

109TH CONGRESS
1ST SESSION

H. R. 912

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2005

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Humanitarian Assist-
3 ance Code of Conduct Act of 2005”.

4 **SEC. 2. CODE OF CONDUCT FOR THE PROTECTION OF**
5 **BENEFICIARIES OF HUMANITARIAN ASSIST-**
6 **ANCE.**

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

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

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

1 (2) “Sexual activity with children (persons
2 under the age of 18) is prohibited regardless of the
3 age of majority or age of consent locally. Mistaken
4 belief regarding the age of a child is not a defense.”.

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

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

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

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

1 and develop systems which maintain this environ-
2 ment.”.

3 **SEC. 3. REPORT.**

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

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

13 This Act—

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

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

18 (A) for fiscal year 2005; and

19 (B) any subsequent fiscal year.

Passed the House of Representatives March 2,
2005.

Attest:

JEFF TRANDAHL,

Clerk.