

119TH CONGRESS  
1ST SESSION

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

To establish a Special Envoy for Humanitarian Aid Workers, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. VAN HOLLEN (for himself, Mr. MERKLEY, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To establish a Special Envoy for Humanitarian Aid Workers, 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 “Commitment to Aid  
5       Workers Act”.

6       **SEC. 2. SPECIAL ENVOY FOR HUMANITARIAN AID WORK-**  
7       **ERS.**

8       Section 1 of the State Department Basic Authorities  
9       Act of 1956 (22 U.S.C. 2651a) is amended by adding at  
10      the end the following:

1       “(p) SPECIAL ENVOY FOR HUMANITARIAN AID  
2 WORKERS.—

3 “(1) DEFINITIONS.—In this subsection:

4 “(A) AID WORKER.—The term ‘aid worker’  
5 means an individual who provides humanitarian  
6 assistance to people in need outside the United  
7 States.

8 “(B) APPROPRIATE CONGRESSIONAL COM-  
9 MITTEES.—The term ‘appropriate congressional  
10 committees’ means—

11 “(i) the Committee on Appropriations  
12 of the Senate;

13 “(ii) the Committee on Foreign Rela-  
14 tions of the Senate;

15 “(iii) the Committee on Appropria-  
16 tions of the House of Representatives; and

17 “(iv) the Committee on Foreign Af-  
18 fairs of the House of Representatives.

19 “(2) ESTABLISHMENT.—There shall be a Spe-  
20 cial Envoy for Humanitarian Aid Workers (referred  
21 to in this subsection as the ‘Special Envoy’), who  
22 shall—

23 “(A) be appointed by the President; and

24 “(B) report to the Secretary of State.

1           “(3) RANK AND STATUS OF AMBASSADOR.—

2           The Special Envoy shall have the rank and status of  
3           ambassador.

4           “(4) DUTIES.—The Special Envoy shall be re-  
5           sponsible for—

6                   “(A) inquiring into the death, fatal injury,  
7                   or detention of any aid worker in the course of  
8                   providing assistance as part of a humanitarian  
9                   mission supported by the United States;

10                   “(B) advocating for the robust coordina-  
11                   tion and deconfliction between humanitarian  
12                   missions supported by the United States, inter-  
13                   national bodies, and relevant foreign security  
14                   forces;

15                   “(C) advocating for foreign countries to  
16                   adopt best practices, including security for aid  
17                   workers, to enable nongovernmental organiza-  
18                   tions to freely deliver humanitarian aid and as-  
19                   sistance;

20                   “(D) developing and advocating, in con-  
21                   sultation with the Secretary of State, best prac-  
22                   tices for foreign countries to work with humani-  
23                   tarian nongovernmental organizations and civil  
24                   society organizations; and

1           “(E) advocating for any other matter that  
2           supports the efforts of nongovernmental organi-  
3           zations to provide humanitarian assistance  
4           without the interference of the security of a for-  
5           eign country.

6           “(5) ANNUAL REPORT TO CONGRESS.—Not  
7           later than 1 year after the date of the enactment of  
8           this subsection, and annually thereafter, the Special  
9           Envoy shall submit a report to the appropriate con-  
10          gressional committees regarding the working envi-  
11          ronment of the conflict areas in which aid workers  
12          operate to provide humanitarian assistance as part  
13          of a humanitarian mission supported by the United  
14          States, including—

15               “(A) any security challenges that non-  
16               governmental organizations face in providing  
17               United States humanitarian assistance;

18               “(B) the effectiveness of the United Na-  
19               tions Office for the Coordination of Humani-  
20               tarian Affairs in deconflicting between non-  
21               governmental organizations providing humani-  
22               tarian assistance and parties to conflict;

23               “(C) how much humanitarian assistance  
24               the United States has distributed during the  
25               preceding 1-year period; and

1 “(D) any policy recommendations.

2 “(6) REPORT ON UNITED NATIONS OFFICE FOR  
3 THE COORDINATION OF HUMANITARIAN AFFAIRS.—  
4 Not later than 1 year after the date of the enact-  
5 ment of this subsection, the Special Envoy, in con-  
6 sultation with the Secretary of State, shall submit a  
7 report to the appropriate congressional committees  
8 regarding the effectiveness of the efforts of the  
9 United Nations Office for the Coordination of Hu-  
10 manitarian Affairs with respect to coordination and  
11 deconfliction between humanitarian nongovernmental  
12 organizations and foreign countries as part of a hu-  
13 manitarian response supported by the United  
14 States.”.

15 **SEC. 3. INVESTIGATIONS INTO ANY KILLING OR FATAL IN-**  
16 **JURY OF HUMANITARIAN AID WORKERS.**

17 Chapter 1 of part III of the Foreign Assistance Act  
18 of 1961 (22 U.S.C. 2351 et seq.) is amended by adding  
19 at the end the following:

20 **“SEC. 620N. PROHIBITION ON ASSISTANCE TO COUNTRIES**  
21 **THAT UNLAWFULLY KILL OR FATALLY IN-**  
22 **JURE HUMANITARIAN AID WORKERS.**

23 “(a) DEFINITIONS.—In this section:

24 “(1) ACTIVE HUMANITARIAN AID MISSION.—  
25 The term ‘active humanitarian aid mission’ means

1 an ongoing, organized effort outside the United  
2 States through which United States humanitarian  
3 assistance is being delivered or administered by the  
4 international community, individual countries, or  
5 international organizations—

6 “(A) to prevent and control nonpolitical  
7 and nonmilitary crises; and

8 “(B) to mitigate the effects of such crises.

