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Abortion Policy on the Global Stage: Unpacking the Trump Administration's Newly Expanded Mexico City Policy

Event Host: Hello, and welcome to today's event, Abortion Policy on the Global Stage: Unpacking the Trump Administration's Newly Expanded Mexico City Policy. If you have questions, you can submit them at any time using the Q&A button at the bottom of the Zoom control panel. Also, the recording, transcript, and supplemental materials will be emailed to those that RSVP'd after the event concludes.

And now, it's my pleasure to introduce Dr. Jen Kates, Senior Vice President and Director of the Global and Public Health Policy Program at KFF.

Jen Kates: Hi, everyone. I'm Jen Kates with KFF. I'm glad to have you join us today. I'm also happy to introduce my colleague, Kellie Moss. We will be providing together an overview of this new policy expansion, some history, as well as the results of a new analysis that we did on the amount of funding that is likely to be subject to this policy. This new analysis is not even on our website yet. It should be up later today or tomorrow.

And just so everyone knows, this is a moving interpretation at this point. The interim final rules were posted on Friday. The final rules were posted yesterday, and we're all going through them now and trying to provide the information that we can at this time. So let's go to the next slide.

Next slide, please. So just to give some history, the history of what had been called the Mexico City Policy, this was first announced in 1984 by the Reagan administration. It's been rescinded and reinstated by subsequent administrations along party lines. And at this point, because of this back and forth, it's been in effect for 23 of the past 42 years.

And the main thing to understand is that when it's in place, it had been a requirement on foreign NGOs to certify, as a condition of taking US money, that they would not perform or actively promote abortion as a method of family planning using funds from any source. So that was really the critical piece. It's already not permitted to use US funds for abortion at all. So this was really, the policy was always about saying you cannot perform or promote, share

information, et cetera, about restricted activities using your own source of funds, whether that's another donor, privately raised.

That's why some opponents of the policy had called it the global gag rule because it was, basically said you couldn't speak about these activities. This has been expanded over time, particularly in 2017 during the first Trump administration. It had, prior to that, been applied just to global family planning funding, and the president expanded it to almost all global health funding.

And now in 2025, during the first couple weeks of President Trump's second administration, he, through a presidential memorandum, announced the expansion again, invoking the past policy he had in place, but hinting that it would be broader. And so now in 2026, about a year later, these three separate but interrelated final rules, including the Mexico City Policy, were released under a broader framework called promoting human flourishing and foreign assistance. This is the greatest expansion of the policy to date, and we'll review some of that.

Next slide. So as you can see, this is just a visual to give you a sense of the years that it's been in place, and how it's been expanded over time. And we tried to quantify at the bottom the implications of the policy expansion in terms of funding. And you can see that over time it has expanded from just family planning, that was provided by USAID, to family planning provided by USAID and state. And then in Trump one, to global health assistance.

And now the big expansion is that it's to most non-military foreign aid, and it also includes additional activities that are being restricted. And by our estimate, and Kellie will go into the funding analysis piece, it's almost \$40 billion that could be subject to this policy expansion. Next slide.

The memorandum that I mentioned was released last year on the 24th of the year by the president, and just highlighting it here for those who want to see it. It's on the website of the White House, and it talks about starting the policy again and the intention to look to expand it.

Next slide. And that was the result of these three final rules that were just posted yesterday. They were posted as interim on Friday. It includes the, now protecting life and foreign assistance, as well as combating discriminatory equity ideology in foreign assistance, and combating gender ideology in foreign assistance. These are now collectively part of this new framework, promoting human flourishing in foreign assistance. Importantly, just to note that as final rules, that means there is no comment period. These are final rules and they will go into effect in 30 days after these were posted in the Federal Register from yesterday.

Next slide. So just to highlight a few things about these rules, they go into effect in 30 days, which is February 26th. This is now this umbrella policy of these three components, pulling in the Mexico City Policy, but expanding it. And the ultimate effect is that these rules now apply to much more funding, many more organizations, and additional services and activities. And just to unpack that a little bit, more funding.

So it used to be under the first Trump administration that the funding that would be subject to the policy, to the extent that it was provided to a certain kind of recipient, certain specified recipient, was just global health assistance, bilateral global health assistance. Now, these policies apply to most non-military foreign assistants, and that's billions more money. Also, in the past, the policy has been applied to the funding instruments of grants and cooperative agreements.

The Trump administration has said they fully intend to apply this to contracts. That was attempted in the first Trump administration, but never finalized. So we should expect that there'll be rules adding contracts as well.

And then importantly, more organizations. In the past, the policy has just been applied to foreign NGOs. Now, the policy is applied to US NGOs, to foreign governments, to parastatals, to international organizations. Although the rules show that there's different applications based on the organization type, and we'll try to highlight some of those.

