis, align funding conditions in ways that protect inclusive programming, and present coordinated positions to recipient organizations. A fragmented donor response will amplify the rules' harmful effects; a coordinated one can limit them.

## Annex: Scope of the New Rules

### Types of Funding

These rules establish requirements that any foreign NGO or international organization that receives an award of foreign assistance must accept as a condition of receiving foreign assistance from the U.S. Department of State.<sup>23</sup> These rules apply to any new agreements and amendments of current agreements signed after February 26. They apply to specific types of transfers of foreign assistance:

1. grants,
2. cooperative agreements, and
3. voluntary contributions.

The rules only apply to foreign assistance funds administered by the U.S. Department of State and do not apply to funds administered by other departments. However, other U.S. departments are likely to issue similar rules.

The following chart shows what this rule appears to require of U.S.-based NGOs, foreign NGOs, international organizations (e.g. UN agencies), and foreign governments and parastatals that receive relevant forms of State Department funding.

|                                          | US NGOs                                                     |                                                          | Non-U.S. NGO or international organization | Governments and parastatals          |
|------------------------------------------|-------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------|--------------------------------------|
|                                          | Programs receiving U.S. funds (inside and outside the U.S.) | Programs outside the U.S. (regardless of funding source) |                                            |                                      |
| <b>No promotion of DEI</b>               | ●                                                           |                                                          | ●                                          | ●<br>(at the discretion of the U.S.) |
| <b>No DEI-related discrimination</b>     | ●                                                           | ●                                                        | ●                                          | ●<br>(at the discretion of the U.S.) |
| <b>No promotion of "gender ideology"</b> | ●                                                           |                                                          | ●                                          | ●<br>(at the discretion of the U.S.) |
| <b>No "sex-rejecting" services</b>       | ●                                                           | ●                                                        | ●                                          | ●<br>(at the discretion of the U.S.) |

<sup>23</sup> Foreign assistance is defined as federal funding administered by the U.S. Department of State under title III of annual Department of State, Foreign Operations, and Related Programs Appropriations Act as well as funding under the "International Narcotics Control and Law Enforcement," "Nonproliferation, Anti-Terrorism, Demining and Related Programs," "Peacekeeping Operations," and "International Organizations and Programs" headings.

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## Types of Recipients and Implementers

### U.S. NGOs

U.S. NGOs that receive or implement a foreign assistance grant or cooperative agreement must agree not to do the following, with funds from any U.S. foreign assistance-funded program, project, or activity, inside or outside the United States:

1. Promote discriminatory equity ideology
2. Engage in unlawful DEI-related discrimination
3. Promote gender ideology, defined to include the provision of sex-rejecting procedures
4. Promote abortion as a method of family planning
5. Provide abortion as a method of family planning

They must also agree not to do any of the following outside the United States, organization-wide, regardless of the funding source.

1. Engage in unlawful DEI-related discrimination
2. Provide sex-rejecting procedures
3. Provide abortion as a method of family planning

### Foreign NGOs and International Organizations

Foreign NGOs and international organizations that receive a foreign assistance grant or cooperative agreement must agree that, organization-wide, outside the United States, regardless of the funding source, they will not engage in the following:

1. Promote discriminatory equity ideology, or provide financial support to any other foreign NGO or international organization that promotes discriminatory equity ideology.
2. Engage in unlawful DEI-related discrimination, or provide financial support to any other foreign NGO or international organization that engages in unlawful DEI-related discrimination.
3. Promote gender ideology, defined to include the provision of sex-rejecting procedures, or provide financial support to any other foreign NGO or international organization that promotes gender ideology."
4. Promote or provide abortion as a method of family planning, or provide financial support to any other foreign NGO or international organization that engages in such activities.

