

115TH CONGRESS
2D SESSION

H. R. 7228

To amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices a section on reproductive rights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2018

Ms. CLARK of Massachusetts (for herself, Mrs. LOWEY, Mr. ENGEL, Ms. LEE, Ms. FRANKEL of Florida, Ms. WASSERMAN SCHULTZ, Ms. CLARKE of New York, Mr. MOULTON, Mr. CONNOLLY, Ms. MENG, Mr. CARBAJAL, Mr. HASTINGS, Ms. NORTON, Mr. MCNERNEY, Mr. RUPPERSBERGER, Mr. COHEN, Ms. WILSON of Florida, Mr. CICILLINE, Mr. PAYNE, Ms. MCCOLLUM, Mr. JOHNSON of Georgia, Ms. DELAURO, Ms. TITUS, Ms. KUSTER of New Hampshire, Mr. CASTRO of Texas, Mr. KILDEE, Mr. SEAN PATRICK MALONEY of New York, Mr. DEFazio, Mr. DANNY K. DAVIS of Illinois, Mr. QUIGLEY, Mrs. LAWRENCE, Mr. MCGOVERN, Mr. PALLONE, Mrs. NAPOLITANO, Miss RICE of New York, Ms. SCHAKOWSKY, Ms. LOFGREN, Mrs. CAROLYN B. MALONEY of New York, Mr. ESPAILLAT, Ms. DEGETTE, Mr. KENNEDY, Mr. DOGGETT, Mr. SHERMAN, Ms. JUDY CHU of California, Ms. SPEIER, and Mr. POCAN) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices a section on reproductive rights, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reproductive Rights
3 are Human Rights Act of 2018”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The United States has repeatedly agreed to
7 international agreements that identify reproductive
8 rights as human rights, including in connection with
9 the 1994 International Conference on Population
10 and Development and the 1995 Beijing World Con-
11 ference on Women.

12 (2) The Department of State’s deletion of the
13 reproductive rights subsection from its 2017 Coun-
14 try Reports on Human Rights Practices dem-
15 onstrates an alarming level of politicization of
16 human rights by the Trump Administration and un-
17 dermines the human rights of women around the
18 world.

19 (3) Restrictions on reproductive rights com-
20 promise entire health systems and communities, as
21 when women’s rights are limited, so are their path-
22 ways to economic, social, and political empowerment.

23 (4) Sexual health and reproductive rights are
24 essential for sustainable economic development, are
25 intrinsically linked to gender equality and women’s

1 well-being, and are critical to maternal, newborn,
2 child, adolescent, family, and community health.

3 **SEC. 3. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
4 **PRACTICES.**

5 (a) IN GENERAL.—The Foreign Assistance Act of
6 1961 is amended—

7 (1) in section 116(d) (22 U.S.C. 2151n(d))—

8 (A) in paragraph (11)(C), by striking
9 “and” at the end;

10 (B) in paragraph (12)(C)(ii), by striking
11 the period at the end and inserting “; and”;
12 and

13 (C) by adding at the end the following new
14 paragraph:

15 “(13) the status of reproductive rights in each
16 country (as defined in the 1994 International Con-
17 ference on Population and Development Programme
18 of Action, reiterated in the 1995 Beijing Declaration
19 and Platform for Action, and expanded upon in Gen-
20 eral comment No. 36 (2018) on article 6 of the
21 International Covenant on Civil and Political Rights,
22 on the right to life and other authoritative interpre-
23 tations of binding international human rights obliga-
24 tions), including—

1 “(A) whether such country has adopted
2 policies to—

3 “(i) promote access to and prevalence
4 of safe, effective, and affordable methods
5 of contraception;

6 “(ii) promote access to appropriate
7 health care services to ensure safe and
8 healthy pregnancy and childbirth, including
9 safe and effective prenatal, childbirth, and
10 postnatal care for both mother and child;

11 “(iii) expand or restrict access to safe
12 abortion services, in accordance with such
13 country’s laws, including post-abortion
14 care;