And more restrictions. The policy until now had always been about prohibiting, providing or promoting abortion as a method of family planning. The two additional rules now add in prohibitions against DEI-related activities, and prohibitions around providing and promoting what they are calling gender ideology. And that translates into a range of factors, a range of services and activities. Prohibiting gender-affirming care, prohibiting sharing information about gender, and defining sex as a person's immutable biological classification as either male or female.

And just to note that that is a more expansive application than has been done within the US. So in the US, the administration has sought and has implemented restrictions against providing gender-affirming care for minors. This DEI rule outside the US is much greater than that. It covers much more territory than that.

Next slide. So how the policy operates, and this is probably one of the more complicated things to unpack. First, just to say, the policy will apply when a recipient gets a new award from the government, or when their existing award gets a tranche of different funding or changes in some way.

Now, depending upon the recipient and most recipients, you have to agree, in your acceptance of the award, to these restrictions on providing and promoting these activities. And again, this is about what is permissible with non-federal money, because with federal money, these activities are already, as we know, prohibited.

Importantly, the recipient of US foreign assistance has to flow down this policy to virtually any subrecipient. There are some exceptions. So in other words, if I'm a US NGO and I want funding to do some international work, or I'm a foreign NGO, in addition to my own acceptance of these conditions, when I go to provide funding to a subrecipient, I have to also have them accept these conditions.

And importantly, and this was something that the Trump administration changed in Trump one, and now is much clearer about. This is for any money that I might provide to another recipient. So get US money and I'm contracting with or doing some kind of sub-grant with another recipient, and I'm going to pay them out of a different source, I still have to flow that policy down to them.

Now, there are exceptions, in some cases, in the rules. So US NGOs, and this is a little complicated, but importantly, it goes beyond the current situation in the United States with Title X. So now, according to the rule, if you are a US NGO, you have to agree, to receive US support, that you will not provide abortion as a method of family planning using any source of money outside the United States. You are able to promote abortion as a method of family planning outside the United States, as long as you segregate your US, the foreign assistance that you receive.

So just to say that, unpack that a little bit more, and this is why the opponents of the policy have called it the global gag rule. The new rule is saying you can't promote abortion as a method of family planning with foreign assistance, to US NGOs are saying, "You can do that with other money as long as you segregate it." But importantly, you can't provide abortion as a method of family planning or provide abortion, I should say, outside the US with any source of funds. That is broader and I should say more restrictive than the situation with Title X in the United States.

There's also an important exception for foreign governments and parastatals. The rules do not say that this policy is automatically applied to foreign governments. It says it may be required to be applied to foreign governments. And if it were, then they would have to segregate the US funds from their other funding. So the policy doesn't go as far as controlling what a foreign government can do with its own revenues, but it does potentially put a condition.

Importantly, there is a possibility of getting a waiver at the discretion of the Secretary of State or the Undersecretary of State for Foreign Assistance, humanitarian affairs, and religious freedom. We don't know what that will look like. There's supposed to be some guidance being developed on those waivers. There's also a provision in the rule that if there's a conflict with local laws, there could be an exemption made at the secretary's discretion.

How does this get enforced or how does the US look at compliance? I'll just highlight a couple of things. The recipient has to agree to allow an authorized US representative to inspect or observe activities at any time. And if there's a violation, the award could be terminated and they may be required to pay the money back. There could also be agreement on other corrective actions.

Importantly, a recipient of US foreign assistance, in flowing down the policy to a subrecipient, also has to be able to ensure that that subrecipient is following the policy, so that they have to also be able to have that sense of compliance. So this is a complicated way this operates, but this is generally the summary of it. Go to the next slide, please.

So I'm just going to spend a couple of minutes on this. We have this posted. This is from some research we did a couple of years ago, or last year. We were very interested in summarizing what's known about the impacts, because ultimately what is probably the most important question is: what about the impacts on the services and the populations that are reached with US support and other support?

So we looked at a very long extensive literature review and we summarized the findings from that literature review, which you'll see on the right side. When the policy has been in place, through various kinds of studies, the things that were identified were that the policy was associated with increased abortion rates and increased pregnancy, decreased contraceptive prevalence, also a disruption in services and gaps, and reduced service integration. I think that's important because generally in global health, there's been a movement to integrate services much more deliberately, because that helps where people get served, they don't have to go to different silos of services, but this kind of policy really cuts against integration.

One of the other things that often happens, and it's documented in the literature, is that it's over implemented so that recipients of US foreign aid go way beyond what is required or restricted and do more. And there's a lot of confusion. There's always confusion because this is a complex policy. And so, there's other increased administrative burden and other factors. If you're interested in this analysis, it's on our website and the source is just below. Next slide.

