

108TH CONGRESS
2D SESSION

H. R. 4058

To authorize assistance for civilians in foreign countries who have been affected by conflict, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2004

Mr. HYDE introduced the following bill; which was referred to the Committee on International Relations

A BILL

To authorize assistance for civilians in foreign countries who have been affected by conflict, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “United States Assistance for Civilians Affected by Con-
6 flict Act of 2004”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings and purposes.

TITLE I—ACTIONS TO RESPOND TO COMPLEX HUMANITARIAN
EMERGENCIES IN FOREIGN COUNTRIES

Subtitle A—Interagency policy planning and implementation process

- Sec. 101. Findings.
 Sec. 102. Declaration of policy.
 Sec. 103. Interagency policy planning and implementation process.

Subtitle B—Actions to respond to complex humanitarian emergencies in
foreign countries

- Sec. 111. Findings.
 Sec. 112. Actions to respond to complex humanitarian emergencies in foreign
countries.
 Sec. 113. International disaster assistance.
 Sec. 114. Initiatives to provide protection for people affected by complex hu-
manitarian emergencies in foreign countries.
 Sec. 115. Health services for women affected by complex humanitarian emer-
gencies in foreign countries.

TITLE II—ASSISTANCE TO RESPOND TO CRISES IN FOREIGN
COUNTRIES

- Sec. 201. Assistance to respond to crises in foreign countries.

TITLE III—ASSISTANCE FOR COUNTRIES EMERGING FROM CON-
FLICT; INTERNATIONAL WAR VICTIMS ASSISTANCE; UNITED
STATES FAMINE PREVENTION AND MITIGATION FUND

- Sec. 301. Assistance for countries emerging from conflict; international war vic-
tims assistance; United States Famine Prevention and Mitiga-
tion Fund.

TITLE IV—PROTECTION FOR CIVILIANS IN FOREIGN COUNTRIES
AFFECTED BY CONFLICT

- Sec. 401. Findings and purposes.
 Sec. 402. Requirement to develop integrated strategy.
 Sec. 403. Early warning and early action systems.
 Sec. 404. Whistleblower system.
 Sec. 405. Code of conduct for nongovernmental organizations that provide as-
sistance to refugees or internally displaced persons.
 Sec. 406. Review of operations at refugee and displaced persons camps.
 Sec. 407. International military education and training.

1 SEC. 2. DEFINITIONS.

2 In this Act:

- 3 (1) ADMINISTRATOR.**—The term “Adminis-
4 trator” means the Administrator of the United
5 States Agency for International Development.

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means the Committee on International Re-
4 lations of the House of Representatives and the
5 Committee on Foreign Relations of the Senate.

6 (3) CHILDREN.—The term “children” means
7 persons who have not attained the age of 18.

8 (4) COMPLEX HUMANITARIAN EMERGENCY.—
9 The term “complex humanitarian emergency” means
10 a situation in which a significant number of refu-
11 gees, internally displaced persons, or other civilians
12 require protection or humanitarian assistance on an
13 urgent basis due to armed conflict, civil strife, sig-
14 nificant civil disturbance, disorder, or breakdown of
15 authority, or state-sponsored harassment or persecu-
16 tion.

17 (5) EXPLOITATION OF CHILDREN.—The term
18 “exploitation of children” means—

19 (A) adult sexual activity with children;

20 (B) kidnapping or forcibly separating chil-
21 dren from their families;

22 (C) subjecting children to the worst forms
23 of child labor;

1 (D) forcing children to commit or witness
2 acts of violence, including compulsory recruit-
3 ment into armed forces or as combatants; and

4 (E) withholding or obstructing access of
5 children to food, shelter, medicine, and basic
6 human services.

7 (6) GENDER-BASED VIOLENCE.—The term
8 “gender-based violence” means causing harm to a
9 person based on gender, including—

10 (A) rape;

11 (B) sexual assault or torture;

12 (C) sex trafficking or trafficking in per-
13 sons;

14 (D) demands for sex in exchange for em-
15 ployment, goods, services, or protection;

16 (E) withholding or obstructing access to
17 food, shelter, medicine, and basic human serv-
18 ices; and

19 (F) other forms of violence based on gen-
20 der.

21 (7) HIV.—The term “HIV” means the human
22 immunodeficiency virus, the virus that causes the ac-
23 quired immune deficiency syndrome (AIDS).

24 (8) HUMANITARIAN ASSISTANCE.—The term
25 “humanitarian assistance” means basic assistance to

1 save lives, alleviate suffering, and protect livelihoods,
2 such as medical assistance, food assistance, and
3 basic supplies and services to promote adequate
4 health, sanitation, shelter, and livelihoods, including
5 assistance for the relief and rehabilitation of the
6 people of a country that has been affected by a nat-
7 ural disaster.

8 (9) PROTECTION.—The term “protection”, with
9 respect to an individual, a family, a group, or a com-
10 munity, means all appropriate measures to promote
11 the physical and psychological security of, provide
12 equal access to basic services for, and safeguard the
13 legal and human rights and dignity of, individuals,
14 families, groups, and communities.

15 (10) SECRETARY.—The term “Secretary”
16 means the Secretary of State.

17 (11) SEX TRAFFICKING.—The term “sex traf-
18 ficking” has the meaning given the term in section
19 103 of Trafficking Victims Protection Act of 2000
20 (22 U.S.C. 7102).

21 (12) TRAFFICKING IN PERSONS.—The term
22 “trafficking in persons” has the meaning given the
23 term “severe forms of trafficking in persons” in sec-
24 tion 103 of the Trafficking Victims Protection Act
25 of 2000 (22 U.S.C. 7102).

1 (13) WORST FORMS OF CHILD LABOR.—The
2 term “worst forms of child labor” has the meaning
3 given the term in article 3 of Convention Number
4 182 of the International Labor Organization.

5 **SEC. 3. FINDINGS AND PURPOSES.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) The United States has a long tradition of
8 providing assistance to the people of foreign coun-
9 tries during times of disaster, crisis, and complex
10 humanitarian emergencies. The United States has
11 also assisted foreign countries recover after these
12 events.

13 (2) The bounty of our Nation’s farmland and
14 the efficiency and productivity of American farmers
15 have made the United States the world’s leading
16 donor of food assistance to people in need during
17 times of disaster, crisis, or complex humanitarian
18 emergencies.

19 (3) United States citizens have worked overseas
20 during times of disaster, crisis, or complex humani-
21 tarian emergencies, often at great danger to them-
22 selves, furthering United States interests while im-
23 proving their own understanding of the world and
24 the lives of others, whether volunteering with church
25 and civic organizations, working for relief and devel-

1 opment agencies, or in the service of the United
2 States Government.

