

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Foreign Assistance Act of 1961 by limiting nonmilitary foreign assistance to organizations that provide or promote abortion, promote gender ideology, or promote discriminatory equity ideology, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. BUDD (for himself, Mr. RISCH, Mr. WICKER, Mr. LANKFORD, Mrs. BLACKBURN, Mr. DAINES, Mr. JUSTICE, and Mr. RICKETTS) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Foreign Assistance Act of 1961 by limiting nonmilitary foreign assistance to organizations that provide or promote abortion, promote gender ideology, or promote discriminatory equity ideology, 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 “Promoting Human  
5 Flourishing in Foreign Assistance Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ABORTION.—The term “abortion” means  
4 the use or prescription of any instrument, medicine,  
5 drug, or any other substance or device—

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

8 (B) to intentionally terminate the preg-  
9 nancy of a woman known to be pregnant, with  
10 an intention other than—

11 (i) after viability to produce a live  
12 birth and preserve the life and health of  
13 the child born alive; or

14 (ii) to remove a dead unborn child.

15 (2) DISCRIMINATORY EQUITY IDEOLOGY.—The  
16 term “discriminatory equity ideology”—

17 (A) means an ideology that—

18 (i) treats individuals as members of  
19 preferred or disfavored groups, rather than  
20 as individuals; and

21 (ii) minimizes agency, merit, and ca-  
22 pability in favor of generalizations; and

23 (B) includes any of the following concepts:

24 (i) Members of one race, color, reli-  
25 gion, sex, or national origin are morally or

1 inherently superior to members of another  
2 race, color, religion, sex, or national origin.

3 (ii) An individual, by virtue of the in-  
4 dividual's race, color, religion, sex, or na-  
5 tional origin, is inherently racist, sexist, or  
6 oppressive, whether consciously or uncon-  
7 sciously.

8 (iii) An individual's moral character  
9 or status as privileged, oppressing, or op-  
10 pressed is primarily determined by the in-  
11 dividual's race, color, religion, sex, or na-  
12 tional origin.

13 (iv) Members of one race, color, reli-  
14 gion, sex, or national origin cannot and  
15 should not attempt to treat others without  
16 respect to their race, color, religion, sex, or  
17 national origin.

18 (v) An individual, by virtue of the in-  
19 dividual's race, color, religion, sex, or na-  
20 tional origin, bears responsibility for,  
21 should feel guilt, anguish, or other forms  
22 of psychological distress because of, should  
23 be discriminated against, blamed, or  
24 stereotyped for, or should receive adverse  
25 treatment because of actions committed in

1 the past by other members of the same  
2 race, color, religion, sex, or national origin,  
3 in which the individual played no part.

4 (vi) An individual, by virtue of the in-  
5 dividual's race, color, religion, sex, or na-  
6 tional origin, should be discriminated  
7 against or receive adverse treatment to  
8 achieve diversity, equity, or inclusion.

9 (vii) Virtues, such as merit, excellence,  
10 hard work, fairness, neutrality, objectivity,  
11 and racial colorblindness are racist or sex-  
12 ist or were created by members of a par-  
13 ticular race, color, religion, sex, or national  
14 origin to oppress members of another race,  
15 color, religion, sex, or national origin.

16 (viii) The United States is fundamen-  
17 tally racist, sexist, or otherwise discrimina-  
18 tory.

19 (3) FEMALE.—The term “female” means a per-  
20 son who naturally has, had, or will have, but for a  
21 congenital anomaly or intentional or unintentional  
22 disruption, a reproductive system that produces,  
23 transports, and utilizes the large gamete (ova) for  
24 fertilization.

1           (4) FOREIGN NONGOVERNMENTAL ORGANIZA-  
2           TION.—The term “foreign nongovernmental organi-  
3           zation” means any nongovernmental organization or  
4           entity (including any commercial firm and edu-  
5           cational institution) that is not organized or existing  
6           under the laws of the United States, any State of  
7           the United States, the District of Columbia, the  
8           Commonwealth of Puerto Rico, or any other terri-  
9           tory or possession of the United States.

10           (5) GENDER IDENTITY.—The term “gender  
11           identity”—

12                   (A) means a purely internal, subjective  
13                   sense of self that is disconnected and separate  
14                   from biological sex;

15                   (B) does not provide a meaningful basis  
16                   for identification; and

17                   (C) cannot be recognized as a replacement  
18                   for sex.