So now I'm going to turn it over to my colleague, Kellie Moss, who's going to walk you through our latest funding analysis. And then don't worry, we'll have time to get to your questions. Kellie.

Kellie Moss:

Thanks, Jen. I'm going to share the findings of our forthcoming brief, which will be posted today or tomorrow. It's called a funding analysis, but it goes a bit beyond that. What we tried to do was assess the potential reach of the latest expansion of the Mexico City Policy, and we examined foreign assistance funding provided in fiscal year 2024, because that was the most recent year with complete information.

So we use that data to identify the amount of funding, the number of organizations, and the range of foreign assistance sectors that stand to be affected by the latest expansion. We're looking at total funding that would be subject to these restrictions, but it's important to note that not all recipients are necessarily currently engaging in activities subject to the restrictions, but all would have to decide whether or not to accept the policy's terms. Next slide, please.

So our key finding is that, in fiscal year 2024, there were \$39.8 billion in US foreign aid obligated to prime recipients who could be subject to the expansion of the Mexico City Policy and these other policies. This funding spanned 120 countries, and additional funding could be subject if provided directly or indirectly to recipients or sub-recipients subject to the policy.

This amount of funding is tens of billions of dollars more than what has been subject to the policy in the past. Global health assistance was subject under the last Trump administration's policy, the expanded Mexico City Policy called PLGHA. That was about \$7.3 billion in fiscal year 2020. And prior to that, under earlier administrations, it was subject only to family planning assistance, which was about 300 to \$600 million. So we're looking at a substantial expansion in the amount of funding subject.

This figure also shows by recipient type, the kinds of organizations that are subject to the latest expansion. The largest share of funding would go to multilateral organizations who are newly subject to the policy. The second-largest share goes to private sector organizations, including those who are newly subject in the US private sector. Next slide, please.

This slide shows by sector the funding subject under the latest expansion. The largest sector is humanitarian assistance with 29%. Health is second with 26%, and economic development is third with 22%. Two of those sectors, humanitarian assistance and economic development, are among the several

sectors that are newly subject to the policy under the latest expansion. Next slide, please.

So this slide just gives a snapshot of the funding that's newly subject under the latest expansion of the MCP. It shows it by funding by type of organization, and funding by sector. As we said before, health sector funding was subject under the earlier Trump administration policy, but only part of that funding was subject, because it was the share that went to foreign NGOs ultimately. So now there's an expansion on health funding of \$8.3 billion to US NGOs, multilaterals, and foreign government funding. It's important to note that if funding from US NGOs in the past, under the last policy, flowed down to a foreign NGO, that share of that funding would've been subject to the policy. Next slide, please.

This slide shows that the number of recipients subject under the new policy is almost 2600 prime recipients of foreign aid in fiscal year 2024. This is significantly higher than the amount subject under health alone, which was 756 prime recipients. This should be considered floor, because prime recipients must flow down the policy to any sub-recipients and sub-sub-recipients.

So this figure shows by sector those that were most impacted... Wait, are we... I might be on... Wait, I'm sorry.

Jen Kates: Next slide.

Kellie Moss: This shows by recipient type. Sorry. No, you can go back. Sorry. My notes are a little off. Just go back one, please.

This shows, by recipient type, the organizations that were most impacted. Most are foreign entities, 62%. A third are US-based entities, and the rest are multilateral recipients. Next slide, please.

So by sector, most we program impact. These are activities that are general management support required to ensure completion of US foreign assistance objectives. The next largest sector was health, economic development, and then democracy and human rights governance. So you can see that these are large numbers of recipients by sector.

So what these slides have shown is that there's a significant expansion under the latest expansion of the Mexico City Policy in terms of funding, number of organizations, beyond the last expansion. And Jen, I'll hand it back over to you.

Jen Kates: Great, thanks. Can you go to the next slide? So a few things to watch. There's probably a lot more, but as indicated in the rules, it is expected that the Secretary of State will work with other departments and agencies to expand to

other funding streams, not just the ones... There are specific funding streams identified in the rules, and that's what we used for our analysis, but there's an intent to go beyond that.

Also, as I mentioned earlier, we expect there'll be some rulemaking related to applying this to contracts. Also, the waiver guidance and process that is, as we understand, will be developed, but we don't know yet what that will look like. One, I think important question, is how will this affect or intersect with the America First Global Health Strategy MLU?

So the administration announced a new strategy in September of last year as the way it's going to approach global health. And the crux of it is time-bound, bilateral, government to government agreements with up to more than 60, I don't know, 50, 60 countries. There's 15 in place already, that spell out how the US and those countries are going to work to incorporate providing services from the country itself using mostly its own resources.

