

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.

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## 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. SCHA-KOWSKY, 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

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## 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.

