

109TH CONGRESS
1ST SESSION

H. R. 4465

To prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2005

Mrs. LOWEY (for herself, Mr. SHAYS, Mrs. MALONEY, Mr. CROWLEY, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Mr. HOLT, Mr. MCGOVERN, Mrs. MCCARTHY, Ms. MOORE of Wisconsin, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. MORAN of Virginia, Mr. LARSEN of Washington, Ms. SOLIS, Mr. SHERMAN, Mr. NADLER, Mr. GEORGE MILLER of California, Mr. McDERMOTT, Ms. LEE, Ms. KILPATRICK of Michigan, Mr. CLAY, Mr. SANDERS, Mr. LEVIN, Ms. WOOLSEY, Mr. STARK, Mr. KUCINICH, Mr. ENGEL, Mr. ACKERMAN, Mr. OWENS, Mr. BERMAN, Mr. McNULTY, Mr. LANTOS, and Mrs. CAPPS) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

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 “Global Democracy Pro-
3 motion Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) It is a fundamental principle of American
7 medical ethics and practice that health care pro-
8 viders should, at all times, deal honestly and openly
9 with patients. Any attempt to subvert the private
10 and sensitive physician-patient relationship would be
11 intolerable in the United States and is an unjustifi-
12 able intrusion into the practices of health care pro-
13 viders when attempted in other countries.

14 (2) Freedom of speech is a fundamental Amer-
15 ican value. The ability to exercise the right to free
16 speech, which includes the “right of the people
17 peaceably to assemble, and to petition the govern-
18 ment for a redress of grievances” is essential to a
19 thriving democracy and is protected under the
20 United States Constitution.

21 (3) The promotion of democracy is a principal
22 goal of United States foreign policy and critical to
23 achieving sustainable development. It is enhanced
24 through the encouragement of democratic institu-
25 tions and the promotion of an independent and po-
26 litically active civil society in developing countries.

1 (4) Limiting eligibility for United States devel-
2 opment and humanitarian assistance upon the will-
3 ingness of a foreign nongovernmental organization
4 to forgo its right to use its own funds to address,
5 within the democratic process, a particular issue af-
6 fecting the citizens of its own country directly under-
7 mines a key goal of United States foreign policy and
8 would violate the United States Constitution if ap-
9 plied to United States-based organizations.

10 (5) Similarly, limiting the eligibility for United
11 States assistance on a foreign nongovernmental or-
12 ganization's willingness to forgo its right to provide,
13 with its own funds, medical services that are legal in
14 its own country and would be legal if provided in the
15 United States constitutes unjustifiable interference
16 with the ability of independent organizations to serve
17 the critical health needs of their fellow citizens and
18 demonstrates a disregard and disrespect for the laws
19 of sovereign nations as well as for the laws of the
20 United States.

21 **SEC. 3. ASSISTANCE FOR FOREIGN NONGOVERNMENTAL**
22 **ORGANIZATIONS UNDER PART I OF THE FOR-**
23 **EIGN ASSISTANCE ACT OF 1961.**

24 Notwithstanding any other provision of law, regula-
25 tion, or policy, in determining eligibility for assistance au-

1 thorized under part I of the Foreign Assistance Act of
2 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental
3 organizations—

4 (1) shall not be ineligible for such assistance
5 solely on the basis of health or medical services in-
6 cluding counseling and referral services, provided by
7 such organizations with non-United States Govern-
8 ment funds if such services do not violate the laws
9 of the country in which they are being provided and
10 would not violate United States Federal law if pro-
11 vided in the United States; and

12 (2) shall not be subject to requirements relating
13 to the use of non-United States Government funds
14 for advocacy and lobbying activities other than those
15 that apply to United States nongovernmental organi-
16 zations receiving assistance under part I of such
17 Act.

○