So what happens with that process? How different sectors and organizations will respond? For example, the humanitarian sector is newly subject to this policy, and in the way that humanitarian aid works and the situation of crises is quite acute, by definition, and has some real challenges with something like this that might take some providers out of the picture. We expect that there'll be legal challenges to some of the aspects of the rules.

And then finally, impacts on services and people. And just to say, that's always been really hard to measure because a lot of organizations, some organizations just opt out of accepting US money, others start to restrict what they provide, but understanding at a population, an individual level, takes time. And it's been hard to always understand in real time what those impacts are.

So we are now turning to your questions, and we have plenty of time. If we don't need all the time, we can all go on our way for the rest of the day, but we've had some questions come in, and I'm going to look at... Let me see what... Here's a good one.

Will these policies include congressionally appropriated funding? The answer is yes. This is all about funding that's appropriated. This is all appropriated funding to State, and what was USAID now at State. So this is the administration using their executive authority to put conditions on the funding. And so yes, that is definitely going to happen. So the final funding bill that is in play right now, we might have a government shutdown, but if we don't, the money that's in there for global health, which just to say, or not just global health for foreign aid, is billions of dollars again, to the extent that that money is obligated, it will apply.

So that's a really good question, but the answer is yes.

Another question is, understanding that these policies do not apply to US funding not designated as foreign aid, including research like with NIH funding. Great question. During the first Trump administration, it was not applied to funding appropriated from Congress to health agencies directly for research. And it was applied to funding that was transferred, let's say from state or USAID to CDC, but not to funding that they received directly. At this time, that is still the case. The rules do not address any... They're very specific about the accounts that they're applying it to, which are very specific accounts that get appropriated to the state department and what was USAID now to State, as well as a few other accounts that are all based at state.

So if that money's transferred in any way to a health agency, NIH, then it would have to apply. But right now, funding that was provided by Congress to NIH is not part of this. That could be changed with additional rulemaking, but great question.

Another question, what was the sort of known... Was this expected? Was there foreshadowing about this? Kellie do you want to take that one?

Kellie Moss:

Yes, this was expected. This was previewed during the campaign when Project 2025 outlined a proposal to expand the Mexico City Policy to all US foreign assistance. We did an analysis at that time that looked at the potential reach of that proposal. So this latest brief that we're releasing today or tomorrow, looks at the specific details of the announced rule of the latest expansion, which is slightly different than the Project 2025 proposal. But yes, this was expected in some form.

Jen Kates:

Thanks. Then one question, how does this... What are the implications for the global, the new strategy? So as I mentioned, the administration is currently developing these, memorandum of understanding with governments and to provide money for HIV, TB, malaria, polio, maternal and child health, and global health security activities, varying by country. These are in process. 15 MOUs have been signed. More are coming.

So what does this mean for those? So the rules are pretty clear to say it's not a requirement of foreign governments. It is a "may." And so I'd say it gives flexibility to the State Department to decide whether it will be introducing these restrictions as a condition in these MOUs. They're not there yet. These rules just came out, but they could be, and it could vary by country. There may be some countries that are very willing to have agreed to these conditions and others that are not.

So it is definitely a moving target, and trying to understand that we'll be watching it, as I know many are. So that is a great question.

I think there was a question, Kellie, in the Q&A about explain the... In our analysis, there's 2562 organizations that we counted, and the administration says 2500. Can you explain the difference? Which I would say is not a big difference, but you can explain it.

Kellie Moss: Right. I mean, that just could be how they're looking at, which year of data they're using. And I mean, I can't account for some of those differences. It could just be a timing snapshot on the data without seeing their data. So I think it's pretty close.

Jen Kates: Yep. Okay. I'm looking at the... Here's another good one. For multilaterals, does the calculation include only the US contribution, or the total amount the organization received? Trying to understand how this impacts pooled funds with multiple donors and the various... Okay, great question.

So as the rule reads, this applies to... So if the US contributes funding to a multilateral, which as the person who posed the question notes, is the way that multilaterals generally operate is a lot of different donors, they pool funding and then the multilateral makes decisions based on its own governance structure, how to give that money. As the rule is stated, that would apply to the multilateral. So if the multilateral wanted to accept US funding, they would have to put these policies in place for all of their activities and funding, not just for the US portion. As the rule is written. And then they would have to flow that down to their recipients.

Now, as I mentioned earlier, it's stated in the rules that a waiver is possible, so it is possible that the administration, on certain cases, would choose to waive or adjust the way that this is applied to some multilaterals, but as written, that is how it would work.

Kellie Moss: Great. And just to add on to that, the question specifically was asking about if our estimates include those broader amounts.

Jen Kates: Oh, sure.

