

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 912

To ensure the protection of beneficiaries of United States humanitarian assistance.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. DELAHUNT (for himself, Mr. DELAY, Mr. LANTOS, Ms. PRYCE of Ohio, Mr. BLUNT, Mr. KOLBE, Mr. SHAYS, Mr. CRAMER, Mr. SMITH of New Jersey, Mr. PORTER, Mr. MCGOVERN, Mr. FOLEY, Mr. CARDOZA, and Mr. POMEROY) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To ensure the protection of beneficiaries of United States humanitarian assistance.

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 “Humanitarian Assist-  
5       ance Code of Conduct Act of 2005”.

1 **SEC. 2. CODE OF CONDUCT FOR THE PROTECTION OF**  
2 **BENEFICIARIES OF HUMANITARIAN ASSIST-**  
3 **ANCE.**

4 (a) PROHIBITION.—None of the funds made available  
5 for foreign operations, export financing, and related pro-  
6 grams under the headings “Migration and Refugee Assist-  
7 ance”, “United States Emergency Refugee and Migration  
8 Assistance Fund”, “International Disaster and Famine  
9 Assistance”, or “Transition Initiatives” may be obligated  
10 to an organization that fails to adopt a code of conduct  
11 that provides for the protection of beneficiaries of assist-  
12 ance under any such heading from sexual exploitation and  
13 abuse in humanitarian relief operations.

14 (b) SIX CORE PRINCIPLES.—The code of conduct re-  
15 ferred to in subsection (a) shall, to the maximum extent  
16 practicable, be consistent with the following six core prin-  
17 ciples of the United Nations Inter-Agency Standing Com-  
18 mittee Task Force on Protection From Sexual Exploi-  
19 tation and Abuse in Humanitarian Crises:

20 (1) “Sexual exploitation and abuse by humani-  
21 tarian workers constitute acts of gross misconduct  
22 and are therefore grounds for termination of employ-  
23 ment.”.

24 (2) “Sexual activity with children (persons  
25 under the age of 18) is prohibited regardless of the

1 age of majority or age of consent locally. Mistaken  
2 belief regarding the age of a child is not a defense.”.

3 (3) “Exchange of money, employment, goods, or  
4 services for sex, including sexual favors or other  
5 forms of humiliating, degrading or exploitative be-  
6 havior, is prohibited. This includes exchange of as-  
7 sistance that is due to beneficiaries.”.

8 (4) “Sexual relationships between humanitarian  
9 workers and beneficiaries are strongly discouraged  
10 since they are based on inherently unequal power dy-  
11 namics. Such relationships undermine the credibility  
12 and integrity of humanitarian aid work.”.

13 (5) “Where a humanitarian worker develops  
14 concerns or suspicions regarding sexual abuse or ex-  
15 ploitation by a fellow worker, whether in the same  
16 agency or not, he or she must report such concerns  
17 via established agency reporting mechanisms.”.

18 (6) “Humanitarian agencies are obliged to cre-  
19 ate and maintain an environment which prevents  
20 sexual exploitation and abuse and promotes the im-  
21 plementation of their code of conduct. Managers at  
22 all levels have particular responsibilities to support  
23 and develop systems which maintain this environ-  
24 ment.”.

1 **SEC. 3. REPORT.**

2 Not later than 180 days after the date of the enact-  
3 ment of this Act, and not later than one year after the  
4 date of the enactment of this Act, the President shall  
5 transmit to the Committee on Appropriations and the  
6 Committee on International Relations of the House of  
7 Representatives and the Committee on Appropriations and  
8 the Committee on Foreign Relations of the Senate a de-  
9 tailed report on the implementation of this Act.

10 **SEC. 4. EFFECTIVE DATE; APPLICABILITY.**

11 This Act—

12 (1) takes effect 60 days after the date of the  
13 enactment of this Act; and

14 (2) applies to funds obligated after the effective  
15 date referred to in paragraph (1)—

16 (A) for fiscal year 2005; and

17 (B) any subsequent fiscal year.

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