

Humanitarian Aid and Peacebuilding Protection Act (HAPPA)

What is the problem?

Under current law, U.S. humanitarian and peacebuilding organizations risk asset freezes and criminal prosecution if, in attempts to access civilians in need of lifesaving or peacebuilding assistance, they may interact with a U.S.-designated foreign terrorist organization. This has created fatal real-time scenarios and a culture of fear and risk-aversion that have forced U.S. humanitarian and peacebuilding organizations to fail in their mission to protect the world's most vulnerable populations from preventable death, human suffering and coercion into violent action.

What is HAPPA, and why is it needed?

The Humanitarian Aid and Peacebuilding Act (HAPPA) would reform counterproductive counterterrorism laws to ensure essential humanitarian and peacebuilding activities can be carried out in conflict zones around the world, including in areas controlled by designated terrorist organizations. In so doing, the bill would enable reputable humanitarian and peacebuilding organizations to carry out vital programs in global hot spots that are needed to save civilian lives and help turn armed groups away from violence and extremism. It addresses barriers that current national security law and bureaucracy have created for charities seeking to aid children, women and men in need of lifesaving assistance who have the misfortune of living in areas where terrorist groups operate. It would also curb legal limits on faith-based and peacebuilding efforts seeking to end, or prevent, armed conflict before it requires expensive military or humanitarian interventions.

What does HAPPA do?

- Prevents bad-faith actors from abusing the civilian access provision by requiring State Department notification, robust due diligence, and excluding organizations that have previously been prohibited from receiving U.S. government contracts or grants.
- Amends the International Emergency Economic Powers Act and Antiterrorism and Effective Death Penalty Act to:
 - Allow for the engagement in speech or communication with a terrorist organization to prevent or alleviate the suffering of a civilian population.
 - Clarify that the President does not have the authority to restrict transactions with a foreign person that is subject to sanctions when the transactions facilitate the donation or provision of humanitarian goods and services.
- Creates an Advisory Council on U.S. policy, at the direction of the Secretary of State, related to non-governmental activities in areas affected by certain sanctioned foreign

persons, consisting of no less than 15 experts in the fields humanitarian aid and peacebuilding.

- The Advisory Council will review existing relevant laws, regulations, Executive Orders, and administrative actions regulating peacebuilding activities and make recommendations to the Secretary of State.

How does HAPPA advance U.S. national security and peacebuilding?

- Makes civilians less dependent on terrorist organizations because of the presence of U.S. humanitarian and peacebuilding groups and their programs in times of need.
- Streamlines the process for allowing legitimate humanitarian aid and peacebuilding groups to provide timely and responsible assistance to civilians.
- Increases the chances for success of nonviolent conflict resolution efforts.

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