Kellie Moss: Our estimate includes just what is directly specified in the rule from US foreign aid. So those flow down effects on other funding through financial support is not included in our estimate. So there could be a greater amount of funding implicated in those flowdowns.

Jen Kates: Yes. Looking another question, should the next administration want to roll back these changes and eliminate the policy? Do these changes make that process harder and more difficult?

I mean, from the past experience, it's always challenging because from a recipient's perspective, having such dramatic policy changes between administrations makes it difficult as you're trying to implement programs. We know that it's been documented that some entities just decide, "We're not going to accept US money again. It's just too difficult. We can't trust that the policy requirements will change."

But yes, it does create a challenge both ways of trying to adjust or making a decision about adjusting. And I should have said this upfront. In our analysis, we didn't look at whether an organization is doing any of these activities. The way to think about is this is the money that applied. If it's given to these organizations, the organizations themselves would have to make a decision about whether or not they agreed to these conditions, even if they are providing the services. So that's really the way to think about that.

We've gotten a number of questions. I don't know, Kellie, if you want to speak to this. And people are asking because it's confusing. And I also agree with you that it's confusing and we're still trying to unpack it. When a foreign government flows the money down, do they have to apply this policy with their segregated... If they've segregated their US funds, so they have to apply it to... They have to flow it down anyway.

Kellie Moss: On the segregated funds. On the US segregated funds.

Jen Kates: Yes.

Kellie Moss: Yes.

Jen Kates: But not on their funding?

Kellie Moss: Not on their own funding.

Jen Kates: Okay. I think that there are a bunch of questions that got at that, so I hope that that takes care of it. There was a really interesting one, and this is one I'm going to say. I think-

Kellie Moss: Can I just jump in and say we are not lawyers.

Jen Kates: Thank you.

Kellie Moss: Check with your legal services.

Jen Kates: Yes, this is not legal advice. This is just our interpretation. Oh, picking up on... Yeah, so we answered that question. Somebody asked a question about, does this apply to hiring practices? In other words, some of the operations of an NGO.

And let's bring this back to some of the new subject areas that are implicated in this. So it's not just abortion. Now it's DEI related activities. The rule has a very broad definition of DEI. It's too long for us to state it here, and it's very, very all-encompassing. So it certainly could. In my reading of it, it is about the practices of organizations to address diversity, equity, and inclusion. And that could include programming. It could include hiring. It includes policies that any organization has to address diversity in the way that it wants to. And that's generally about preferencing any group, or talking about this issue of equity in that way. Those would be prohibited activities.

So it's very broad, but I think that's my reading of it. I don't know, Kellie, if you have any other thoughts on that one.

Kellie Moss: I would say there's the general plain reading that we can give our interpretation of, but don't make assumptions. Get advice from people who are knowledgeable. This is where the impact that has been documented in the past of over-implementation and the chilling effect is really expressed, is when people don't fully understand the broadness of a new policy and the finer details of how to implement it. Don't assume something. Just because something is vague, try to find out the details.

And that happened under the last administration that there were things that were not fully clear, and they were clarified when they did the six-month review and then a subsequent review. People asked for these details to get further guidance on how to implement without going into over-implementation.

Jen Kates: Yep. Thank you. Two questions I'm just going to... All right. So one person is saying, will this also impact procedures for women having a miscarriage or ectopic pregnancy? Kellie, do you want to take that one?

Kellie Moss: The guidance says it will not. There is a gap between what US policy allows and how it is applied in the field. Now that we have the dissolution of USAID, I think there's a lot of uncertainty, but in the past, the US has not allowed abortion to be performed in any case, even though the Helms Amendment allowed it in certain circumstances. So just according to the rule, you are allowed to be given care in an ectopic pregnancy or a miscarriage, but the reality and practice is a little more nuanced, unfortunately. Jen, would you...

Jen Kates: Yes.

Kellie Moss: Yes.

Jen Kates: Definitely. Okay. A couple other questions. There's a lot of questions, so I'm doing my best to get them.

If you have an existing award, my assumption is that these rules will apply once you receive your next obligation, correct? And then we would have to roll out to all subs. Kellie, do you want to take that one?

Kellie Moss: That's correct.

Jen Kates: Okay.

Kellie Moss: Again, seek legal advice.

Jen Kates: Yes. Here's another one. If an organization is receiving funds from a European embassy for development work and they support abortions, would this preclude the organization from taking USG funds? Kellie? Yes. I would just say, unless it depends on what type of organization, but that's just the whole idea is that if you are a foreign NGO, for example, and you get funding from different sources, you have to agree to this policy to apply to your non-US sources.

Kellie Moss: I think it depends on the nature of the work in the grant.

Jen Kates: Well, I think that the way that the US talks about financial support, it's very broad.

