

116TH CONGRESS
1ST SESSION

H. R. 1581

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

MARCH 7, 2019

Ms. CLARK of Massachusetts (for herself, Ms. BARRAGÁN, Ms. BASS, Mr. BERA, Mr. BEYER, Ms. BLUNT ROCHESTER, Mr. BLUMENAUER, Ms. BONAMICI, Ms. BROWNLEY of California, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CARTWRIGHT, Mr. CASE, Mr. CASTEN of Illinois, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Ms. JUDY CHU of California, Mr. CICILLINE, Mr. CISNEROS, Ms. CLARKE of New York, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY, Mr. COOPER, Mr. COX of California, Mrs. CRAIG, Mr. CROW, Mr. CUMMINGS, Mrs. DAVIS of California, Ms. DEAN, Mr. DEFazio, Ms. DEGETTE, Ms. DELAURO, Mr. DEUTCH, Mrs. DINGELL, Mr. ENGEL, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. EVANS, Mrs. FLETCHER, Mr. FOSTER, Ms. FRANKEL, Mr. GALLEGRO, Mr. GARCÍA of Illinois, Ms. GARCIA of Texas, Mr. GOMEZ, Mr. GREEN of Texas, Mr. GRIJALVA, Ms. HAALAND, Mr. HASTINGS, Mr. HECK, Ms. HILL of California, Mr. HIMES, Ms. HOULAHAN, Mr. HUFFMAN, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. KELLY of Illinois, Mr. KILMER, Mr. KIND, Mrs. KIRKPATRICK, Mr. KRISHNAMOORTHY, Ms. KUSTER of New Hampshire, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE of California, Mr. LEVIN of Michigan, Mr. LOWENTHAL, Mrs. LOWEY, Mr. LUJÁN, Mr. MALINOWSKI, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCNERNEY, Ms. MENG, Ms. MOORE, Mr. MORELLE, Mr. MOULTON, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEGUSE, Ms. NORTON, Ms. OCASIO-CORTEZ, Ms. OMAR, Mr. PAPPAS, Mr. PAYNE, Mr. PETERS, Ms. PINGREE, Mr. POCAN, Ms. PRESSLEY, Mr. QUIGLEY, Mr. RASKIN, Miss RICE of New York, Mr. ROUDA, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN, Ms. SÁNCHEZ, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Ms. SCHRIER, Ms. SHALALA, Mr. SHERMAN, Ms. SHERRILL, Mr. SIRES, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mrs. TORRES of California, Mrs. TRAHAN, Mr. TRONE, Mr. VARGAS, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mrs.

WATSON COLEMAN, Mr. WELCH, and Ms. WILD) 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reproductive Rights
5 are Human Rights Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The United States has joined the inter-
9 national community in identifying reproductive
10 rights as human rights, including in connection with
11 the 1994 International Conference on Population
12 and Development, the 1995 Beijing World Con-
13 ference on Women, and through its ratification of
14 the International Covenant on Civil and Political
15 Rights (ICCPR).

16 (2) General comment No. 36 (2018) on article
17 6 of the ICCPR, which was adopted by the Human
18 Rights Committee at its October to November 2018

1 session, states that under Article 6 of the ICCPR,
2 State parties have a duty to ensure that all persons
3 have the right to receive—

4 (A) evidence-based information and edu-
5 cation about sexual and reproductive health,
6 and access to a range of affordable contracep-
7 tive methods;

8 (B) safe, legal, and effective access to
9 abortion where the life and health of the preg-
10 nant woman or girl is at risk, or where carrying
11 a pregnancy to term would cause the pregnant
12 woman or girl substantial pain or suffering, no-
13 tably where pregnancy is the result of rape or
14 incest or is not viable; and, access to quality
15 prenatal and post-abortion health care; and

16 (C) access by women and girls to safe
17 abortion without the imposition of restrictions,
18 which subject them to physical or mental pain
19 or suffering, or which discriminate or arbi-
20 trarily interfere with their privacy, or place
21 them at risk of undertaking unsafe abortions.

22 (3) The Department of State's deletion of the
23 reproductive rights subsection from its 2017 Coun-
24 try Reports on Human Rights Practices dem-
25 onstrates an alarming level of politicization of

1 human rights by the Trump Administration and un-
2 dermines the human rights of women around the
3 world.