3 (4) The compassion of the people of the United
4 States informs our actions as a Nation and a Gov-
5 ernment, and has caused us to willingly help others
6 in need, through private and public generosity and
7 through the provision of protection and assistance to
8 refugees, our solidarity with the world's dispos-
9 sessed, and our concern about and action on behalf
10 of those less fortunate.

11 (5) The complex humanitarian emergencies that
12 characterize the post-cold war period have resulted
13 in massive humanitarian need and suffering but also
14 a corresponding outpouring of support from the peo-
15 ple of the United States.

16 (6) It is thus part of our history, present, and
17 future that the United States will assist peace-loving
18 people during times of disaster, crisis, and complex
19 humanitarian emergencies, and to recover and re-
20 build after such events.

21 (b) PURPOSES.—The purposes of this Act, and the
22 amendments made by this Act, are—

23 (1) to improve United States actions to respond
24 to complex humanitarian emergencies in foreign
25 countries, including by—

1 (A) establishing an effective United States
2 Government interagency policy planning and
3 implementation process to prepare for and re-
4 spond to such emergencies; and

5 (B) providing protection for people affected
6 by a complex humanitarian emergency and pro-
7 viding assistance to foreign countries affected
8 by such an emergency;

9 (2) to provide assistance to respond to crises in
10 foreign countries;

11 (3) to provide assistance to support democracy
12 and long-term development in certain foreign coun-
13 tries;

14 (4) to provide protection for civilians affected
15 by conflict; and

16 (5) to improve post-conflict reconstruction ef-
17 forts in certain foreign countries.

1 **TITLE I—ACTIONS TO RESPOND**
2 **TO COMPLEX HUMANITARIAN**
3 **EMERGENCIES IN FOREIGN**
4 **COUNTRIES**

5 **Subtitle A—Interagency Policy**
6 **Planning and Implementation**
7 **Process**

8 **SEC. 101. FINDINGS.**

9 Congress finds the following:

10 (1) Advance planning, coordinated action, and
11 harmonized execution among the Federal depart-
12 ments and agencies responsible for the conduct of
13 foreign affairs and national security are essential to
14 ensure that the United States response to complex
15 humanitarian emergencies in foreign countries is ef-
16 fective, successful, and consistent with the national
17 interests of the United States.

18 (2) Establishment and use of an interagency
19 policy planning and implementation process is essen-
20 tial to ensure such planning, action, and execution
21 is achieved.

22 (3) The product of such an interagency process,
23 developed with the participation of officials from
24 Federal departments and agencies responsible for
25 the conduct of foreign affairs and national security,

1 should clearly articulate the national interests of the
2 United States involved.

3 (4) The product of such an interagency process
4 should include a strategic plan for achieving the pol-
5 icy objectives of the United States response and de-
6 lineate divisions of responsibility of the departments
7 and agencies involved.

8 (5) Any such strategic plan should be developed
9 in the context of and in coordination with the broad-
10 er international effort of which United States oper-
11 ations are a part.

12 **SEC. 102. DECLARATION OF POLICY.**

13 Congress declares the following:

14 (1) The United States Government should es-
15 tablish and implement an interagency policy plan-
16 ning and implementation process among the Federal
17 departments and agencies responsible for the con-
18 duct of foreign affairs and national security in order
19 to anticipate and promptly respond to complex hu-
20 manitarian emergencies in foreign countries.

21 (2) Such an interagency process should develop
22 as its product an operational approach that accounts
23 for economic, political, humanitarian, and military
24 factors and interests.

1 (3) The United States should utilize such plans
2 for the implementation of response during complex
3 humanitarian emergencies, foreign crises, and post-
4 conflict environments, regardless of which Federal
5 department or agency directs specific complex hu-
6 manitarian emergency responses or post-conflict re-
7 construction efforts.

8 **SEC. 103. INTERAGENCY POLICY PLANNING AND IMPLE-**
9 **MENTATION PROCESS.**

10 (a) ESTABLISHMENT.—Not later than 90 days after
11 the date of the enactment of this Act, the President shall
12 establish among the Federal departments and agencies re-
13 sponsible for the conduct of foreign affairs and national
14 security an interagency policy planning and implementa-
15 tion process to ensure advance planning, coordinated ac-
16 tion, and harmonized execution to respond to complex hu-
17 manitarian emergencies in foreign countries and to ensure
18 that such planning and action is consistent with the na-
19 tional interests of the United States.

20 (b) REPORT.—Not later than 120 days after the date
21 of enactment of this Act, the President shall transmit to
22 the appropriate congressional committees a report that
23 contains a summary of the interagency policy planning
24 and implementation process described in subsection (a),
25 including a summary of the relevant directive or other

1 order, if available, that provides for the establishment of
2 such interagency process.

3 **Subtitle B—Actions to Respond to**
4 **Complex Humanitarian Emer-**
5 **gencies in Foreign Countries**

6 **SEC. 111. FINDINGS.**

7 Congress finds the following:

8 (1) The nature of war has changed dramatically
9 in recent decades, putting civilians at greater risk of
10 death, disease, displacement, and exploitation.

11 (2) Civilians, particularly women and children,
12 account for the vast majority of those individuals ad-
13 versely affected by complex humanitarian emer-
14 gencies, including as refugees and internally dis-
15 placed persons.

16 (3) The percentage of civilians killed or wound-
17 ed as a result of hostilities has risen from 5 percent
18 of all casualties at the beginning of the 20th century
19 to 65 percent of all casualties during World War II
20 and to 90 percent of all casualties in more recent
21 hostilities. Women and children comprise the major-
22 ity of civilian deaths and the majority of all refugees
23 from hostilities.

24 (4) In the 1990s, more than 2,000,000 children
25 have been killed during wars, more than 4,000,000

1 children have survived physical mutilation during
2 wars, and more than 1,000,000 children were or-
3 phaned or separated from their families as a result
4 of wars.

5 (5) In many armed conflicts, soldiers have de-
6 stroyed food supplies and productive capacities, sto-
7 len donated food intended for women and children,
8 and blocked the distribution of humanitarian assist-
9 ance.

10 (6) While the United States has the capacity to
11 deliver humanitarian assistance to civilians affected
12 by conflict, there are many populations currently af-
13 fected by ongoing complex humanitarian emergencies
14 with respect to which United States assistance has
15 not been provided.