19           (6) GENDER IDEOLOGY.—The term “gender  
20           ideology”—

21                   (A) means an ideology that replaces, or  
22                   treats as superior to, the biological category of  
23                   sex with an ever-shifting concept of a self-pro-  
24                   claimed gender identity, which permits the false  
25                   claim that males can identify as and become fe-

1           males and females can identify as and become  
2           males; and

3           (B) includes the idea that there is a vast  
4           spectrum of genders that are disconnected from  
5           a person's sex.

6           (7) INTERNATIONAL ORGANIZATION.—The term  
7           “international organization” means—

8           (A) any organization designated as being  
9           entitled to enjoy the privileges, exemptions, and  
10          immunities under the International Organiza-  
11          tions Immunities Act (22 U.S.C. 288 et seq.);

12          (B) any organization treated as a public  
13          international organization pursuant to the regu-  
14          lations or policies of the Department of State;

15          (C) any organization established by inter-  
16          national agreement and whose governing body  
17          is composed principally of representatives of na-  
18          tional governments; or

19          (D) any other multilateral entity in which  
20          sovereign nations participate.

21          (8) MALE.—The term “male” means a person  
22          who naturally has, had, or will have, but for a con-  
23          genital anomaly or intentional or unintentional dis-  
24          ruption, a reproductive system that produces, trans-

1       ports, and utilizes the small gamete (sperm) for fer-  
2       tilization.

3               (9) NONMILITARY FOREIGN ASSISTANCE.—The  
4       term “nonmilitary foreign assistance” means foreign  
5       assistance to be used for nonmilitary purposes, in-  
6       cluding—

7               (A) global health programs;

8               (B) humanitarian assistance;

9               (C) economic and development assistance;

10              (D) stabilization assistance;

11              (E) civil society and democracy program-  
12       ming;

13              (F) migration and refugee assistance;

14              (G) voluntary contributions to inter-  
15       national organizations.

16              (10) PARASTATAL.—The term “parastatal”  
17       means—

18              (A) a foreign-government-owned organiza-  
19       tion operated as a commercial company; or

20              (B) any other organization, including non-  
21       profits, or enterprises in which foreign govern-  
22       ments or foreign government agencies have a  
23       controlling interest.

24              (11) PROMOTE ABORTION.—The term “promote  
25       abortion” means—

1 (A) committing financial or other resources  
2 to increase the availability or use of abortion;

3 (B) operating a service delivery site that  
4 provides counseling, including advice and infor-  
5 mation, regarding the benefits or availability of  
6 abortion, excluding a site operated by a United  
7 States nongovernmental organization that is in  
8 full compliance with the physical and financial  
9 separation requirements under this Act with re-  
10 spect to foreign assistance;

11 (C) providing advice that abortion is an  
12 available option, or referring for, or encour-  
13 aging females to consider abortion;

14 (D) lobbying, pressuring, or encouraging a  
15 foreign government to legalize or make available  
16 abortion or to continue the legality of abortion;

17 (E) conducting a public information cam-  
18 paign in a foreign country regarding the bene-  
19 fits or availability of abortion; or

20 (F) using or teaching from sex education  
21 materials or other educational materials, includ-  
22 ing books, curricula, and media, which encour-  
23 age abortion.

24 (12) PROMOTE DISCRIMINATORY EQUITY IDE-  
25 OLOGY.—

1           (A) IN GENERAL.—The term “promote  
2           discriminatory equity ideology” means using or  
3           teaching education materials (including books,  
4           curricula, and media) that advance discrimina-  
5           tory equity principles.

6           (B) EXCEPTION.—An action by an indi-  
7           vidual who is acting in his or her personal ca-  
8           pacity may not be attributed to an organization  
9           with which the individual is associated if—

10                   (i) such individual—

11                           (I) is not on duty; and

12                           (II) is not acting on the organi-  
13                           zation’s premises; and

14                   (ii) such organization—

15                           (I) does not endorse or provide  
16                           financial support for such action; and

17                           (II) takes reasonable steps to en-  
18                           sure such individual does not improper-  
19                           ly represent that he or she is acting  
20                           on behalf of the organization.