### Foreign Governments and Parastatals

Foreign governments and parastatals (organizations owned or controlled by a foreign government) that receive or implement a foreign assistance grant or cooperative agreement may or may not be subject to the rules, based on the Department of State's assessment of related foreign policy goals. A foreign government or parastatal may be required to agree that it will segregate awarded funds and not use foreign assistance funds to do the following:

1. use funds to promote discriminatory equity ideology
2. engage in unlawful DEI-related discrimination
3. use funds to promote gender ideology, defined to include providing sex-rejecting procedures
4. use foreign assistance funds under the award to provide or promote abortion as a method of family planning

## Subcontractors and Subrecipients

U.S. and foreign NGOs, international organizations, and foreign governments will be required to flow down the award terms under this rule to any subrecipients.

## Definitions

### Combating Discriminatory Equity Ideology in Foreign Assistance

#### Unlawful DEI-Related Discrimination

The first part of this definition in the CDEIFA rule reaffirms existing prohibitions of discrimination based on race, color, religion, or national origin:

For purposes of this rule, unlawful DEI-related discrimination means discrimination on the basis of race, color, religion, or national origin if such discrimination violates U.S. federal antidiscrimination law or would violate U.S. federal antidiscrimination law if it occurred inside the United States, including the use of those characteristics as a selection criterion or preference for, or basis for exclusion from, employment, contracting, program participation, resource allocation, training, or similar activities, opportunities, or benefits. This includes all conduct that discriminates on the basis of race, color, religion, or national origin that violates U.S. federal antidiscrimination law or would violate U.S. federal antidiscrimination laws if it occurred inside the United States, ...<sup>24</sup>

The second part of the definition adds additional unlawful practices set out in an earlier document:

[This includes] .... any “unlawful practices” under the Attorney General’s Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination (July 29, 2025) with respect to... those characteristics.<sup>25</sup>

The Attorney General’s guidance provides examples of unlawful practices such as “race-based training sessions, race-based segregation in facilities or resources, implicit segregation through program eligibility, race-based “diverse slate” policies in hiring, race-based program participation (including when framed as addressing underrepresentation), DEI training programs that promote discrimination based on protected characteristics, such as by stereotyping, excluding or disadvantaging individuals based on their race, color, religion, or national origin, or creating a hostile environment.”<sup>26</sup>

#### Discriminatory Equity Ideology

The CDEIFA rule defines discriminatory equity ideology as:

Discriminatory equity ideology is an ideology that treats individuals as members of preferred or disfavored groups, rather than as individuals, and minimizes agency, merit, and capability in favor of generalizations, including that:

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<sup>24</sup> U.S. Department of State. “Combating Discriminatory Equity Ideology in Foreign Assistance Rules.” Federal Register 91, no. 17 (January 27, 2026): 3345–3360.

<https://www.federalregister.gov/documents/2026/01/27/2026-01517/combating-discriminatory-equity-ideology-in-foreign-assistance-rules>.

<sup>25</sup> U.S. Department of State. “Combating Discriminatory Equity Ideology in Foreign Assistance Rules.”

<sup>26</sup> U.S. Department of State. “Combating Discriminatory Equity Ideology in Foreign Assistance Rules.”

- A. Members of one race, color, religion, sex, or national origin are morally or inherently superior to members of another race, color, religion, sex, or national origin;
- B. An individual, by virtue of the individual's race, color, religion, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- C. An individual's moral character or status as privileged, oppressing, or oppressed is primarily determined by the individual's race, color, religion, sex, or national origin;
- D. Members of one race, color, religion, sex, or national origin cannot and should not attempt to treat others without respect to their race, color, religion, sex, or national origin;
- E. An individual, by virtue of the individual's race, color, religion, sex, or national origin, bears responsibility for, should feel guilt, anguish, or other forms of psychological distress because of, should be discriminated against, blamed, or stereotyped for, or should receive adverse treatment because of actions committed in the past by other members of the same race, color, religion, sex, or national origin, in which the individual played no part;
- F. An individual, by virtue of the individual's race, color, religion, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion;
- G. Virtues such as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist or were created by members of a particular race, color, religion, sex, or national origin to oppress members of another race, color, religion, sex, or national origin; or
- H. The United States is fundamentally racist, sexist, or otherwise discriminatory.<sup>27</sup>

## Promoting Discriminatory Equity Ideology

Promoting discriminatory equity ideology, per the rule, "...includes using or teaching educational materials (including books, curricula, and media) that advance it."<sup>28</sup>

## Combating Gender Ideology in Foreign Assistance

### Gender Ideology

The CGIFA rule defines gender ideology as:

...an ideology that replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become females and vice versa, and requiring all institutions of society to regard this false claim as true. Gender ideology includes the idea that there is a vast spectrum of genders that are disconnected from one's sex. Gender ideology is internally inconsistent, in that it diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body.<sup>29</sup>

<sup>27</sup> U.S. Department of State. "Combating Discriminatory Equity Ideology in Foreign Assistance Rules."