16 **SEC. 112. ACTIONS TO RESPOND TO COMPLEX HUMANI-**
17 **TARIAN EMERGENCIES IN FOREIGN COUN-**
18 **TRIES.**

19 Part I of the Foreign Assistance Act of 1961 (22
20 U.S.C. 2151 et seq.) is amended by inserting after chapter
21 3 the following new chapter:

1 **“CHAPTER 4—ACTIONS TO RESPOND TO**
2 **COMPLEX HUMANITARIAN EMER-**
3 **GENCIES IN FOREIGN COUNTRIES**

4 **“SEC. 401. DECLARATION OF POLICY.**

5 “Congress, recognizing that prompt United States
6 action to respond to complex humanitarian emergencies
7 in foreign countries, including to alleviate the suffering of
8 civilians affected by such emergencies, is an important ex-
9 pression of the humanitarian concern and tradition of the
10 people of the United States, affirms the willingness of the
11 United States to respond to such emergencies by providing
12 protection for people affected by a complex humanitarian
13 emergency and providing assistance to foreign countries
14 affected by such an emergency.

15 **“SEC. 402. COORDINATION.**

16 “(a) APPOINTMENT OF SPECIAL COORDINATOR.—

17 “(1) IN GENERAL.—On a case-by-case basis or
18 generally, the President is authorized to appoint a
19 Special Coordinator to ensure that, in accordance
20 with section 103(a) of the United States Assistance
21 for Civilians Affected by Conflict Act of 2004, the
22 Federal departments and agencies responsible for
23 the conduct of foreign affairs and national security
24 undertake advance planning, coordinated action, and
25 harmonized execution to respond to complex human-

1 itarian emergencies in foreign countries and to en-
2 sure that such planning and action is consistent with
3 the national interests of the United States.

4 “(2) RANK.—The individual appointed pursu-
5 ant to subsection (a) may have the rank of ‘Special
6 Assistant to the President’.

7 “(b) COORDINATION WITH OTHER PROGRAMS.—In
8 carrying out the functions described in this chapter, and
9 consistent with section 101 of the National Security Act
10 of 1947 (50 U.S.C. 402), the President shall ensure co-
11 ordination of the assistance authorized under this chapter
12 with foreign economic assistance programs and activities
13 carried out by all other Federal departments and agencies.

14 **“SEC. 403. ACTIONS TO RESPOND TO COMPLEX HUMANI-**
15 **TARIAN EMERGENCIES IN FOREIGN COUN-**
16 **TRIES.**

17 “(a) AUTHORIZATION.—Notwithstanding any other
18 provision of law, whenever the President determines it to
19 be important to the national interest of the United States,
20 the President is authorized to take the actions described
21 in subsection (b) and such other actions as the President
22 may determine to respond to complex humanitarian emer-
23 gencies in foreign countries.

24 “(b) ACTIONS.—The actions referred to in subsection
25 (a) are the following:

1 “(1) Provide protection for people affected by a
2 complex humanitarian emergency.

3 “(2) Provide assistance to foreign countries af-
4 fected by a complex humanitarian emergency, or to
5 international organizations or private voluntary or-
6 ganizations, on such terms and conditions as the
7 President may determine, for the benefit of such af-
8 fected countries, including—

9 “(A) humanitarian assistance;

10 “(B) assistance relating to conflict preven-
11 tion and mitigation, the prediction of and prep-
12 aration for conflict, and contingency planning
13 for the humanitarian consequences of a complex
14 humanitarian emergency; and

15 “(C) assistance to promote the demobiliza-
16 tion of combatants and reintegration of former
17 combatants into civilian life following the con-
18 clusion of a complex humanitarian emergency,
19 notwithstanding any provision of law that pro-
20 hibits assistance to the armed forces of a for-
21 eign country.

22 “(c) ADDITIONAL REQUIREMENT.—The President
23 shall ensure that the actions taken under this section
24 shall, to the greatest extent possible, benefit the individ-
25 uals or entities that are most in need.

1 **“SEC. 404. LIMITATION.**

2 “Amounts available to carry out this chapter may not
3 be used to provide assistance to respond to natural disas-
4 ters.

5 **“SEC. 405. NOTIFICATION OF OBLIATION OF PROVISIONS**
6 **OF LAW.**

7 “(a) IN GENERAL.—If the provision of assistance
8 under this chapter necessitates the obliation of any provi-
9 sion of law, the President shall notify the appropriate con-
10 gressional committees not later than 7 days after the date
11 on which the determination is made to obviate the provi-
12 sions of law involved.

13 “(b) CONTENTS OF NOTIFICATION.—The notification
14 referred to in subsection (a) shall include an explanation
15 of the assistance being provided, the provisions of law to
16 be obviated, and a justification and explanation as to why
17 the provision of assistance requires the obliation of the
18 provisions of law involved.

19 **“SEC. 406. DEFINITIONS.**

20 “In this chapter:

21 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term ‘appropriate congressional com-
23 mittees’ means the Committee on International Re-
24 lations of the House of Representatives and the
25 Committee on Foreign Relations of the Senate.

1 “(2) COMPLEX HUMANITARIAN EMERGENCY.—

2 The term ‘complex humanitarian emergency’ means
3 a situation in which a significant number of refu-
4 gees, internally displaced persons, or other civilians
5 require protection or humanitarian assistance on an
6 urgent basis due to armed conflict, civil strife, sig-
7 nificant civil disturbance, disorder, or breakdown of
8 authority, or state-sponsored harassment or persecu-
9 tion.

10 “(3) HUMANITARIAN ASSISTANCE.—The term

11 ‘humanitarian assistance’ means basic assistance to
12 save lives, alleviate suffering, and protect livelihoods,
13 such as medical assistance, food assistance, and
14 basic supplies and services to promote adequate
15 health, sanitation, shelter, and livelihoods.

16 “(4) PROTECTION.—The term ‘protection’, with

17 respect to an individual, a family, a group, or a com-
18 munity, means all appropriate measures to promote
19 the physical and psychological security of, provide
20 equal access to basic services for, and safeguard the
21 legal and human rights and dignity of, individuals,
22 families, groups, and communities.

1 **“SEC. 407. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—There are authorized to be ap-
3 propriated to the President to carry out this chapter
4 \$100,000,000 for each of the fiscal years 2005 and 2006.

5 “(b) AVAILABILITY.—Amounts appropriated pursu-
6 ant to the authorization of appropriations under sub-
7 section (a) are authorized to remain available until ex-
8 pended.”.

9 **SEC. 113. INTERNATIONAL DISASTER ASSISTANCE.**

10 Section 492(a) of the Foreign Assistance Act of 1961
11 (22 U.S.C. 2292a(a)) is amended by striking
12 “\$25,000,000 for fiscal year 1986 and \$25,000,000 for
13 fiscal year 1987” and inserting “\$135,500,000 for each
14 of the fiscal years 2005 and 2006”.

