

Thomas Massie

(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To prohibit United States funds from being provided to foreign governments or organizations that subsidize or promote abortion, to codify the Mexico City Policy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Massie introduced the following bill; which was referred to the Committee on

A BILL

To prohibit United States funds from being provided to foreign governments or organizations that subsidize or promote abortion, to codify the Mexico City Policy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “No Funds for Foreign Abortions Act”.

SEC. 2. PROHIBITION ON FUNDING ABORTION AND ABORTION PROMOTION OVERSEAS.

(a) PROHIBITION ON FOREIGN GOVERNMENTS.— No funds made

available under any Act authorizing or appropriating funds for foreign assistance may be obligated or expended to the government of any foreign country that, during the preceding fiscal year, provided, either directly or indirectly, regardless of whether such funds were segregated, commingled, or otherwise designated for a separate purpose, public funds or other funds controlled, directed, or disbursed by such government or by any entity substantially owned, operated, or funded by such government—

- (1) for the performance of abortions;
- (2) to any entity or program that performs, provides referrals for, or actively promotes abortion;
- (3) to any entity or program that furnishes or develops any item intended to perform or procure abortions;
- (4) to coerce or provide any financial incentive to any person to undergo an abortion or involuntary sterilization;
- (5) to any entity or program that coerces or provides any financial incentive to any person to undergo an abortion or involuntary sterilization;
- (6) to pay for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization; or
- (7) to any entity or program that pays for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization.

(b) PROHIBITION ON FOREIGN NONGOVERNMENTAL ORGANIZATIONS AND MULTILATERAL ENTITIES.— No funds made available under any Act authorizing or appropriating funds for foreign assistance may be furnished to any nongovernmental organization, international organization, or multilateral entity that, regardless of the source of funds—

- (1) performs abortions or provides referrals for abortion services;
- (2) actively promotes abortions;

(3) furnishes or develops any item intended to perform or procure abortions;

(4) coerces or provides any financial incentive to any person to undergo an abortion or involuntary sterilization; or

(5) pays for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization.

(c) APPLICATION REGARDLESS OF FUNDING SOURCE.— The prohibitions in subsections (a) and (b) shall apply whether or not the activity described is funded in whole or in part by funds furnished by the United States.

(d) DEFINITIONS.— In this section—

(1) the term “abortion” means the use or prescription of any instrument, medicine, drug, or any other substance or device—

(A) to intentionally kill the unborn child of a woman known to be pregnant; or

(B) to intentionally terminate the pregnancy of a woman known to be pregnant, with an intention other than—

(i) to remove a dead unborn child caused by miscarriage;

(ii) to remove an ectopic pregnancy;

(iii) to perform a pre-viability separation procedure when such procedure is, in reasonable medical judgment, necessary to save or preserve the life of the pregnant woman; or

(iv) after viability, to produce a live birth and preserve the life and health of the child born alive;

(2) the term “actively promotes abortion” includes advocating for abortion in public or private fora, counseling a woman in favor of obtaining an abortion, lobbying for changes to abortion laws or

policies that expand access to abortion, producing or disseminating materials that encourage abortion, or training personnel in abortion procedures;

(3) the term “foreign nongovernmental organization” means any entity not organized under United States law, including any subsidiary, affiliate, or branch thereof located outside the United States, regardless of whether such entity also maintains a presence or registration in the United States;

(4) the term “indirectly” means through an intermediary, subrecipient, contractor, subgrantee, multilateral entity, international organization, pooled funding mechanism, in-kind contribution, fungible budget support, or any other arrangement in which United States funds, property, or services are used in a manner that enables, offsets, supplements, or allows other funds to be used for a prohibited activity, whether or not such use was a but-for cause of that activity, and regardless of whether such use is formally earmarked for that activity;

(5) the term “multilateral entity” includes the World Health Organization, the United Nations Population Fund, any specialized agency of the United Nations, any multilateral development bank, or any international body that funds or promotes abortion;

(6) the term “pre-viability separation procedure” means a medical procedure performed by a physician to remove an unborn child from his or her mother’s uterine cavity before that stage of fetal development when, in the reasonable medical judgment of the physician based on the particular facts of the case before him or her and in light of the most advanced medical technology and information available to him or her, there is a reasonable likelihood of sustained survival of the unborn child outside the body of his or her mother, with or without artificial support. The term does not include an ‘abortion’ as defined herein; and

(7) the term “public funds” means funds appropriated by a foreign government from its national or subnational budget, or funds controlled, directed, or disbursed by any entity substantially owned, operated, or funded by such government, whether provided in cash, in-kind, or as a fungible budget support.

(e) COVERAGE OF UNITED STATES BASED ENTITIES OPERATING ABROAD.— For the purposes of this section, the prohibitions applicable to foreign nongovernmental organizations shall also apply to any activity conducted outside the United States by any organization, whether or not incorporated or organized under the laws of the United States, including any branch, office, affiliate, or other operation located outside the United States, regardless of whether such operation is separately incorporated or registered in the host country.

(f) EXCEPTIONS.—The prohibitions described in subsections (a) and (b) do not apply to abortions resulting from rape or incest.

(1) For the exception to apply, a woman must provide a copy of a restraining order, police report, medical record, or other court order or documentation providing evidence that she is obtaining the abortion because she is a victim of rape or incest.

(g) CERTIFICATION, MONITORING, AND PENALTIES.—

(1) CERTIFICATION REQUIREMENT.— As a precondition to the obligation or expenditure of any funds subject to this section, and annually thereafter for the duration of assistance, and at any other time the Secretary of State determines necessary based on credible information of a potential violation, the Secretary of State shall certify to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and shall make such certification publicly available on the website of the Department of State, that the recipient government, organization, or entity is in full compliance with the requirements of this section.

(2) MONITORING AND AUDITS.—

(A) IN GENERAL.— The Secretary of State and the Administrator of the United States Agency for International Development shall establish monitoring, audit, and reporting mechanisms to ensure compliance with the prohibitions under this Act, and upon receipt of credible evidence of a potential violation, the Secretary shall immediately suspend further obligation or expenditure of funds to the recipient pending the outcome

of an investigation.

(B) DEADLINE.— Any investigation initiated under this paragraph shall be completed not later than 90 days after the date of suspension, unless the Secretary of State submits to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a written notification explaining the reasons for any delay and specifying the anticipated completion date, which shall not exceed an additional 90 days.

(3) PENALTIES FOR VIOLATIONS.— If a violation of this section is found after the funds have been disbursed, the Secretary of State shall—

(A) terminate further assistance to the violating recipient;

(B) require repayment of misused funds to the United States Treasury;

(C) declare the recipient ineligible for future assistance for a period of not less than three years from the date of such determination; and

(D) refer the matter to the Attorney General of the United States for potential civil or criminal enforcement, including prosecution for fraud, false statements, or misuse of federal funds.

(4) RECORD KEEPING.— The Secretary of State shall maintain all certifications, monitoring reports, audit findings, and investigative records related to this Act for a period of not less than ten years, and such records shall be available to the relevant congressional committees upon request.

(h) NON-SUPERSESSION CLAUSE.— No amendment to this title, the Foreign Assistance Act of 1961, or any other provision of law shall be construed to supersede, amend, or repeal this section unless such amendment specifically cites this section and expressly states the intent to supersede, amend, or repeal it.

(i) RULE OF CONSTRUCTION.— Nothing in this section shall be construed to authorize the obligation or expenditure of funds for any purpose for which the obligation or expenditure of such funds is otherwise prohibited under any other provision of law.

(j) SEVERABILITY.— If any provision of this section, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this section, and the application of the remaining provisions, shall not be affected.