<sup>28</sup> U.S. Department of State. "Combating Discriminatory Equity Ideology in Foreign Assistance Rules."

<sup>29</sup> U.S. Department of State. "Combating Gender Ideology in Foreign Assistance." Federal Register 91, no. 17 (January 27, 2026): 3339, <https://www.federalregister.gov/documents/2026/01/27/2026-01516/combating-gender-ideology-in-foreign-assistance>.



## Gender Identity

The CGIFA rule defines gender identity as:

...an individual's fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum. Gender identity does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.<sup>30</sup>

## Promoting Gender Ideology

The rule bans "any activity to promote gender ideology," stating:

Such term includes:

- A. The provision or promotion of sex-rejecting procedures or sex-rejecting social transition;
- B. Committing resources, financial or other to increase the availability, or use of sex-rejecting procedures or sex-rejecting social transition;
- C. Operating a service-delivery site that provides counseling, including advice and information, regarding the benefits and/or availability of sex-rejecting procedures or sex-rejecting social transition (unless, in the case of a United States nongovernmental organization, the physical and financial separation requirements under this paragraph (a) with respect to foreign assistance are satisfied);
- D. Providing advice that sex-rejecting procedures or sex-rejecting social transition is an available option for treatment of gender dysphoria, or referring for, or encouraging individuals to consider, such activities;
- E. Lobbying, pressuring, or encouraging a foreign government to provide special legal status or protections based on gender identity, to legalize or make available sex-rejecting procedures or sex-rejecting social transition, or otherwise to promote gender ideology, or lobbying, pressuring, or encouraging such a government to continue the legality of any such activities or otherwise to change policies to reflect gender ideology;
- F. Conducting a public-information campaign in foreign countries encouraging acceptance of gender ideology, or the benefits and/or availability of sex-rejecting procedures or sex-rejecting social transition;
- G. Using or teaching sex education materials (including books, curricula, media, etc.) that include gender ideology, such as the idea that it is possible to change one's sex, to be born in the wrong body, or instructing on the use of pronouns that do not correspond to an individual's sex; and
- H. Conducting drag queen workshops, performances, or documentaries.<sup>31</sup>

## Sex-Rejecting Procedure

Per the CGIFA rule, a "sex-rejecting procedure" is considered to be:

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<sup>30</sup> U.S. Department of State. "Combating Gender Ideology in Foreign Assistance."

<sup>31</sup> U.S. Department of State. "Combating Gender Ideology in Foreign Assistance."

any pharmaceutical or surgical intervention that is provided for the purpose of attempting to align an individual's physical appearance or body with an asserted identity that differs from the individual's sex either by:

- A. Intentionally disrupting or suppressing the normal development of natural biological functions, including primary or secondary sex-based traits; or
- B. Intentionally altering an individual's physical appearance or body, including amputating, minimizing or destroying primary or secondary sex-based traits such as the sexual and reproductive organs.<sup>32</sup>

Such term does not include procedures undertaken:

- A. To treat a person with a medically verifiable disorder of sexual development;
- B. For purposes other than attempting to align an individual's physical appearance or body with an asserted identity that differs from the individual's sex; or
- C. To treat complications of, including any infection, injury, disease, or disorder that has been caused by or exacerbated by, the performance of, such a sex rejecting procedure.<sup>33</sup>

## Providing a Sex-Rejecting Procedure

Providing a sex-rejecting procedure is defined as:

any act of performing any procedure, or prescribing, dispensing, or utilizing any drug or device, for a sex-rejecting procedure, and any act of paying for, assisting in carrying out, or operating a facility that carries out, any such activities.<sup>34</sup>