21           (13) PROMOTE GENDER IDEOLOGY.—The term  
22           “promote gender ideology” means any activity in  
23           support of the possibility of changing one’s gender,  
24           including—

1 (A) the provision or promotion of sex-re-  
2 jecting procedures or sex-rejecting social transi-  
3 tion;

4 (B) committing financial or other re-  
5 sources to increase the availability or use of  
6 sex-rejecting procedures or sex-rejecting social  
7 transition;

8 (C) operating a service-delivery site that  
9 provides counseling, including advice and infor-  
10 mation, regarding the benefits or availability of  
11 sex-rejecting procedures or sex-rejecting social  
12 transition, excluding a site operated by a  
13 United States nongovernmental organization  
14 that is in full compliance with the physical and  
15 financial separation requirements under this  
16 Act with respect to foreign assistance;

17 (D) providing advice that sex-rejecting pro-  
18 cedures or sex-rejecting social transition is an  
19 available option for treatment of gender dys-  
20 phoria, or referring or encouraging individuals  
21 to consider such procedures or transition;

22 (E) lobbying, pressuring, or encouraging a  
23 foreign government—

24 (i) to provide special legal status or  
25 protections based on gender identity;

1 (ii) to legalize or make available sex-  
2 rejecting procedures or sex-rejecting social  
3 transition;

4 (iii) to otherwise promote gender ide-  
5 ology; or

6 (iv) to continue the legality of any  
7 such activities or otherwise to change poli-  
8 cies to reflect gender ideology;

9 (F) conducting a public-information cam-  
10 paign in foreign countries regarding acceptance  
11 of gender ideology, or the benefits or avail-  
12 ability of sex-rejecting procedures or sex-reject-  
13 ing social transition;

14 (G) using or teaching from sex education  
15 materials, including books, curricula, and  
16 media, which include gender ideology, such as—

17 (i) it is possible to change one's sex;

18 (ii) it is possible to be born in the  
19 wrong body; or

20 (iii) instructing on the use of pro-  
21 nouns that do not correspond to an indi-  
22 vidual's sex; and

23 (H) conducting drag queen workshops,  
24 performances, or documentaries.

1           (14) PROVIDE A SEX-REJECTING PROCE-  
2           DURE.—The term “provide a sex-rejecting proce-  
3           dure” means any act of—

4                   (A) performing any procedure, or pre-  
5                   scribing, dispensing, or utilizing any drug or de-  
6                   vice, for a sex-rejecting procedure; or

7                   (B) paying for, assisting in carrying out,  
8                   or operating a facility that carries out, any act  
9                   described in subparagraph (A).

10           (15) SEX.—The term “sex” means a person’s  
11           immutable biological classification, determined at the  
12           moment of conception, as either male or female.

13           (16) SEX-REJECTING PROCEDURE.—The term  
14           “sex-rejecting procedure”—

15                   (A) means any pharmaceutical or surgical  
16                   intervention that is provided for the purpose of  
17                   attempting to align an individual’s physical ap-  
18                   pearance or body with an asserted identity that  
19                   differs from the individual’s sex by inten-  
20                   tionally—

21                           (i) disrupting or suppressing the nor-  
22                           mal development of natural biological func-  
23                           tions, including primary or secondary sex-  
24                           based traits; or

1 (ii) altering an individual’s physical  
2 appearance or body, including amputating,  
3 minimizing or destroying primary or sec-  
4 ondary sex-based traits, such as the sexual  
5 and reproductive organs; and

6 (B) does not include any procedure under-  
7 taken—

8 (i) to treat a person with a medically  
9 verifiable disorder of sexual development;

10 (ii) for purposes other than attempt-  
11 ing to align an individual’s physical ap-  
12 pearance or body with an asserted identity  
13 that differs from the individual’s sex; or

14 (iii) to treat complications of, includ-  
15 ing any infection, injury, disease, or dis-  
16 order that has been caused by or exacer-  
17 bated by, the performance of, such a sex  
18 rejecting procedure.

19 (17) SOCIAL TRANSITION.—The term “social  
20 transition”—

21 (A) means the nonchemical and nonsur-  
22 gical aspects of the process of adopting a gen-  
23 der identity or gender marker that differs from  
24 a person’s sex;

25 (B) includes—

1 (i) psychological or psychiatric coun-  
2 seling or treatment by a counselor or other  
3 provider;

4 (ii) modifying a person's name or pro-  
5 nouns;

6 (iii) referring to a person by a term  
7 that is inconsistent with the person's bio-  
8 logical sex of male or female;

9 (iv) enabling the use of intimate facili-  
10 ties and accommodations, such as bath-  
11 rooms or locker rooms, specifically des-  
12 ignated for persons of the opposite sex;

13 (v) authorizing the participation in  
14 athletic competitions or other activities  
15 specifically designated for persons of the  
16 opposite sex; and

17 (vi) using non-medical, physical, sex-  
18 rejecting interventions, such as binders  
19 used to flatten female breasts; and

20 (C) does not include the provision of sex-  
21 rejecting procedures.