15 **SEC. 114. INITIATIVES TO PROVIDE PROTECTION FOR PEO-**
16 **PLE AFFECTED BY COMPLEX HUMANITARIAN**
17 **EMERGENCIES IN FOREIGN COUNTRIES.**

18 (a) UNITED STATES INITIATIVES.—

19 (1) AUTHORIZATION.—The President is author-
20 ized, under the authority of chapter 4 of part I of
21 the Foreign Assistance Act of 1961 (as added by
22 section 112 of this Act), to develop and undertake
23 protection initiatives, including protection initiatives
24 for civilian women and children who are refugees,
25 displaced persons, or living in areas affected by a
26 complex humanitarian emergency, including—

1 (A) training of field workers on identifying
2 and responding to violence, particularly gender-
3 based violence, and the exploitation of children;

4 (B) support for the rapid deployment of
5 protection officers to countries affected by com-
6 plex humanitarian emergencies;

7 (C) support for registration initiatives to
8 document refugees and internally displaced per-
9 sons for purposes of facilitating the provision of
10 humanitarian assistance to such persons and
11 the reunification of families; and

12 (D) support for programs that provide as-
13 sistance to civilians who are displaced due to
14 such an emergency, including—

15 (i) psycho-social counseling;

16 (ii) training related to income genera-
17 tion and employment skills; and

18 (iii) emergency health care required to
19 respond to gender-based violence.

20 (2) AUTHORIZATION OF APPROPRIATIONS.—Of
21 the amounts made available to carry out chapter 4
22 of part I of the Foreign Assistance Act of 1961 (as
23 added by section 112 of this Act) or of the amounts
24 appropriated under the heading “Migration and Ref-
25 ugee Assistance”, there are authorized to be appro-

1 priated to the President such sums as may be nec-
2 essary for the fiscal years 2005 and 2006 to carry
3 out this section.

4 (b) UNITED NATIONS INITIATIVES.—It is the sense
5 of Congress that the United Nations High Commissioner
6 for Refugees should review—

7 (1) its personnel practices to ensure that—

8 (A) senior protection officers are assigned
9 to the posts where women and children are in
10 the most danger of gender-based violence or ex-
11 ploitation;

12 (B) experienced protection officers are
13 present at border crossings; and

14 (C) more female staff are present in camps
15 for refugees or displaced persons; and

16 (2) its personnel practices to facilitate the hir-
17 ing of successful junior professional officers on a
18 permanent basis following their initial tours of duty.

19 (c) REPORT.—Not later than 90 days after the date
20 of the enactment of this Act, the Secretary of State shall
21 submit to the appropriate congressional committees a re-
22 port that contains a description of any steps that have
23 been taken to establish or carry out subsections (a) and
24 (b).

1 **SEC. 115. HEALTH SERVICES FOR WOMEN AFFECTED BY**
2 **COMPLEX HUMANITARIAN EMERGENCIES IN**
3 **FOREIGN COUNTRIES.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) A complex humanitarian emergency pre-
7 sents increased risks for women and girls.

8 (2) Women who are refugees or internally dis-
9 placed persons face heightened risks of developing
10 complications during pregnancy, suffering a mis-
11 carriage, dying, being injured during childbirth, be-
12 coming infected with HIV or another sexually trans-
13 mitted infection, or suffering from post-traumatic
14 stress disorder.

15 (3) Despite the heightened risks for women
16 during a complex humanitarian emergency, women’s
17 needs for specialized health services have often been
18 overlooked by donors and relief organizations, which
19 are focused on providing food, water, and shelter.

20 (4) Priority activities and emergency supplies
21 designed to address life-threatening women’s health
22 problems during a complex humanitarian emergency
23 are often not implemented or made available in the
24 early days and weeks of the emergency, the period
25 when such activities and supplies are most needed
26 and may be most effective.

1 (b) DECLARATION OF POLICY.—Congress declares
2 that it shall be the policy of the United States to ensure
3 that organizations funded by the United States Govern-
4 ment that respond to complex humanitarian emergencies
5 in foreign countries have the resources necessary to ad-
6 dress the specific health needs of women affected by such
7 emergencies in order—

8 (1) to prevent and manage the consequences of
9 sexual violence;

10 (2) to reduce transmission of HIV;

11 (3) to provide obstetric care;

12 (4) to integrate women’s health services into
13 the primary health care services provided during
14 such an emergency; and

15 (5) to provide education to prevent the inci-
16 dence of gender-based violence, exploitation of
17 women and children, and the spread of HIV.

18 **TITLE II—ASSISTANCE TO RE-**
19 **SPOND TO CRISES IN FOR-**
20 **EIGN COUNTRIES**

21 **SEC. 201. ASSISTANCE TO RESPOND TO CRISES IN FOREIGN**
22 **COUNTRIES.**

23 Part I of the Foreign Assistance Act of 1961 (22
24 U.S.C. 2151 et seq.) is amended by inserting after chapter

1 4 (as added section 112 of this Act) the following new
2 chapter:

3 **“CHAPTER 4A—ASSISTANCE TO RESPOND**
4 **TO CRISES IN FOREIGN COUNTRIES**

5 **“SEC. 411. ASSISTANCE.**

6 “Whenever the President determines it to be impor-
7 tant to the national interest of the United States, the
8 President is authorized to provide assistance on such
9 terms and conditions as the President may determine for
10 the purpose of preventing, preparing for, and responding
11 to crises in foreign countries, including acts of ethnic
12 cleansing, mass killings, and genocide, peace and humani-
13 tarian intervention operations, armed ethnic or civil con-
14 flicts that pose threats to regional or international peace,
15 and foreign territorial disputes.

16 **“SEC. 412. LIMITATION.**

17 “Amounts available to carry out this chapter may not
18 be used to provide assistance to respond to natural disas-
19 ters.

20 **“SEC. 413. ADMINISTRATIVE PROVISIONS.**

21 “(a) **AUTHORITY.**—Assistance under this chapter
22 may be provided notwithstanding any other provision of
23 law.

24 “(b) **NOTIFICATION OF OBLIATION OF PROVISIONS**
25 **OF LAW.**—

1 “(1) IN GENERAL.—If the provision of assist-
2 ance under this chapter necessitates the obviation of
3 any provision of law, the President shall notify the
4 appropriate congressional committees not later than
5 7 days after the date on which the determination is
6 made to obviate the provisions of law involved.

7 “(2) CONTENTS OF NOTIFICATION.—The notifi-
8 cation referred to in paragraph (1) shall include an
9 explanation of the assistance being provided, the
10 provisions of law to be obviated, and a justification
11 and explanation as to why the provision of assist-
12 ance requires the obviation of the provisions of law
13 involved.

