

113TH CONGRESS
1ST SESSION

H. R. 2033

To provide for medical neutrality and to establish accountability for violations of the principle of medical neutrality, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2013

Mr. McDERMOTT (for himself, Mr. MORAN, Mr. MCGOVERN, Mr. JOHNSON of Georgia, Mr. CONYERS, Mr. ELLISON, and Mr. JONES) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for medical neutrality and to establish accountability for violations of the principle of medical neutrality, 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 “Medical Neutrality
5 Protection Act of 2013”.

6 **SEC. 2. FINDINGS; STATEMENT OF CONGRESS.**

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

1 (1) International humanitarian law codifies the
2 principle of medical neutrality in the Geneva Con-
3 ventions, to which the United States is a signatory,
4 during times of national or international armed con-
5 flict, which offer special protections to medical facili-
6 ties and personnel. These provisions recognize ambu-
7 lances, hospitals, hospital ships, the personnel serv-
8 ing in ambulances and hospitals, citizens who assist
9 the wounded as neutral and protected during con-
10 flict.

11 (2) The Geneva Conventions specify that the
12 wounded and sick shall receive adequate care, be
13 protected from ill-treatment, and be protected from
14 discrimination, and that emblems such as the red
15 cross and red crescent are recognized as protective
16 emblems in conflict. Many parts of the Geneva Con-
17 ventions have been declared by the International
18 Committee on the Red Cross (ICRC) to be cus-
19 tomary international humanitarian law.

20 (b) STATEMENT OF CONGRESS.—Congress affirms
21 its support of participants of peaceful demonstrations
22 around the world, as part of the United States support
23 for freedom of assembly as enshrined in the United States
24 Constitution. The United States takes particular umbrage

1 at countries that harm or endanger medical professionals
2 during times of unrest.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Foreign Affairs and
9 the Committee on Appropriations of the House
10 of Representatives; and

11 (B) the Committee on Foreign Relations
12 and the Committee on Appropriations of the
13 Senate.

14 (2) MEDICAL NEUTRALITY.—Until such time as
15 there is a binding, internationally recognized defini-
16 tion of the term “medical neutrality”, such term re-
17 fers to—

18 (A) the protected status of health care fa-
19 cilities, personnel, transport, and supplies in
20 times of national and international armed con-
21 flict and civil unrest;

22 (B) the protection of unhindered access of
23 the sick and injured to nondiscriminatory med-
24 ical care and treatment; and

1 (C) the understanding that all medical pro-
2 fessionals are required to treat in a nondiscrim-
3 inatory manner any individual in need of care,
4 and the responsibility of governments not to
5 interfere with such professional duty.

6 (3) VIOLATION OF MEDICAL NEUTRALITY.—The
7 term “violation of medical neutrality” includes gov-
8 ernment-sanctioned actions, and actions which are
9 not authorized by a government policy but are not
10 independently investigated, including—

11 (A) militarized attacks on health care fa-
12 cilities, health care service providers, or individ-
13 uals in the course of receiving medical treat-
14 ment;

15 (B) wanton destruction of medical sup-
16 plies, facilities, records, or transportation serv-
17 ices;

18 (C) willful obstruction of medical ethics as
19 specified in the World Medical Association’s
20 International Code of Medical Ethics, including
21 preventing medical professionals from admin-
22 istering ethical medical care to individuals in
23 need;

1 (D) coercion of medical personnel to com-
2 mit acts in violation of their ethical responsibil-
3 ities;

4 (E) deliberate misuse of health care facili-
5 ties, transportation services, uniforms, or other
6 insignia;

7 (F) deliberate blocking of access to health
8 care facilities and health care professionals; or

9 (G) arbitrary arrest or detention of health
10 care service providers or individuals seeking
11 medical care.

12 **SEC. 4. RULE OF CONSTRUCTION.**

13 Nothing in this Act shall be construed to prevent or
14 interfere with legitimate law enforcement objectives con-
15 ducted in accordance with recognized international human
16 rights norms and legal standards.

17 **SEC. 5. STATEMENTS OF POLICY.**

18 It shall be the policy of the United States to—

19 (1) consider the protection of medical neutrality
20 a policy priority of the United States as an integral
21 part of the defense of recognized international
22 human rights law and international humanitarian
23 law;

24 (2) use its voice, vote, and influence in inter-
25 national fora to further define and codify the prin-

1 ciple of medical neutrality and to establish account-
2 ability for violations of the principle of medical neu-
3 trality; and

4 (3) use its voice, vote, and influence at the
5 United Nations Human Rights Council to create and
6 appoint a Special Rapporteur on the Protection and
7 Promotion of Medical Neutrality.