Kellie Moss: Is it receiving this grant? And so seek legal advice. I think it's different when you're giving funding and that's considered financial support. If you're receiving funding from an organization that does certain activities, but the grant does not cover those activities, I think-

Jen Kates: No, I think they're talking about if you want to do those activities with the money from the other donor.

Kellie Moss: Oh, if you're doing those activities with the money from the other donor, no, it's not going to work.

Jen Kates: Yeah. But if I maybe misinterpreted, if you're saying, "Can you get money from an organization that does that?" Yeah, it depends, because there is an exception made here for how the US intersects with bilateral peers on this policy.

Kellie Moss: If you're a US NGO, you can receive this funding and it's just segregated. If you're a foreign NGO or an international organization, the rules say that, no, you cannot receive that funding and do those activities, because you're not allowed to conduct those activities with any funding.

Jen Kates: Thank you. Here's another good one. Can you say more about the types of funding, grants, contracts, et cetera, and if they are impacted in the same way, what funding form applies to Gavi and the global fund things?

Okay. So as the rule is written, the current application is for grants, funding provided through a grant, funding provided through a cooperative agreement, or any contract provided. But the sub of that could be provided in a grant or a contract. It all applies to those instruments. And those instruments are the ways in which Gavi and the Global Fund and other multilaterals are receiving their support. Contracts themselves, as I mentioned, will come later, but at least the way it's written. So something would have to change to... There would have to be a waiver of some sort if it wasn't going to be applied to one of those organizations, but the type of support that they get is included in that broader, that envelope now.

Okay. Let's see. Going through these questions. We already got that one about non... All right, here's a good one. Could you go further into why you think the administration included gender ideology, the impact that might have, and why is the definition left so intentionally vague?

Great question. So I should have said this upfront. If you read the rules, in addition to referring back to the presidential memorandum on the Mexico City Policy, the rules also refer to several other executive orders that were issued by the Trump administration in the early days of this current term. And they were related to anti-DEI activities, and also to what they're deeming gender ideology, which the rule has a whole list of things there.

So I think the... And this had also been previewed, not necessarily in the Project 2025 language, but in other ways by the administration, and some on the Hill, that they would seek to go more broadly and restrict more activities. So I think this is just part of the Trump administration's policy decision-making, that wanting to apply these kinds of restrictions to its own money, and therefore, as they define it, money used by money from other sources for a range of activities.

You're asking how, the other part of the question was the impact it might have. I think this is an area, and this is new, so it's not one that has been included before. And so, organizations are going to have to assess how this might affect their work. And this is in the context of HIV services, for example, this could be

significant. Because in the context of HIV services, a range of people are being served. Transgender men and women are very a key population that has long been part of, let's say, what PEFAR has been able to do.

If this rule changes that, that would have the result of meaning those people might not be able to receive some of the services that they need. Just to say, US funding, to my knowledge, is not going to support gender-affirming care, but the rule goes beyond the care provision and goes into what you're allowed to talk about, what you're allowed to offer to the populations you serve. So it could have a pretty wide-ranging impact, but it's a little early to understand how that would have impact on numbers of people, for example.

So included because that's part of the Trump administration's agenda, and vague because... I mean, in rules, definitions sometimes are vague, and I think it means that there's going to be different interpretations, and this is where we get into over-implementation.

If something is very vague in a rule or a little vague in the rule, an organization often will say, well, I'm just going to stop doing X, Y, and Z, because I'm too worried that that's going to conflict with the rule itself. I don't know, Kellie, if you want to add anything.

Kellie Moss: I agree with that. I think one of the questions about the impact of this, is what effect it will have on the ability of recipients of services to feel safe and identified as welcomed, to receive these services. And so that's a big question with these new rules.

Jen Kates: Yeah. We had another question about, does this apply... It's similar to the one I answered before, but I think we can put it back in. Does this apply to funding that CDC provides for global health? Kellie, do you want to take that one?

Kellie Moss: It applies to the funding that is transferred to CDC from the State Department, and the State Department is also administering USAID funding now, so it will apply to that. We have to wait for the next step of rulemaking, or the imposition of standard provisions on CDC global funding, to see what's going to happen with directly appropriated funding. But it is the intention of the administration to extend the provisions to that kind of funding.

Jen Kates: Yeah. Here's a really good question. It doesn't say anything about birth control and contraception or other family planning options. Is that going to follow as well, or only focus on abortion?

I think that question's coming from there had been some thought that it might expand beyond abortion as a method of family planning. In this rule, it does not.

Can I say that that will not happen in the future? I don't know. Would you agree, Kellie?

Kellie Moss: I think that's where we get into the chilling effect, that people stop offering a range of reproductive health services, because they're so concerned about losing their funding under the Mexico City Policy. But the strict reading of the rule does not mention those. It does mention medication abortion, which is related to contraception, but is not the same as non-emergency contraception.

