

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 7649  
OFFERED BY MR. DAVIDSON OF OHIO**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Humanitarian Theft  
3 Enforcement Act”.

**4 SEC. 2. HUMANITARIAN THEFT ENFORCEMENT.**

5       (a) **LIABILITY.**—Notwithstanding any other provision  
6 of law or regulation, any foreign person the Secretary of  
7 State determines is responsible for the unauthorized diver-  
8 sion or destruction of United States humanitarian assist-  
9 ance, including humanitarian assistance funded by the  
10 United States that is provided by an international organi-  
11 zation, is financially liable to the United States for the  
12 monetary value of the assistance the Secretary determines  
13 was so diverted or destroyed.

14       (b) **RECOVERY.**—Upon determining that a foreign  
15 person or entity is responsible for the unauthorized diver-  
16 sion or destruction of assistance in the manner described  
17 in subsection (a), the Secretary of State should take ap-

1 appropriate steps to recover the monetary value of such as-  
2 sistance from the foreign person.

3 (c) CREDITING OF FUNDS.—Notwithstanding any  
4 other provision of law, any funds received by the Secretary  
5 of State pursuant to a determination under this section  
6 may be credited to an appropriate account of the Depart-  
7 ment of State and shall remain available until expended.  
8 The Secretary of State shall transfer such funds to the  
9 appropriate account of another Federal department or  
10 agency if the diverted or destroyed assistance was funded  
11 by such agency.

12 (d) WAIVER.—The Secretary of State may waive any  
13 liability incurred pursuant to subsection (a) if the Sec-  
14 retary determines that such a waiver is in the national  
15 interest.

16 (e) REPORTING.—The Secretary of State shall sub-  
17 mit a report to the appropriate congressional committees  
18 before the end of each fiscal year outlining each instance  
19 in which the Secretary waived the liability incurred pursu-  
20 ant to subsection (a).

21 (f) IMPLEMENTERS OF HUMANITARIAN ASSISTANCE  
22 EXCEPTED.—Subsection (a) shall not apply with respect  
23 to any foreign person who is an implementer of United  
24 States humanitarian assistance.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

6 (A) the Committee on Appropriations and  
7 the Committee on Foreign Relations of the Sen-  
8 ate; and

9 (B) the Committee on Appropriations and  
10 Committee on Foreign Affairs of the House of  
11 Representatives.

12 (2) FOREIGN PERSON.—The term “foreign per-  
13 son” means an individual or entity that is not a  
14 United States person.

15 (3) UNITED STATES PERSON.—The term  
16 “United States person” means—

17 (A) a United States citizen;

18 (B) a permanent resident alien of the  
19 United States;

20 (C) an entity organized under the laws of  
21 the United States or of any jurisdiction within  
22 the United States, including a foreign branch of  
23 such an entity; or

24 (D) a person in the United States.