4 (4) When women’s reproductive rights are lim-
5 ited, so are their pathways to economic, social, and
6 political empowerment.

7 (5) Sexual health and reproductive rights are
8 essential for sustainable economic development, are
9 intrinsically linked to gender equality and women’s
10 well-being, and are critical to maternal, newborn,
11 child, adolescent, family, and community health.

12 **SEC. 3. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
13 **PRACTICES.**

14 (a) IN GENERAL.—The Foreign Assistance Act of
15 1961 is amended—

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

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

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

22 (C) by adding at the end the following new
23 paragraph:

24 “(13) the status of reproductive rights in each
25 country, including—

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

3 “(i) promote access to and prevalence
4 of, safe, effective, and affordable methods
5 of contraception and comprehensive and
6 accurate family planning information;

7 “(ii) promote access to appropriate
8 health care services to prevent maternal
9 deaths and ensure safe and healthy preg-
10 nancy and childbirth;

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

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

20 “(B) a description of the rates and causes
21 of maternal deaths in such country, including
22 deaths due to unsafe abortions, where applica-
23 ble;

24 “(C) a description of the nature and extent
25 of instances of discrimination, coercion, and vio-

1 lence against women and girls in health care
2 settings in such country, and the actions, if
3 any, taken by the government of such country
4 to respond to such discrimination, coercion, and
5 violence, where applicable; and

6 “(D) wherever applicable, a description of
7 the proportion of women of reproductive age
8 (aged 15–49 years) who have their need for
9 family planning satisfied with modern methods
10 of family planning, the barriers to access, and
11 the nature and extent of instances of denial of
12 comprehensive and accurate family planning in-
13 formation and services in such country, and the
14 actions, if any, taken by the government of such
15 country to respond to such denials.”; and

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

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

20 (B) by adding at the end the following new
21 subsection:

22 “(k) The report required under subsection (b) shall
23 include the status of reproductive rights in each country,
24 including—

1 “(1) whether such country has adopted and en-
2 forced policies to—

3 “(A) promote access to and prevalence of
4 safe, effective, and affordable methods of con-
5 traception and comprehensive and accurate
6 family planning information;

7 “(B) promote access to appropriate health
8 care services to prevent maternal deaths and
9 ensure safe and healthy pregnancy and child-
10 birth;

11 “(C) expand or restrict access to safe abor-
12 tion services, including post-abortion care, in
13 accordance with the country’s laws; and

14 “(D) promote the prevention, detection,
15 and treatment of sexually transmitted infec-
16 tions, including HIV, and of reproductive tract
17 infections and of reproductive cancers;

18 “(2) a description of the rates and causes of
19 maternal deaths in such country, including deaths
20 due to unsafe abortions, where applicable;

21 “(3) a description of the nature and extent of
22 discrimination, coercion, and violence against women
23 and girls in health care settings in such country, and
24 the actions, if any, taken by the government of such

1 country to respond to such discrimination, coercion,
2 and violence, where applicable; and

3 “(4) wherever applicable, a description of the
4 proportion of women of reproductive age (aged 15–
5 49 years) who have their need for family planning
6 satisfied with modern methods of family planning,
7 the barriers to access, and the nature and extent of
8 instances of denial of comprehensive and accurate
9 family planning information and services in such
10 country, and the actions, if any, taken by the gov-
11 ernment of such country to respond to such deni-
12 als.”.

13 (b) CONSULTATION REQUIRED.—In preparing the
14 Annual Country Reports on Human Rights Practices re-
15 quired under sections 116(d) and 502B of the Foreign As-
16 sistance Act of 1961 (as amended by subsection (a)), the
17 Secretary of State, the Assistant Secretary of State for
18 Democracy, Human Rights, and Labor, and other relevant
19 officials, including human rights officers at United States
20 diplomatic and consular posts, shall consult with—

21 (1) representatives of United States civil society
22 and multilateral organizations with demonstrated ex-
23 perience and expertise in sexual and reproductive
24 health and rights or promoting women and girls’

1 human rights, including local civil society organiza-
2 tions whenever possible; and

3 (2) relevant, local, non-governmental organiza-
4 tions in all countries included in such Reports, in-
5 cluding women and girls' organizations focused on
6 sexual and reproductive health and rights.

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