22 (18) UNITED STATES NONGOVERNMENTAL OR-  
23 GANIZATION.—The term “United States nongovern-  
24 mental organization” means any nongovernmental  
25 organization or entity (including any commercial

1 firm and educational institution) that is organized or  
2 existing under the laws of the United States, any  
3 State of the United States, the District of Columbia,  
4 the Commonwealth of Puerto Rico, or any other ter-  
5 ritory or possession of the United States.

6 (19) UNLAWFUL DEI-RELATED DISCRIMINA-  
7 TION.—The term “unlawful DEI-related discrimina-  
8 tion”—

9 (A) means discrimination on the basis of  
10 race, color, religion, sex, or national origin, if  
11 such discrimination—

12 (i) violates United States anti-dis-  
13 crimination law; or

14 (ii) would violate such law if such ac-  
15 tivity occurred inside the United States, in-  
16 cluding the use of such characteristics as a  
17 selection criterion or preference for, or  
18 basis for exclusion from, employment, con-  
19 tracting, program participation, resource  
20 allocation, or similar activities, opportuni-  
21 ties, or benefits;

22 (B) includes all conduct that discriminates  
23 on the basis of race, color, religion, sex, or na-  
24 tional origin that violates United States Federal  
25 anti-discrimination laws or would violate such

1 laws if such activity occurred inside the United  
2 States, including—

3 (i) training sessions;

4 (ii) segregation in facilities or re-  
5 sources;

6 (iii) implicit segregation through pro-  
7 gram eligibility;

8 (iv) hiring panels;

9 (v) candidate pools;

10 (vi) program participation;

11 (vii) DEI training programs that pro-  
12 mote discrimination based on protected  
13 characteristics, such as by stereotyping, ex-  
14 cluding, or disadvantaging individuals, or  
15 creating a hostile environment; and

16 (viii) any other “unlawful practices”  
17 under the Attorney General’s Guidance for  
18 Recipients of Federal Funding Regarding  
19 Unlawful Discrimination (July 29, 2025)  
20 with respect to such characteristics; and

21 (C) does not apply to—

22 (i) a religious corporation, association,  
23 or society with respect to the employment  
24 of individuals of a particular religion to  
25 perform work connected with the carrying

1 on by such corporation, association, or so-  
2 ciety of its religious activities; or

3 (ii) screening, monitoring, and man-  
4 agement of prenatal and postnatal care for  
5 the purpose of improving maternal and in-  
6 fant health outcomes and reducing mater-  
7 nal mortality for women.

8 **SEC. 3. PROTECTING LIFE IN FOREIGN ASSISTANCE.**

9 (a) FOREIGN NONGOVERNMENTAL ORGANIZATIONS  
10 AND INTERNATIONAL ORGANIZATIONS.—Except as pro-  
11 vided in subsection (f), any foreign nongovernmental orga-  
12 nization or international organization that receives or im-  
13 plements a grant or cooperative agreement for nonmilitary  
14 foreign assistance shall agree that, during the period of  
15 the award, it will not, outside of the United States, provide  
16 or promote abortion or provide financial support to any  
17 other foreign nongovernmental organization or inter-  
18 national organization that engages in such activities.

19 (b) UNITED STATES NONGOVERNMENTAL ORGANI-  
20 ZATIONS.—Except as provided in subsection (f), any  
21 United States nongovernmental organization that receives  
22 or implements a grant or cooperative agreement for non-  
23 military foreign assistance is not subject to the require-  
24 ments under subsection (a), but shall agree that, during  
25 the period of the award—

1           (1) it will not, outside of the United States,  
2           provide abortion;

3           (2) it will not, within the scope of any program,  
4           project, or activity funded by foreign assistance, pro-  
5           vide or promote abortion; and

6           (3) it will ensure the physical and financial sep-  
7           aration of its nonmilitary foreign assistance funded  
8           programs projects and activities from the provision  
9           or promotion of abortion.