14 “(c) NOTIFICATION.—

15 “(1) IN GENERAL.—Whenever the President
16 makes a determination required by section 411 to
17 provide assistance under such section, the President
18 shall notify the appropriate congressional committees
19 not later than 7 days after the date on which the de-
20 termination is made.

21 “(2) CONTENTS OF NOTIFICATION.—The notifi-
22 cation referred to in paragraph (1) shall include a
23 description of the assistance being provided, the pur-
24 pose of the assistance, and a justification for the as-
25 sistance.

1 **“SEC. 414. DEFINITION.**

2 “In this chapter, the term ‘appropriate congressional
3 committees’ has the meaning given the term in section
4 406(1).

5 **“SEC. 415. AUTHORIZATION OF APPROPRIATIONS; RELATED
6 AUTHORITIES.**

7 “(a) AUTHORIZATION OF APPROPRIATIONS.—Of the
8 amounts made available to carry out chapter 4 of part
9 II of this Act, there are authorized to be appropriated to
10 the President from time to time such amounts as may be
11 necessary to carry out this chapter, except that no amount
12 of funds may be appropriated which, when added to
13 amounts previously appropriated but not yet obligated,
14 would cause such amounts to exceed \$100,000,000.

15 “(b) RELATED AUTHORITIES.—Amounts appro-
16 priated pursuant to the authorization of appropriations
17 under subsection (a)—

18 “(1) may be referred to as the ‘United States
19 Foreign Crises Response Fund’;

20 “(2) are authorized to remain available until ex-
21 pended; and

22 “(3) are in addition to amounts otherwise avail-
23 able for such purposes.”.

1 **TITLE III—ASSISTANCE FOR**
 2 **COUNTRIES EMERGING FROM**
 3 **CONFLICT; INTERNATIONAL**
 4 **WAR VICTIMS ASSISTANCE;**
 5 **UNITED STATES FAMINE PRE-**
 6 **VENTION AND MITIGATION**
 7 **FUND**

8 **SEC. 301. ASSISTANCE FOR COUNTRIES EMERGING FROM**
 9 **CONFLICT; INTERNATIONAL WAR VICTIMS**
 10 **ASSISTANCE; UNITED STATES FAMINE PRE-**
 11 **VENTION AND MITIGATION FUND.**

12 Part I of the Foreign Assistance Act of 1961 (22
 13 U.S.C. 2151 et seq.) is amended by inserting after chapter
 14 4A (as added by section 201 of this Act) the following
 15 new chapter:

16 **“CHAPTER 4B—ASSISTANCE FOR COUN-**
 17 **TRIES EMERGING FROM CONFLICT;**
 18 **INTERNATIONAL WAR VICTIMS AS-**
 19 **SISTANCE; UNITED STATES FAMINE**
 20 **PREVENTION AND MITIGATION FUND**

21 **“SEC. 421. ASSISTANCE TO COUNTRIES EMERGING FROM**
 22 **POLITICAL INSTABILITY, CIVIL STRIFE, OR**
 23 **ARMED CONFLICT.**

24 “(a) **AUTHORIZATION.**—The President is authorized
 25 to provide assistance to support the transition to democ-

1 racy and long-term development in countries emerging
2 from political instability, civil strife, or armed conflict.

3 “(b) EXAMPLES OF ASSISTANCE.—Assistance re-
4 ferred to in subsection (a) may include assistance to de-
5 velop, strengthen, or preserve democratic institutions and
6 processes, to revitalize basic infrastructure, and to foster
7 the peaceful resolution of conflict.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—There are authorized to be
10 appropriated to the President \$55,000,000 for each
11 of the fiscal years 2005 and 2006 to carry out this
12 section.

13 “(2) AVAILABILITY.—Amounts appropriated
14 pursuant to the authorization of appropriations
15 under paragraph (1)—

16 “(A) are authorized to remain available
17 until expended; and

18 “(B) are in addition to amounts otherwise
19 available for such purpose.

20 “(d) ADMINISTRATIVE PROVISIONS.—

21 “(1) AUTHORITY.—Assistance under this sec-
22 tion may be provided notwithstanding any other pro-
23 vision of law.

24 “(2) NOTIFICATION OF OBLIGATION OF PROVI-
25 SIONS OF LAW.—

1 “(A) IN GENERAL.—If the provision of as-
2 sistance under this section necessitates the obvi-
3 ation of any provision of law, the President
4 shall notify the appropriate congressional com-
5 mittees not later than 7 days after the date on
6 which the determination is made to obviate the
7 provisions of law involved.

8 “(B) CONTENTS OF NOTIFICATION.—The
9 notification referred to in subparagraph (A)
10 shall include an explanation of the assistance
11 being provided, the provisions of law to be obvi-
12 ated, and a justification and explanation as to
13 why the provision of assistance requires the ob-
14 viation of the provisions of law involved.

15 “(3) NOTIFICATION.—

16 “(A) IN GENERAL.—Whenever the Presi-
17 dent makes a determination required by sub-
18 section (a) to provide assistance under such
19 subsection, the President shall notify the appro-
20 priate congressional committees not later than
21 7 days after the date on which the determina-
22 tion is made.

23 “(B) CONTENTS OF NOTIFICATION.—The
24 notification referred to in subparagraph (A)
25 shall include a description of the assistance

1 being provided, the purpose of the assistance,
2 and a justification for the assistance.

3 **“SEC. 422. INTERNATIONAL WAR VICTIMS ASSISTANCE.**

4 “(a) AUTHORIZATION.—The President is authorized
5 to provide assistance to victims of civil strife and warfare
6 in foreign countries.

7 “(b) ACTIVITIES.—The programs established pursu-
8 ant to assistance provided under subsection (a) may in-
9 clude the following programs, projects, and activities:

10 “(1) Development of local capacity to provide
11 medical and rehabilitation services to victims of civil
12 strife and warfare in foreign countries, such as—

13 “(A) support for and training of medical
14 professionals, including surgeons, nurses, and
15 physical therapists, to provide effective medical
16 care for such victims;

17 “(B) support for sustainable prosthetic
18 and orthotic services for such victims; and

19 “(C) psychological and social rehabilitation
20 of such individuals, together with their families
21 as appropriate, for the reintegration of such in-
22 dividuals into local communities.

23 “(2) Support for policy reform and educational
24 efforts related to the needs and abilities of individ-

1 uals with disabilities, including victims of civil strife
2 and warfare.

3 “(3) Coordination of programs established pur-
4 suant to subsection (a) with existing programs for
5 individuals with disabilities, including victims of civil
6 strife and warfare, in foreign countries.