15 “(iv) prevent maternal deaths; and

16 “(v) promote the prevention, detec-
17 tion, and treatment of sexually transmitted
18 infections, including HIV, and of reproduc-
19 tive tract infections and of reproductive
20 cancers;

21 “(B) information relating to the adequacy
22 of resources, enforcement, and oversight in such
23 country dedicated to the policies specified in
24 subparagraph (A);

1 “(C) wherever applicable, a description of
2 the rates and causes of maternal deaths in such
3 country, including deaths due to unsafe abor-
4 tions;

5 “(D) wherever applicable, a description of
6 the nature and extent of instances of discrimi-
7 nation, coercion, and violence against women
8 and girls in health care settings in such coun-
9 try, and the actions, if any, taken by the gov-
10 ernment of such country to respond to such dis-
11 crimination, coercion, and violence; and

12 “(E) wherever applicable, a description of
13 the nature and extent of instances of denial of
14 comprehensive and accurate family planning in-
15 formation and services in such country, and the
16 actions, if any, taken by the government of such
17 country to respond to such denials.”; and

18 (2) in section 502B (22 U.S.C. 2304)—

19 (A) by redesignating the second subsection
20 (i) (relating to child marriage status) as sub-
21 section (j); and

22 (B) by adding at the end the following new
23 subsection:

24 “(k) The report required under subsection (b) shall
25 include the status of reproductive rights in each country

1 (as defined in the 1994 International Conference on Popu-
2 lation and Development Programme of Action, reiterated
3 in the 1995 Beijing Declaration and Platform for Action,
4 and expanded upon in General comment No. 36 (2018)
5 on article 6 of the International Covenant on Civil and
6 Political Rights, on the right to life and other authori-
7 tative interpretations of binding international human
8 rights obligations), including—

9 “(1) whether such country has adopted policies
10 to—

11 “(A) promote access to and prevalence of
12 safe, effective, and affordable methods of con-
13 traception;

14 “(B) promote access to appropriate health
15 care services to ensure safe and healthy preg-
16 nancy and childbirth, including safe and effec-
17 tive prenatal, childbirth, and postnatal care for
18 both mother and child;

19 “(C) expand or restrict access to safe abor-
20 tion services, in accordance with such country’s
21 laws, including post-abortion care;

22 “(D) prevent maternal deaths; and

23 “(E) promote the prevention, detection,
24 and treatment of sexually transmitted infec-

1 tions, including HIV, and of reproductive tract
2 infections and of reproductive cancers;

3 “(2) information relating to the adequacy of re-
4 sources, enforcement, and oversight of such country
5 dedicated to the policies specified in paragraph (1);

6 “(3) wherever applicable, a description of the
7 rates and causes of maternal deaths in such country,
8 including deaths due to unsafe abortions;

9 “(4) wherever applicable, a description of the
10 nature and extent of instances of discrimination, co-
11 ercion, and violence against women and girls in
12 health care settings in such country, and the actions,
13 if any, taken by the government of such country to
14 respond to such discrimination, coercion, and vio-
15 lence; and

16 “(5) wherever applicable, a description of the
17 nature and extent of instances of denial of com-
18 prehensive and accurate family planning information
19 and services in such country, and the actions, if any,
20 taken by the government of such country to respond
21 to such denials.”.

22 (b) CONSULTATION REQUIRED.—In preparing the
23 Annual Country Reports on Human Rights Practices re-
24 quired under sections 116(d) and 502B of the Foreign As-
25 sistance Act of 1961 (as amended by subsection (a)), the

1 Secretary of State, the Assistant Secretary of State for
2 Democracy, Human Rights, and Labor, and other relevant
3 officials, including human rights officers at United States
4 diplomatic and consular posts shall consult with—

5 (1) representatives of United States civil society
6 and multilateral organizations with demonstrated ex-
7 perience and expertise in sexual and reproductive
8 health and rights or promoting women and girls'
9 human rights, including local civil society organiza-
10 tions whenever possible; and

11 (2) local organizations in all countries included
12 in such Reports, including women and girls' organi-
13 zations focused on sexual and reproductive health
14 and rights.

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