10          (c) FOREIGN GOVERNMENTS AND PARASTATALS.—

11       The Secretary of State or the Under Secretary of State  
12       for Foreign Assistance, Humanitarian Affairs, and Reli-  
13       gious Freedom may require any foreign government or  
14       parastatal that receives or implements a grant or coopera-  
15       tive agreement for nonmilitary foreign assistance to agree  
16       that, during the period of the award, it will not use non-  
17       military foreign assistance funds received under the award  
18       to provide or promote abortion.

19          (d) SUBRECIPIENTS.—The restrictions set forth in  
20       subsections (a) through (c) shall apply to subrecipients of  
21       foreign assistance in the same manner as the principal re-  
22       cipient.

23          (e) APPLICABILITY.—The restrictions set forth in  
24       subsections (a) through (d) shall apply to all non-military  
25       foreign assistance programs, includes global health assist-

1 ance, humanitarian assistance, and civil society and de-  
2 mocracy programs.

3 (f) EXCEPTIONS.—The restrictions set forth in sub-  
4 sections (a) through (c) shall not apply—

5 (1) to an abortion involving a woman suffering  
6 from a physical disorder, physical injury, or physical  
7 illness that would, as certified by a physician, place  
8 the woman in danger of death unless an abortion is  
9 performed, including a life-endangering physical con-  
10 dition caused by or arising from the pregnancy  
11 itself; or

12 (2) to treatment for an ectopic pregnancy.

13 **SEC. 4. COMBATING GENDER IDEOLOGY IN FOREIGN AS-**  
14 **SISTANCE.**

15 (a) FOREIGN NONGOVERNMENTAL ORGANIZATIONS  
16 AND INTERNATIONAL ORGANIZATIONS.—Any foreign non-  
17 governmental organization or international organization  
18 that receives or implements a grant or cooperative agree-  
19 ment for nonmilitary foreign assistance shall agree that,  
20 during the period of the award, it will not, outside of the  
21 United States, promote gender ideology or provide finan-  
22 cial support to any other foreign nongovernmental organi-  
23 zation or international organization that promotes gender  
24 ideology.

1 (b) UNITED STATES NONGOVERNMENTAL ORGANI-  
2 ZATIONS.—Any United States nongovernmental organiza-  
3 tion that receives or implements a grant or cooperative  
4 agreement for nonmilitary foreign assistance is not subject  
5 to the requirements under subsection (a), but shall agree  
6 that, during the period of the award—

7 (1) it will not, outside of the United States,  
8 provide or promote sex-rejecting procedures or sex-  
9 rejecting social transitions;

10 (2) it will not, within the scope of any program,  
11 project, or activity funded by foreign assistance, pro-  
12 mote gender ideology; and

13 (3) it will ensure the physical and financial sep-  
14 aration of its foreign assistance funded programs  
15 projects and activities from the promotion of gender  
16 ideology.

17 (c) FOREIGN GOVERNMENTS AND PARASTATALS.—  
18 The Secretary of State or the Under Secretary of State  
19 for Foreign Assistance, Humanitarian Affairs, and Reli-  
20 gious Freedom may require any foreign government or  
21 parastatal that receives or implements a grant or coopera-  
22 tive agreement for nonmilitary foreign assistance—

23 (1) to agree that, during the period of the  
24 award, it will not use foreign assistance funds re-

1           ceived under the award to promote gender ideology;  
2           and

3                   (2) to place any foreign assistance funds re-  
4           ceived under this award in a segregated account to  
5           ensure such funds are not used to promote gender  
6           ideology to the extent the foreign government con-  
7           ducts or supports such activity.

8           (d) SUBRECIPIENTS.—The restrictions set forth in  
9           subsections (a) through (c) shall apply to subrecipients of  
10          foreign assistance in the same manner as the principal re-  
11          cipient.

12          (e) APPLICABILITY.—The restrictions set forth in  
13          subsections (a) through (d) shall apply to all non-military  
14          foreign assistance programs, includes global health assist-  
15          ance, humanitarian assistance, and civil society and de-  
16          mocracy programs, to ensure that—

17                   (1) foreign assistance programs do not sup-  
18          port—

19                           (A) foreign nongovernmental organizations  
20                           and international organizations that promote  
21                           gender ideology; or

22                           (B) United States nongovernmental orga-  
23                           nizations that provide sex-rejecting procedures;  
24                           and

1           (2) humanitarian assistance and gender-related  
2           programs receiving foreign assistance do not pro-  
3           mote gender ideology.