7 “(4) Support for establishment of appropriate
8 entities in foreign countries to coordinate programs,
9 projects, and activities related to assistance for indi-
10 viduals with disabilities, including victims of civil
11 strife and warfare.

12 “(5) Support for primary, secondary, and voca-
13 tional education, public awareness and training pro-
14 grams and other activities that help prevent war-re-
15 lated injuries and assist individuals with disabilities,
16 including victims of civil strife and warfare, with
17 their reintegration into society and their ability to
18 make sustained social and economic contributions to
19 society.

20 “(c) PRIORITY.—To the maximum extent feasible, as-
21 sistance under this section shall be provided through non-
22 governmental organizations, and, as appropriate, through
23 governments to establish appropriate norms, standards,
24 and policies related to rehabilitation and issues affecting

1 individuals with disabilities, including victims of civil strife
2 and warfare.

3 “(d) FUNDING.—Amounts made available to carry
4 out the other provisions of this part (including chapter 4
5 of part II of this Act) and the Support for East European
6 Democracy (SEED) Act of 1989 are authorized to be
7 made available to carry out this section and are authorized
8 to be provided notwithstanding any other provision of law
9 which restricts assistance to foreign countries.

10 **“SEC. 423. UNITED STATES FAMINE PREVENTION AND MITI-**
11 **GATION FUND.**

12 “(a) AUTHORIZATION.—Whenever the President de-
13 termines it to be important to the national interests of
14 the United States, the President is authorized to furnish
15 on such terms and conditions as the President may deter-
16 mine assistance under this section for the purpose of meet-
17 ing unexpected urgent famine needs in foreign countries,
18 especially relating to complex humanitarian emergencies.

19 “(b) DEFINITIONS.—In this section:

20 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term ‘appropriate congressional com-
22 mittees’ has the meaning given the term in section
23 406(1).

1 “(2) COMPLEX HUMANITARIAN EMERGENCY.—
2 The term ‘complex humanitarian emergency’ has the
3 meaning given the term in section 406(2).

4 “(c) AUTHORIZATION OF APPROPRIATIONS; RE-
5 LATED AUTHORITIES.—

6 “(1) AUTHORIZATION OF APPROPRIATIONS.—Of
7 the amounts appropriated for a fiscal year to carry
8 out title II of the Agricultural Trade Development
9 and Assistance Act of 1954, there are authorized to
10 be appropriated to the President for such fiscal year
11 5 percent of such amounts to carry out this section,
12 except that no amount of funds may be appropriated
13 which, when added to amounts previously appro-
14 priated but not yet obligated to carry out this sec-
15 tion, would cause such amounts to exceed
16 \$100,000,000.

17 “(2) RELATED AUTHORITIES.—Amounts appro-
18 priated pursuant to the authorization of appropria-
19 tions under paragraph (1)—

20 “(A) may be referred to as the ‘United
21 States Famine Prevention and Mitigation
22 Fund’;

23 “(B) are authorized to remain available
24 until expended; and

1 “(C) are in addition to amounts otherwise
2 available for such purposes.

3 “(d) ADMINISTRATIVE PROVISIONS.—

4 “(1) AUTHORITY.—Assistance under this sec-
5 tion may be provided notwithstanding any other pro-
6 vision of law.

7 “(2) NOTIFICATION OF OBLIATION OF PROVI-
8 SIONS OF LAW.—

9 “(A) IN GENERAL.—If the provision of as-
10 sistance under this section necessitates the obvi-
11 ation of any provision of law, the President
12 shall notify the appropriate congressional com-
13 mittees not later than 7 days after the date on
14 which the determination is made to obviate the
15 provisions of law involved.

16 “(B) CONTENTS OF NOTIFICATION.—The
17 notification referred to in subparagraph (A)
18 shall include an explanation of the assistance
19 being provided, the provisions of law to be obvi-
20 ated, and a justification and explanation as to
21 why the provision of assistance requires the ob-
22 viation of the provisions of law involved.

23 “(3) NOTIFICATION.—

24 “(A) IN GENERAL.—Whenever the Presi-
25 dent makes a determination required by sub-

1 section (a) to provide assistance under such
2 subsection, the President shall notify the appro-
3 priate congressional committees not later than
4 7 days after the date on which the determina-
5 tion is made.

6 “(B) CONTENTS OF NOTIFICATION.—The
7 notification referred to in subparagraph (A)
8 shall include a description of the assistance
9 being provided, the purpose of the assistance,
10 and a justification for the assistance.”.

11 **TITLE IV—PROTECTION FOR CI-**
12 **VILIANS IN FOREIGN COUN-**
13 **TRIES AFFECTED BY CON-**
14 **FLICT**

15 **SEC. 401. FINDINGS AND PURPOSES.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) Civilians, particularly women and children,
19 are increasingly affected by conflict and are targeted
20 by combatants and armed elements for murder, ab-
21 duction, forced military conscription, involuntary
22 servitude, displacement, sexual abuse and slavery,
23 mutilation, and loss of freedom.

24 (2) Traditionally, humanitarian response to ci-
25 vilians affected by conflict has focused on providing

1 food, medical care, and shelter needs, while placing
2 less emphasis on the safety and security of people
3 affected by a complex humanitarian emergency.

4 (3) Few well-coordinated efforts exist to prevent
5 and respond to violence against civilians, particularly
6 women and children, when they are refugees or in-
7 ternally displaced persons.

8 (4) While the United Nations High Commis-
9 sioner for Refugees and the Department of State are
10 charged with protecting refugees, there is no inter-
11 national organization or United States Government
12 agency with a clear mandate to protect internally
13 displaced persons and those at risk of displacement
14 as a result of a complex humanitarian emergency.

15 (5) There is a substantial need for the protec-
16 tion of civilians affected by conflict to be given a
17 high priority during all complex humanitarian emer-
18 gencies.

19 (6) During 2003, an estimated 300,000 chil-
20 dren have been compulsorily recruited into military
21 operations around the world, including a large num-
22 ber of girls who have been forced to work as combat-
23 ants, cooks, messengers, spies, or sexual slaves for
24 soldiers.

1 (7) The use of rape, particularly against women
2 and girls, is an increasingly common tactic in mod-
3 ern war.

4 (8) The international community has a respon-
5 sibility pursuant to the Protocol Relating to the Sta-
6 tus of Refugees, signed at New York on October 4,
7 1967 (19 U.S.T. 6223), the Convention Relating to
8 the Status of Refugees, signed at Geneva on July
9 28, 1951, and the Convention Relative to the Pro-
10 tection of Civilian Persons in Time of War, signed
11 at Geneva on August 12, 1949 (6 U.S.T. 3516), to
12 take preventive action that would improve prepared-
13 ness and reduce the vulnerability of women and chil-
14 dren to violence and exploitation.