9 “(2) APPROPRIATE CONGRESSIONAL COMMIT-  
10 TEES.—The term ‘appropriate congressional com-  
11 mittees’ means—

12 “(A) the Committee on Appropriations of  
13 the Senate;

14 “(B) the Committee on Foreign Relations  
15 of the Senate;

16 “(C) the Committee on Appropriations of  
17 the House of Representatives; and

18 “(D) the Committee on Foreign Affairs of  
19 the House of Representatives.

20 “(3) HUMANITARIAN AID WORKER.—The term  
21 ‘humanitarian aid worker’ means an individual who  
22 is participating in an active humanitarian aid mis-  
23 sion to provide assistance and resources to people in  
24 need.

1           “(4) UNLAWFUL KILLING.—The term ‘unlawful  
2           killing’ means the use of lethal force by a govern-  
3           ment or its agents that—

4                   “(A) if in a state of armed conflict, is in-  
5           consistent with the requirements of inter-  
6           national humanitarian law that are enshrined  
7           as principles in the Department of Defense Law  
8           of War Manual; or

9                   “(B) if outside of a state of armed conflict,  
10          would constitute murder or manslaughter (as  
11          such terms are defined in sections 1111 and  
12          1112 of title 18, United States Code).

13          “(b) PROHIBITION ON ASSISTANCE TO COUNTRIES  
14    THAT UNLAWFULLY KILL OR FATALLY INJURE HUMANI-  
15    TARIAN AID WORKERS.—

16               “(1) IN GENERAL.—No security assistance (as  
17          defined in section 502B(d)(2)) and no defense arti-  
18          cle or defense service subject to the requirements  
19          under section 36 of the Arms Export Control Act  
20          (22 U.S.C. 2776) may be furnished to any foreign  
21          country if the Secretary of State certifies to the ap-  
22          propriate congressional committees that such foreign  
23          country has unlawfully killed or fatally injured hu-  
24          manitarian aid workers or refused reasonable re-  
25          quests to furnish relevant information to the Sec-

1       retary of the United States, unless the Secretary  
2       also certifies to the appropriate congressional com-  
3       mittees that, in the determination of the Secretary,  
4       such foreign country—

5               “(A) has taken sufficient action to inves-  
6               tigate previous violations, adopt corrective ac-  
7               tions, take effective steps to bring the respon-  
8               sible members of the security force unit to jus-  
9               tice, and coordinate active humanitarian aid  
10              missions; and

11              “(B) will enable humanitarian aid workers  
12              to participate in such missions without being  
13              unlawfully killed or fatally injured.

14              “(2) APPLICABILITY.—A certification described  
15              in paragraph (1) shall be submitted not later than  
16              15 days before such certification takes effect.

17       “(c) AID WORKER INDEPENDENT INQUIRY  
18 GROUP.—

19              “(1) ESTABLISHMENT.—Not later than 60 days  
20              after the appointment of the Special Envoy for Hu-  
21              manitarian Aid Workers pursuant to section  
22              1(b)(2)(A) of the State Department Basic Authori-  
23              ties Act of 1956 (22 U.S.C. 2651a(b)(2)(A)) (re-  
24              ferred to in this subsection as the ‘Special Envoy’),  
25              the President shall establish the Aid Worker Inde-



pendent Inquiry Group (referred to in this section as the ‘Group’) to assess and analyze the death or detention of any individual participating in an active humanitarian aid mission after the date of the enactment of this section.

“(2) MEMBERSHIP.—The Group shall be led by the Special Envoy and consist of such number of representatives as the Special Envoy may determine appropriate from—

“(A) the Department of Justice;

“(B) the Department of State, including—

“(i) relevant embassies;

“(ii) the Office of Foreign Assistance;

and

“(iii) relevant offices under the Undersecretary for Political Affairs;

“(C) the Federal Bureau of Investigation;

“(D) the Office of the Director of National

Intelligence; and

“(E) any other Federal department or agency the Special Envoy determines appropriate.

“(3) INCIDENT REPORTS TO CONGRESS.—Not later than 90 days after a death or detention described in paragraph (1) (or not later than 45 days

1 after such death or detention if the victim is a  
2 United States citizen), the Special Envoy, in coordi-  
3 nation with the Group, shall submit a report to Con-  
4 gress that includes—

5 “(A) the cause of such death or detention;

6 “(B) with respect to a death—

7 “(i) a description of the events leading  
8 up to such death;

9 “(ii) if the military of a foreign coun-  
10 try is responsible for causing the death of  
11 any such aid worker;

12 “(iii) an assessment of the cir-  
13 cumstances surrounding such death, in-  
14 cluding the information available to and in-  
15 tentions of the unit of such military in-  
16 volved;

17 “(iv) information on the source of  
18 such death, including the type of munitions  
19 used in connection with such death, if any;

20 “(v) whether it is more likely than not  
21 that any defense article used was trans-  
22 ferred from the United States or pur-  
23 chased by the perpetrator from United  
24 States assistance; and

1                   “(vi) any other detail that the Special  
2                   Envoy determines relevant to the cir-  
3                   cumstances of the death;

4                   “(C) with respect to a detention, informa-  
5                   tion on the grounds for such detention, includ-  
6                   ing any criminal charges and evidence against  
7                   the detainee;

8                   “(D) an assessment of the degree of co-  
9                   operation with the investigation of the death or  
10                  detention by the relevant foreign country, in-  
11                  cluding whether such country has furnished all  
12                  requested information; and

13                  “(E) a final assessment as to whether such  
14                  death or detention was consistent with the laws  
15                  of the international community, of the host  
16                  country, and the Department of Defense Law  
17                  of War Manual.”.