



441 G St. N.W.  
Washington, DC 20548

B-338066

February 17, 2026

The Honorable James E. Risch  
Chairman  
The Honorable Jeanne Shaheen  
Ranking Member  
Committee on Foreign Relations  
United States Senate

The Honorable Brian J. Mast  
Chairman  
The Honorable Gregory W. Meeks  
Ranking Member  
Committee on Foreign Affairs  
House of Representatives

Subject: *Department of State: Protecting Life in Foreign Assistance*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of State (State) entitled “Protecting Life in Foreign Assistance” (RIN: 1400-AG24). We received the rule on January 30, 2026. It was published in the *Federal Register* on January 27, 2026. 91 Fed. Reg. 3319. The effective date of the rule is February 26, 2026.

According to State, this rule is adding a new award term for grants, cooperative agreements, and voluntary contributions entitled “Protecting Life in Foreign Assistance.” State explained that the award term imposes certain abortion-related requirements on foreign nongovernmental organizations (NGOs), United States NGOs, public international organizations, foreign governments, and parastatals.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). The 60-day delay in effective date does not apply, however, if the agency finds for good cause that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, and the agency incorporates the finding and a brief statement of its reasons in the rule. 5 U.S.C. §§ 553(b)(4)(B), 808(2). State determined that notice and public procedure were unnecessary because the rule is a matter relating to grants and involves the United States’ foreign affairs functions. See 5 U.S.C. §§ 553(a)(1)–(2).

Enclosed is our assessment of State’s compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions

about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact me at (202) 512-8156.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive style with a large, looping initial 'S'.

Shirley A. Jones  
Managing Associate General Counsel

Enclosure

cc: Alice Kottmyer  
Attorney-Adviser  
Department of State

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE  
ISSUED BY THE  
DEPARTMENT OF STATE  
ENTITLED  
“PROTECTING LIFE IN FOREIGN ASSISTANCE”  
(RIN: 1400-AG24)

(i) Cost-benefit analysis

The Department of State (State) prepared an assessment of the costs and benefits for this rule. See 91 Fed. Reg. 3319, 3323–3324 (Jan. 27, 2026). According to State, the rule will impose one-time familiarization costs of \$16,035,000 and annual costs related to training and compliance monitoring of \$114,052,700. *Id.* at 3324.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

State stated that this rule is exempt from the Administrative Procedure Act’s notice and comment requirements as a matter related to grants and foreign affairs functions under 5 U.S.C. § 553(a)(2), and thus it did not provide a regulatory flexibility analysis. 91 Fed. Reg. 3324.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

State certified that the analytical statements the Act requires are unnecessary because this rule will not result in expenditures of the magnitude described in the Act. 91 Fed. Reg. 3324.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

State stated this rule is exempt from the Act’s notice and comment procedures because it involves a matter relating to grants and the United States’ foreign affairs functions, per 5 U.S.C. § 553(a)(1)–(2). 91 Fed. Reg. 3323, 3325.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

State determined that this rule contains information collection requirements under the Act. 91 Fed. Reg. 3325.

Statutory authorization for the rule

State promulgated this rule pursuant to section 301 of title 5, and sections 1461, 2151, 2451, and 2651a of title 22, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

State stated that the Office of Information and Regulatory Affairs has determined that this rule is significant under the Order. 91 Fed. Reg. 3323.

Executive Order No. 13132 (Federalism)

State determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement and will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. 91 Fed. Reg. 3325.