15 (9) Food rations in camps for refugees and in-
16 ternally displaced persons are often limited and un-
17 predictable, and vulnerable women rarely have legiti-
18 mate opportunities to generate income or products
19 to barter for additional food and other supplies.

20 (10) Women and girls who are refugees face
21 particular threats because of power inequities, in-
22 cluding being forced to exchange sex for food and
23 humanitarian supplies, and being at increased risk
24 of rape and gender-based violence due to poor secu-
25 rity in refugee camps.

1 (11) An investigation into sexual exploitation of
2 refugees by aid workers in West Africa, conducted
3 by the United Nations Office of Internal Oversight
4 Services, found many factors that contribute to the
5 exploitation and abuse of women and children in ref-
6 ugee situations, including—

7 (A) few women working in key positions in
8 refugee relief efforts;

9 (B) insufficient international staff presence
10 in the camps;

11 (C) isolation and lack of separate and dis-
12 tinctly placed sanitary facilities for men and
13 women;

14 (D) incomplete rations and delayed deliv-
15 ery of supplies to refugees; and

16 (E) lack of punishment for perpetrators,
17 including adult refugees, of sexual crimes
18 against children in refugee situations.

19 (12) Refugees and internally displaced persons
20 living outside of camps experience a range of serious
21 problems, including vulnerability to harassment,
22 abuse, and exploitation by landlords and employers
23 with little legal recourse, and constant threat of de-
24 tention, imprisonment, and deportation.

1 (13) Existing nongovernmental organization
2 and international agency policies, procedures, train-
3 ing programs, monitoring, and accountability mecha-
4 nisms have not protected displaced women and chil-
5 dren from exploitation and abuse, provided adequate
6 assistance to survivors, or disciplined offenders and
7 achieved justice.

8 (14) The limited presence of protection officers
9 and other trained managerial staff of the United
10 Nations High Commissioner for Refugees in camps,
11 especially at night, exacerbates the vulnerability of
12 women and children to abuse by, in particular, fellow
13 camp residents and nearby local residents.

14 (15) In some circumstances, humanitarian
15 agencies have failed to make women and children
16 aware of their rights to protection and assistance, to
17 give them access to effective channels of redress, and
18 to make humanitarian workers aware of their duty
19 to respect these rights and provide adequate assist-
20 ance.

21 (b) PURPOSES.—The purposes of this title are—

22 (1) to ensure that the United States Govern-
23 ment has adequate capabilities to support programs
24 that provide for the protection of civilians, especially

1 women and children, who are affected by conflict;
2 and

3 (2) to build the capacities of United States
4 Government agencies, multilateral institutions, inter-
5 national nongovernmental organizations, local non-
6 governmental organizations, and local communities
7 to prevent and respond effectively to gender-based
8 violence and exploitation of children that occur dur-
9 ing a complex humanitarian emergency.

10 **SEC. 402. REQUIREMENT TO DEVELOP INTEGRATED STRAT-**
11 **EGY.**

12 (a) **REQUIREMENT.**—The Secretary of State shall, in
13 consultation with the Administrator, develop an integrated
14 strategy for the protection of women and children who are
15 internally displaced, made refugees, or otherwise affected
16 by a complex humanitarian emergency.

17 (b) **REPORT.**—Not later than 90 days after the date
18 of enactment of this Act, the Secretary shall submit to
19 the appropriate congressional committees a report out-
20 lining the strategy described in subsection (a).

21 (c) **CONTENT.**—The report required by subsection (b)
22 shall include—

23 (1) an assessment of the specific needs of, and
24 particular threats to, women and children at the var-

1 ious stages of a complex humanitarian emergency,
2 especially at the onset of such emergency;

3 (2) a description of which agencies and offices
4 of the United States Government are responsible for
5 addressing each aspect of such needs and threats;

6 (3) an evaluation of the needs and threats that
7 are being adequately addressed and funded, and
8 those which require additional attention or re-
9 sources;

10 (4) a set of guidelines and recommendations for
11 improving United States and international systems
12 for the protection of women and children during a
13 complex humanitarian emergency; and

14 (5) a mechanism for coordinating and over-
15 seeing United States efforts to prevent and respond
16 to gender-based violence and exploitation of children
17 that occurs during a complex humanitarian emer-
18 gency.

19 **SEC. 403. EARLY WARNING AND EARLY ACTION SYSTEMS.**

20 (a) PREVENTIVE ACTIONS.—The Special Coordinator
21 appointed pursuant to section 402(a) of the Foreign As-
22 sistance Act of 1961 (as added by section 112 of this Act)
23 (or, if such Coordinator is not appointed pursuant to such
24 section, the Administrator of the United States Agency for
25 International Development) shall—

1 (1) maintain a database of information related
2 to occurrences of gender-based violence or exploi-
3 tation of children during a complex humanitarian
4 emergency;

5 (2) develop, based on the information contained
6 in the database required by paragraph (1) and other
7 research—

8 (A) a list of early warning signs that indi-
9 cate there is a likelihood that gender-based vio-
10 lence or exploitation of children will occur dur-
11 ing a complex humanitarian emergency; and

12 (B) a list, that is updated regularly, of
13 countries or regions where there is an increased
14 risk of gender-based violence or exploitation of
15 children due to a complex humanitarian emer-
16 gency to enhance the preparedness of the
17 United States Government or organizations
18 funded by the United States Government to re-
19 spond to such an emergency;

20 (3) disseminate to United States embassies and
21 consular posts the lists described in subparagraphs
22 (A) and (B) of paragraph (2);

23 (4) assist embassies and consular posts in re-
24 sponding to an increased risk of gender-based vio-

1 lence or exploitation of children that may occur dur-
2 ing a complex humanitarian emergency;

3 (5) develop a procedure for nongovernmental
4 organizations to report evidence of gender-based vio-
5 lence and exploitation of children, during a complex
6 humanitarian emergency to ensure appropriate re-
7 sponse by United States officials; and

8 (6) establish a reporting and monitoring system
9 for United States diplomatic missions and consular
10 posts and missions of the United States Agency for
11 International Development to collect and submit to
12 the Special Coordinator or Administrator, as appro-
13 priate, standardized data on evidence that women
14 and children are being targeted for or are at in-
15 creased risk of violence or exploitation in complex
16 humanitarian emergencies.

17 (b) REPORTING AND MONITORING.—Not later than
18 30 days after a country or region is placed on a list main-
19 tained under subsection (a)(1), each United States diplo-
20 matic mission and consular post located in such country
21 or region shall submit to the Special Coordinator or Ad-
22 ministrator, as appropriate, a description of the measures
23 undertaken by such mission or post for the protection of
24 women and children in the event of a complex humani-
25 tarian emergency.