Jen Kates: Here's a couple of good questions. I mean, all the questions are good. Here's a couple I'm just looking at right now. Can you say more about the potential for legal challenges?

I'll just say this, I'm not a lawyer, but my understanding is that there are groups that have been thinking about this for a couple of years and are going to be looking at... And just to say it has to be US organizations to have standing to bring to challenge. So it would be challenges around applying some of these provisions to their activities related to First Amendment and other legal challenges. But there are legal experts who are looking at this. I am not one of them, so I can't say more about that.

Kellie Moss: And the environment legally has changed a lot in recent years because of the changes to the US abortion legal landscape, so it's complicated.

Jen Kates: Here's a good question, and this is why this is such a complex situation. How does the US government definition of DEI translate to restricting support of health, humanitarian, other programs in foreign countries?

That is a great question. And I think the answer is: we don't know how this is going to play out, but if the DEI definition is very broad, and so let's just say if it means an organization that is part of what it does, how it defines itself, has politics to promote what the administration says is DEI related.

Kellie Moss: Hiring women.

Jen Kates: Whether it's hiring women, or having a program targeted to a specific population because that population is identified as having more need, those could fall under this definition. And so, one of the things about this policy is every organization is going to have to assess what it does, its mission, its services, and its own governance issues, and decide whether, A, it wants to, on principle, accept these restrictions, and B, if it does accept them, what does it mean for its own mission and practices and provision of services?

So, I think it can impact those services if an entity says, "We don't want to accept money on those conditions and we're just not going to," And that's most of their support and they go out of business. Especially in humanitarian... I mean, this isn't specific to any organization, but you can see in a humanitarian setting, where there's the definition of who can respond in a very acute emergency, there are very specific organizations that are prepared to do that and on short notice.

If some of those organizations decide, we're just not going to take US money anymore, but they're going to fold or they're going to have to reduce their capacity, you could see how that would translate to having less capacity to serve those in need in an emergency situation. I think that's the way to think about it.

Kellie Moss: And I would just add that there's also an implication for your other funding that you receive from other donors who have their own policies. So weighing out those sources of funding, and making those decisions about what to comply with and what not to, based on the risk to US funding versus other funding, is tough.

Jen Kates: Yeah. Here's a question that I think is a good one. When it comes to multilaterals, is the money impacted only on the voluntary contributions or the assessed mandatory as well?

Kellie Moss: Involuntary.

Jen Kates: Okay. Still going through. Bear with me. Okay. This is a similar question that we've gotten, but I'm going to answer it again because I think it's obviously one that people are... It's hard to totally grasp. How do the Department of State rules apply to PEPFAR funds via CDC, NIH, DOD, or Department of War, whatever you want to call it?

So just to be clear about that, and this was the way it was last time under Trump one, the money for PEPFAR, most of it has always been appropriated to the State Department. Some of it was appropriated directly to CDC, but the State Department in the past was never the main implementer for PEPFAR. And what it would do is it would transfer half of that money to USAID, and half of that money to CDC, and some to DOD. The policy then and now is that if that money is transferred, the restriction applies to the funding stream, regardless of where it ends up coming, if it goes transferred to CDC or transferred to DOD.

Obviously, CDC and DOD don't sign award conditions, they just get the money. So it would affect all PEPFAR funding that is appropriated to the State Department. As written now, it would not affect the PEPFAR funding appropriated to CDC. I will just say, that's a little bit more than \$100 million. It's

much less than the amount appropriated to the State Department. But good question. And I understand that it's confusing.

Someone asked, "Does this include funding for the UN? Does it apply to UN assess contributions?" It does include funding for the UN for voluntary contributions. Okay.

How much clarity do we have about the documentation that would be required to prove compliance? I'm sure this is where those organizations that in the past have been subject to the policy as it had been, would be probably the best resource. Because the rule itself just talks generally about allowing USG officials to come and look at your books and look at other things, but what you literally have to do in addition to signing the award, I don't know all the details on that.

Kellie Moss: It talks about due diligence in the rules. In the past, USAID has given guidance on how to collect information and maintain information about how you're complying. And so, we expect to see information like that shared with those who are expected to comply.

Jen Kates: Here's a good question. Did the State Department provide a rationale for skipping notice and comment on the rulemaking and going straight to direct final?

Kellie Moss: Yes, it did. It's in the rule.

Jen Kates: Do you want to say what they said?

Kellie Moss: It's something to the effect of, they're exempted because they're involved in foreign policy and something else. It was very...

Jen Kates: Yeah. I mean, the general policy for any rule is that you have to have a comment period. The exception is if it's an urgent situation, for urgent national concern reasons, that it has to be done immediately, and that's basically the justification that's used. So this was for national foreign policy purposes, and deemed to be important enough that it would skip a comment period, as we understand it.