## Social Transition

The CGIFA rule defines social transition as:

the process of adopting a "gender identity" or "gender marker" that differs from a person's sex. This process can include psychological or psychiatric counseling or treatment by a counselor or other provider; modifying a person's name (e.g., "Jane" to "James") or pronouns (e.g., "him" to "her"); calling a person "nonbinary"; use of intimate facilities and accommodations such as bathrooms or locker rooms specifically designated for persons of the opposite sex; and participating in athletic competitions or other activities specifically designated for persons of the opposite sex; and the use of non-medical physical sex-rejecting interventions such as binders used to flatten female breasts. "Social transition" does not include the provision of sex-rejecting procedures."<sup>35</sup>

## Protecting Life in Foreign Assistance

### Abortion

The PLFA rule defines abortion as:

<sup>32</sup> U.S. Department of State. "Combating Gender Ideology in Foreign Assistance."

<sup>33</sup> U.S. Department of State. "Combating Gender Ideology in Foreign Assistance."

<sup>34</sup> U.S. Department of State. "Combating Gender Ideology in Foreign Assistance."

<sup>35</sup> U.S. Department of State. "Combating Gender Ideology in Foreign Assistance."

the use or prescription of any instrument, medicine, drug, or any other substance or device (A) to kill intentionally the unborn child of a woman known to be pregnant; or, (B) to terminate intentionally the pregnancy of a woman known to be pregnant, with an intention other than—(I) after viability to produce a live birth and preserve the life and health of the child born alive; or, (II) to remove an ectopic pregnancy or a dead unborn child. Excluded from this definition is the treatment of injuries or illnesses caused by legal or illegal abortions.<sup>36</sup>

## Abortion as a Method of Family Planning

The rule defines abortion as a method of family planning as:

any abortion, except, provided that the abortion is lawful under local law—

(I) if the pregnancy is the result of an act of rape or incest, or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.<sup>37</sup>

## Provide Abortions

Under the PLFA rule, to provide abortions as a method of family planning means any of the following activities:

(A) any act of performing or inducing an abortion as a method of family planning;

(B) any act of prescribing, dispensing, utilizing, selling, manufacturing, or distributing drugs, devices, or equipment for the purpose of performing or inducing abortion as a method of family planning; or

(C) any act of paying for, assisting in carrying out, or operating a facility that carries out, any of the activities described above.<sup>38</sup>

## Promote Abortions

Under the PLFA rule, to promote abortion as a method of family planning includes any of the following activities:

(A) Committing resources, financial or otherwise, to increase the availability, or use, of abortion as a method of family planning;

(B) Operating a service-delivery site that provides counseling, including advice and information, regarding the benefits and/or availability of abortion as a method of family planning (unless, in the case of a United States nongovernmental organization, the physical and financial separation requirements under this paragraph with respect to foreign assistance are satisfied);

<sup>36</sup> U.S. Department of State. "Protecting Life in Foreign Assistance." Federal Register 91, no. 17 (January 27, 2026). <https://www.federalregister.gov/documents/2026/01/27/2026-01519/protecting-life-in-foreign-assistance>.

<sup>37</sup> U.S. Department of State. "Protecting Life in Foreign Assistance."

<sup>38</sup> U.S. Department of State. "Protecting Life in Foreign Assistance."

- (C) Providing advice that abortion as a method of family planning is an available option, or referring for, or encouraging women to consider, abortion as a method of family planning
- (D) Lobbying, pressuring, or encouraging a foreign government to legalize or make available abortion as a method of family planning, or lobbying, pressuring, or encouraging such a government to continue the legality of abortion as a method of family planning;
- (E) Conducting a public-information campaign in a foreign country regarding the benefits and/or availability of abortion as a method of family planning; and,
- (F) Using or teaching sex education materials (including books, curricula, media, etc.) that promote abortion as a method of family planning.<sup>39</sup>

## Cover Illustration

Image generated by ChatGPT.

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<sup>39</sup> U.S. Department of State. "Protecting Life in Foreign Assistance."



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