1 (c) DISSEMINATION OF INFORMATION.—The Special
2 Coordinator or Administrator, as appropriate, shall make
3 available to the public, including to nongovernmental orga-
4 nizations located in areas where there is an increased risk
5 of gender-based violence or exploitation of children, the in-
6 formation, procedures, systems, and measures described in
7 subsections (a) and (b).

8 **SEC. 404. WHISTLEBLOWER SYSTEM.**

9 (a) DESIGN OF MODEL SYSTEM.—The Secretary of
10 State should urge the United Nations High Commissioner
11 for Refugees to work with nongovernmental organizations
12 to design and implement a model “whistleblower” system
13 under which humanitarian workers, refugees, and inter-
14 nally displaced persons can report instances of gender-
15 based violence or exploitation of children. Such a system
16 should ensure that—

17 (1) reports of instances of gender-based violence
18 or exploitation of children may be made confiden-
19 tially and without risk of retribution;

20 (2) such reports are swiftly and thoroughly in-
21 vestigated and adjudicated; and

22 (3) appropriate disciplinary action is taken
23 against a person found to have committed an act of
24 gender-based violence or exploited a child.

1 (b) REPORT.—Not later than 180 days after the date
2 of enactment of this Act, the Secretary shall submit to
3 the appropriate congressional committees a report on
4 progress that has been made toward designing and imple-
5 menting the model whistleblower system described in sub-
6 section (a).

7 **SEC. 405. CODE OF CONDUCT FOR NONGOVERNMENTAL**
8 **ORGANIZATIONS THAT PROVIDE ASSISTANCE**
9 **TO REFUGEES OR INTERNALLY DISPLACED**
10 **PERSONS.**

11 (a) LIMITATION ON ASSISTANCE.—None of the funds
12 made available to carry out this Act, any amendment
13 made by this Act, or any other provision of law for the
14 purposes of the provision of assistance to refugees or in-
15 ternally displaced persons may be provided to a non-
16 governmental organization that has failed to adopt a code
17 of conduct regarding the protection of beneficiaries of hu-
18 manitarian assistance that incorporates the core principles
19 described in subsection (c).

20 (b) TERMINATION OF CERTAIN GRANTS, CONTRACTS
21 AND COOPERATIVE AGREEMENTS.—The President shall
22 ensure that any grant, contract, or cooperative agreement
23 provided or entered into by a Federal department or agen-
24 cy which is subject to the limitation contained in sub-
25 section (a) shall include a condition that authorizes the

1 department or agency to terminate the grant, contract, or
2 cooperative agreement, as the case may be, without pen-
3 alty, if the grantee or any subgrantee, or the contractor
4 or any subcontractor, violates the code of conduct regard-
5 ing the protection of beneficiaries of humanitarian assist-
6 ance that incorporates the core principles described in sub-
7 section (c).

8 (c) CORE PRINCIPLES.—The core principles referred
9 to in subsection (a) are the following:

10 (1) Sexual exploitation and abuse by humani-
11 tarian workers constitute acts of gross misconduct
12 and are therefore grounds for termination of employ-
13 ment.

14 (2) Sexual activity with children is prohibited
15 regardless of the age of majority or age of consent
16 locally. Mistaken belief regarding the age of a child
17 is not a defense.

18 (3) Exchange of money, employment, goods, or
19 services for sex, including sexual favors or other
20 forms of humiliating, degrading, or exploitative be-
21 havior, is prohibited, including exchange of assist-
22 ance that is due to beneficiaries.

23 (4) Sexual relationships between the providers
24 and beneficiaries of humanitarian assistance are
25 strongly discouraged since they are based on inher-

1 ently unequal power dynamics. Such relationships
2 undermine the credibility and integrity of humani-
3 tarian assistance work.

4 (5) Whenever a humanitarian assistance worker
5 develops concerns or suspicions regarding sexual
6 abuse or exploitation by a fellow worker, whether in
7 the same agency or not, the worker must report
8 such concerns through established agency reporting
9 mechanisms.

10 (6) Humanitarian assistance agencies are
11 obliged to create and maintain an environment that
12 prevents sexual exploitation and abuse and promotes
13 the implementation of their code of conduct. Man-
14 agers at all levels have particular responsibilities to
15 support and develop systems that maintain this envi-
16 ronment.

17 **SEC. 406. REVIEW OF OPERATIONS AT REFUGEE AND DIS-**
18 **PLACED PERSONS CAMPS.**

19 It is the sense of Congress that all United States
20 Government agencies, nongovernmental organizations,
21 and multilateral organizations that are implementing
22 United States humanitarian assistance programs should
23 conduct a thorough review of their administrative, man-
24 agement, and employment practices at refugee and dis-
25 placed persons camps for the purposes of—

1 (1) significantly increasing the number of
2 women involved in the distribution of food and hu-
3 manitarian supplies;

4 (2) expanding opportunities for women to gen-
5 erate legitimate income in the camps, including
6 through employment in the camps;

7 (3) educating providers and beneficiaries of hu-
8 manitarian assistance about the seriousness of gen-
9 der-based violence and exploitation of children;

10 (4) improving expatriate supervision and moni-
11 toring of daily operations in the camps;

12 (5) improving the design and logistics of camps
13 to create a safer and more secure environment for
14 women and children, including through consultation
15 with female camp residents;

16 (6) keeping formal and detailed records, includ-
17 ing photographs, of locally hired staff, and ensuring
18 that they are adequately paid and trained;

19 (7) providing training for humanitarian assist-
20 ance workers on their obligations and responsibilities
21 under a code of conduct;

22 (8) developing systems of accountability to
23 deter and punish gender-based violence, exploitation
24 of children, and other protection violations including
25 through identification of procedures for reporting

1 and investigating allegations of abuse that protect
2 the safety and confidentiality of the survivors; and

3 (9) ensuring that applicants for jobs in camps
4 are screened to prevent individuals who may have
5 been involved in protection violations from being
6 hired by camp authorities.

7 **SEC. 407. INTERNATIONAL MILITARY EDUCATION AND**
8 **TRAINING.**

9 Section 541 of the Foreign Assistance Act of 1961
10 (22 U.S.C. 2347) is amended in the second sentence—

11 (1) by striking “or (iv)” and inserting “(iv)”;
12 and

13 (2) by adding at the end before the period the
14 following: “, or (v) improve the protection of civil-
15 ians, especially women and children who are affected
16 by armed conflict, including those women and chil-
17 dren who, as a result of an armed conflict, are refu-
18 gees or displaced persons.”.

○