Okay. How have other countries responded to this, assuming that this may come in conflict with other countries' requirements for their own giving?

Great question. And this has come up in the past. And I think it does raise this question for other donor governments in particular that are giving funding and may have... I think in the past, there's been times when a donor might have very specific policy requirements of its own award to a recipient, on areas that now the US government is restricting. So it could very much come into conflict

between the two. And that's why every organization has to make a decision, and other donor governments are going to have to be aware of this as well.

We are getting pretty near time, so maybe we have time for two or two more questions. Let's see what we have here.

For the financial separation requirement, do we know if that means separate bank accounts or time sheets, financial tracking mechanisms, et cetera?

Kellie Moss: It goes into that a little bit, but it's nuanced.

Jen Kates: But I think my understanding is it can't just be a separate tracking sheet. These literally have to be a physical and financial separation, and the US can determine if it's not sufficient as a separation. The reason this is, and there's a lot of Title X experts, including some of my colleagues, this is a whole... Has occurred in the United States itself.

And so this has been a longer term policy, but that's gone back and forth with different Trump and then Biden, and now Trump is applying this concept internationally. So our understanding is it has to be truly separate, and it's not just a separate spreadsheet. And there's detail on the rules, but there is some, of course, area for interpretation.

Kellie Moss: Yes.

Jen Kates: Let's see. I'm looking with... So a question about, can you speak about what it might look like for gender and DEI and how broadly that be applied? What would be restricted?

I'll just say, and we are coming out, we have an explainer that we put out every time there's a change. We haven't updated that yet. We're in the process, and we will include a lot more information about the policies themselves, but the definitions in the rules for gender ideology and DEI are spelled out. It doesn't mean that that answers all questions, but they are broad and cover a range of, in the case of "gender ideology," quote/unquote, a range of activities that could be provided as well as promoted.

By promotion, just to talk a little bit about that, that includes advocating, lobbying, in many cases, sharing information, so it's broad. And then it just reminds me, Kellie, do you want to talk about the passive referrals piece of this? Because this isn't... Yeah.

Kellie Moss: Yeah. Under the past Mexico City Policy during the first Trump administration, passive referrals, when someone would ask for a referral for an abortion from

their doctor was allowed, the rule now says that it's closed that loophole and does not allow passive referrals. So now doctors are not allowed to respond to a direct request for a referral for abortion.

Now, this could be different depending on local law, and whether or not the Secretary of State and others grant a waiver where there is a conflict with local law. And we may see that on other aspects of this policy as well, where healthcare providers are required to do certain things with regard to abortion and information and counseling. So, that's a space to watch closely, but the passive referrals is one of the more specific ones that we can see.

Jen Kates: Thanks. Here's a question, and I think we might've answered it, but it's truly one of the more complicated pieces of this, so I'm going to restate it and it's a little... Please clarify one more time how it will apply to US NGOs providing services abroad with non-USG funds.

So to receive US foreign assistance funds, US NGOs will need to agree to all policies, but does this only apply to US funds used abroad, but for non US funds, will they just need to segregate?

Our understanding is the policy applies to US NGOs, let's say, that provide abortion overseas. They will not be able to do that with any money that they receive. What they will be able to still do, is, quote/unquote, "promote abortion as a method of family planning." That's the speech side, only with non-US funds that are in a segregated entity. Did I get that right, Kellie?

Kellie Moss: That's right. That is beyond what the Helms Amendment requires on the provision of abortion. The Helms Amendment requires that recipients are not allowed to perform abortion as a method of family planning with US funds. And the language of the rule says they are not allowed to provide abortion as a method of family planning with any funds.

Jen Kates: And this would apply to the other restrictions as well. So it's not just where they're providing versus promoting. So this would apply to the gender ideology rule, which also is both about the provision of services and the promoting of issues and services.

The DEI one's a little different. There are some service aspects to it, but a lot of it, as I read it, is more about the types of policies you promote. But it could apply if you have a service that, again, as I mentioned earlier, is targeting a particular population based on what the administration determines is a DEI framework.

We only have a couple of minutes left, so we're not going to take any more questions. We got fabulous questions. As I mentioned, we will get the funding report up by tomorrow, so you can access it there on our website.

Our email addresses, we made them available on the slides, which you will also get. Please feel free to reach out to us if you have other questions.

Our explainer on this will be put up soon.

And actually, there's a lot of other groups that are looking at this and analyzing it, and I know that there's several other planned webinars and events to try to unpack it. We just really appreciate you taking some time and sending in really great questions. This is a very big change in US policy and we'll continue to monitor it. Thank you.

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