4 **SEC. 5. COMBATING DISCRIMINATORY EQUITY IDEOLOGY**  
5 **IN FOREIGN ASSISTANCE.**

6           (a) FOREIGN NONGOVERNMENTAL ORGANIZATIONS  
7 AND INTERNATIONAL ORGANIZATIONS.—Any foreign non-  
8 governmental organization or international organization  
9 that receives or implements a grant or cooperative agree-  
10 ment for foreign assistance shall agree that, during the  
11 period of the award, it will not, outside of the United  
12 States, promote discriminatory equity ideology, engage in  
13 unlawful DEI-related discrimination, or provide financial  
14 support to any other foreign nongovernmental organiza-  
15 tion or international organization that conducts such ac-  
16 tivities.

17           (b) UNITED STATES NONGOVERNMENTAL ORGANI-  
18 ZATIONS.—Any United States nongovernmental organiza-  
19 tion that receives or implements a grant or cooperative  
20 agreement for foreign assistance is not subject to the re-  
21 quirements under subsection (a), but shall agree that, dur-  
22 ing the period of the award—

23           (1) it will not, outside of the United States, en-  
24           gage in unlawful DEI-related discrimination;

1           (2) it will not, within the scope of any program,  
2           project, or activity funded by nonmilitary foreign as-  
3           sistance, promote discriminatory equity ideology or  
4           engage in such discrimination; and

5           (3) it will ensure the physical and financial sep-  
6           aration of its nonmilitary foreign assistance-funded  
7           programs, projects, and activities from any activities  
8           described in paragraphs (1) and (2).

9           (c) FOREIGN GOVERNMENTS AND PARASTATALS.—  
10          The Secretary of State or the Under Secretary of State  
11          for Foreign Assistance, Humanitarian Affairs, and Reli-  
12          gious Freedom may require any foreign government or  
13          parastatal that receives or implements a grant or coopera-  
14          tive agreement for nonmilitary foreign assistance—

15               (1) to agree that, during the period of the  
16               award, it will not use nonmilitary foreign assistance  
17               funds received under the award to promote discrimi-  
18               natory equity ideology or engage in unlawful DEI-  
19               related discrimination; and

20               (2) to place any nonmilitary foreign assistance  
21               funds received under such award in a segregated ac-  
22               count to ensure such funds are not used to support  
23               the activities described in paragraph (1) to the ex-  
24               tent the foreign government conducts or supports  
25               such activities.

1 (d) SUBRECIPIENTS.—The restrictions set forth in  
2 subsections (a) through (c) shall apply to subrecipients of  
3 foreign assistance in the same manner as the principal re-  
4 cipient.

5 (e) APPLICABILITY.—The restrictions set forth in  
6 subsections (a) through (d) shall apply to all nonmilitary  
7 foreign assistance programs, including global health as-  
8 sistance, humanitarian assistance, and civil society and de-  
9 mocracy programs, to ensure that foreign assistance pro-  
10 grams do not support—

11 (1) foreign nongovernmental organizations and  
12 international organizations that promote discrimina-  
13 tory equity ideology; or

14 (2) United States nongovernmental organiza-  
15 tions that engage in unlawful DEI-related discrimi-  
16 nation.

17 **SEC. 6. WAIVER.**

18 The Secretary of State may waive the application of  
19 any provision under this Act by certifying to the Com-  
20 mittee on Foreign Relations of the Senate, the Committee  
21 on Foreign Affairs of the House of Representatives, the  
22 Committee on Homeland Security and Governmental Af-  
23 fairs of the Senate, and the Committee on Oversight and  
24 Government Reform of the House of Representatives  
25 that—

1           (1) such waiver is in the national security or  
2 foreign policy interests of the United States;

3           (2) the implementing partner that would be  
4 negatively affected by such provision is the only pro-  
5 vider of the specific services for which the non-  
6 military foreign assistance would be used;

7           (3) the requested scope of the waiver is nar-  
8 rowly tailored to only include such services; and

9           (4) the implementing partner has made a good  
10 faith effort to comply with such provision.

11 **SEC. 7. RULE OF CONSTRUCTION.**

12       The provisions of this Act affecting United States  
13 nongovernmental organizations—

14           (1) shall be construed in a manner that is con-  
15 sistent with the First Amendment to the Constitu-  
16 tion of the United States; and

17           (2) may not be construed to restrict the free-  
18 doms of speech or association of such organizations  
19 when using non-Federal funds outside the scope of  
20 a program, project, or activity for which foreign as-  
21 sistance is made available.