8 **SEC. 6. DETERMINATION AND NOTIFICATION OF FOREIGN**
9 **COUNTRY REQUIRED.**

10 (a) DETERMINATION.—Not later than 180 days after
11 the date of the enactment of this Act, the Secretary of
12 State shall compile and update at least annually a list of
13 those foreign governments that the Secretary determines,
14 after consultation with local and international nongovern-
15 mental organizations and the Assistant Secretary for De-
16 mocracy, Human Rights and Labor, have engaged in vio-
17 lations of medical neutrality. The Secretary shall publish
18 such list on the website of the Department of State.

19 (b) NOTIFICATION.—The Secretary of State shall
20 provide a formal notification to a foreign government that
21 is included on a list described in subsection (a).

22 **SEC. 7. PROHIBITIONS.**

23 (a) PROHIBITION ON CERTAIN ASSISTANCE.—Sub-
24 ject to subsection (c) of this section and section 9, and
25 except as provided in section 8, the authorities specified

1 in section 516 or 541 of the Foreign Assistance Act of
2 1961 (22 U.S.C. 2321j or 2347) or section 23 of the Arms
3 Export Control Act (22 U.S.C. 2763) may not be used
4 to provide assistance, and no licenses for direct commer-
5 cial sales of military equipment may be issued, to the gov-
6 ernment of a country that the Secretary of State has, in
7 accordance with section 6 of this Act, determined to have
8 engaged in a violation of medical neutrality.

9 (b) PROHIBITION ON CERTAIN VISAS.—Except as
10 provided in section 8, upon receiving credible information,
11 including information contained in the Annual Country
12 Reports on Human Rights Practices, that an alien is or
13 was engaged in or has organized any act that is a violation
14 of medical neutrality, the Secretary of State shall deny
15 the issuance of a visa to, and the Secretary of Homeland
16 Security shall deny the entry into the United States of,
17 such alien.

18 (c) MINIMUM DURATION.—The prohibitions on as-
19 sistance described in subsection (a) shall remain in effect
20 for a minimum of one fiscal year, after which the Presi-
21 dent may reinstate such assistance pursuant to section 9.

22 **SEC. 8. WAIVER.**

23 (a) IN GENERAL.—The President may temporarily
24 waive the prohibitions on assistance described in section

1 7(a) if the President transmits to the appropriate congressional committees a determination that—

3 (1) such waiver is in the national security interest of the United States, including the reasons therefor; and

6 (2) establishes a date, not later than two years after the issuance of such waiver, on which such waiver shall expire.

9 (b) CONGRESSIONAL OVERRIDE.—If Congress enacts a joint resolution disapproving such waiver, such waiver shall have no force or effect.

12 **SEC. 9. REINSTATEMENT OF ASSISTANCE.**

13 The President may reinstate assistance to a country otherwise prohibited under section 7(a) upon written certification to the appropriate congressional committees that the government of such country has implemented—

17 (1) measures that include the successful implementation of an action plan and actual steps to come into compliance with medical neutrality; and

20 (2) policies and mechanisms to prohibit and prevent future government or government-sponsored acts that are a violation of medical neutrality and has the input and agreement of local and international nongovernmental organizations.

1 **SEC. 10. INVESTIGATIONS OF VIOLATIONS OF MEDICAL**
2 **NEUTRALITY.**

3 (a) INVESTIGATIONS OF ALLEGATIONS OF VIOLA-
4 TIONS OF MEDICAL NEUTRALITY.—The heads of United
5 States diplomatic and consular missions shall investigate
6 all reports of violations of medical neutrality in the coun-
7 tries or regions in which such missions are located for in-
8 clusion in the annual Country Reports on Human Rights
9 Practices under sections 116(d) and 502B(b) of the For-
10 eign Assistance Act of 1961 (22 U.S.C. 2151n and 2304).

11 (b) INCLUSION IN ANNUAL COUNTRY REPORTS ON
12 HUMAN RIGHTS PRACTICES.—The Foreign Assistance
13 Act of 1961 is amended—

14 (1) in section 116 (22 U.S.C. 2151n), by add-
15 ing at the end the following new subsection:

16 “(g) The report required under subsection (d) shall
17 include a description of any violations of medical neu-
18 trality (as such term is defined in the Medical Neutrality
19 Protection Act of 2013) and an identification of the indi-
20 viduals who have engaged in or organized such violations
21 in each foreign country covered by such report.”; and

22 (2) in section 502B (22 U.S.C. 2304), by add-
23 ing at the end the following new subsection:

24 “(j) The report required by subsection (b) shall in-
25 clude a description of any violations of medical neutrality
26 (as such term is defined in the Medical Neutrality Protec-

tion Act of 2013) and an identification of the individuals
who have engaged in or organized such violations in each
foreign country covered by such report.”.

