

AMENDMENT TO RULES COMMITTEE PRINT 118-

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OFFERED BY MS. JACOBS OF CALIFORNIA

At the end of subtitle G of title X, insert the following:

1 SEC. 10___. CONSIDERATION OF HUMAN RIGHTS RECORDS
2 OF RECIPIENTS OF CERTAIN SUPPORT.

3 (a) CONSIDERATION OF HUMAN RIGHTS RECORDS
4 OF RECIPIENTS OF SUPPORT OF SPECIAL OPERATIONS TO
5 COMBAT TERRORISM.—Section 127e of title 10, United
6 States Code, is amended—

7 (1) in subsection (e)(2) by adding at the end of
8 the following new subparagraph—

9 “(D) The processes through which the Sec-
10 retary, in consultation with the Secretary of
11 State, shall ensure that, prior to a decision to
12 provide any support to foreign forces, irregular
13 forces, groups, or individuals, full consideration
14 is given to any credible information available to
15 the Department of State relating to violations
16 of human rights by such entities.”.

17 (2) in subsection (d)(2)—

1 (A) in subparagraph (H), by inserting “,
2 including the promotion of good governance and
3 rule of law and the protection of civilians and
4 human rights” before the period at the end;

5 (B) in subparagraph (I)—

6 (i) by striking the period at the end
7 and inserting “or violations of the laws of
8 armed conflict, including the Geneva Con-
9 ventions of 1949, including—”; and

10 (ii) by adding at the end the following
11 new clauses:

12 “(i) vetting units receiving such sup-
13 port for violations of human rights;

14 “(ii) providing human rights training
15 to units receiving such support; and

16 “(iii) providing for the investigation of
17 allegations of gross violations of human
18 rights and termination of such support in
19 cases of credible information of such viola-
20 tions.”; and

21 (C) by adding at the end the following new
22 subparagraph:

23 “(J) A description of the human rights
24 record of the recipient, including for purposes
25 of section 362 of this title, and any relevant at-

1 tempts by such recipient to remedy such
2 record.”;

3 (3) in subsection (i)(3) by adding at the end the
4 following new subparagraph:

5 “(I) An assessment of how support pro-
6 vided under this section advances United States
7 national security priorities and aligns with
8 other United States Government efforts to ad-
9 dress underlying risk factors of terrorism and
10 violent extremism, including repression, human
11 rights abuses, and corruption.”; and

12 (4) by adding at the end the following new sub-
13 sections:

14 “(j) PROHIBITION ON USE OF FUNDS.—(1) Except
15 as provided in paragraphs (2) and (3), no funds may be
16 used to provide support to any individual member or unit
17 of a foreign force, irregular force, or group, if the Sec-
18 retary of Defense has credible information that such indi-
19 vidual or unit has committed a gross violation of human
20 rights.

21 “(2) The Secretary of Defense, after consultation
22 with the Secretary of State, may waive the prohibition
23 under paragraph (1) if the Secretary determines that the
24 waiver is required by extraordinary circumstances.

1 “(3) The prohibition under paragraph (1) shall not
2 apply with respect to the foreign forces, irregular forces,
3 groups, or individuals of a country if the Secretary of De-
4 fense determines that—

5 “(A) the government of such country has taken
6 all necessary corrective steps; or

7 “(B) the support is necessary to assist in dis-
8 aster relief operations or other humanitarian or na-
9 tional security emergencies.

10 “(k) SAVINGS CLAUSE.—Nothing in this section shall
11 be construed to constitute a specific statutory authoriza-
12 tion for any of the following:

13 “(1) The conduct of a covert action, as such
14 term is defined in section 503(e) of the National Se-
15 curity Act of 1947 (50 U.S.C. 3093).

16 “(2) The introduction of United States armed
17 forces, within the meaning of section 5(b) of the
18 War Powers Resolution, into hostilities or into situa-
19 tions wherein hostilities are clearly indicated by the
20 circumstances.

21 “(3) The provision of support to regular forces,
22 irregular forces, groups, or individuals for the con-
23 duct of operations that United States Special Oper-
24 ations Forces are not otherwise legally authorized to
25 conduct themselves.

1 “(4) The conduct or support of activities, di-
2 rectly or indirectly, that are inconsistent with the
3 laws of armed conflict.”.

4 (b) CONSIDERATION OF HUMAN RIGHTS RECORDS
5 OF RECIPIENTS OF SUPPORT OF SPECIAL OPERATIONS
6 FOR IRREGULAR WARFARE.— Section 1202 of the Na-
7 tional Defense Authorization Act for Fiscal Year 2018
8 (Public Law 115–91; 131 Stat. 1639) is amended—

9 (1) in subsection (c)(2), by adding at the end
10 of the following new subparagraph:

11 “(D) The processes through which the Sec-
12 retary shall, in consultation with the Secretary
13 of State, ensure that prior to a decision to pro-
14 vide support to individual members or units of
15 foreign forces, irregular forces, or groups in a
16 foreign country full consideration is given to
17 any credible information available to the De-
18 partment of State relating to gross violations of
19 human rights by such individuals or units.”;

20 (2) in subsection (d)(2) of such section—

21 (A) by redesignating subparagraph (G) as
22 subparagraph (H); and

23 (B) by inserting after subparagraph (F)
24 the following new subparagraph (G):

1 “(G) A description of the human rights
2 record of the recipient, including for purposes
3 of section 362 of title 10, United States Code,
4 and any relevant attempts by such recipient to
5 remedy such record.”;

6 (3) in subsection (h)(3), by adding at the end
7 the following new subparagraph:

8 “(I) An assessment of how support pro-
9 vided under this section advances United States
10 national security priorities and aligns with
11 other United States Government interests in
12 countries in which activities under the authority
13 in this section are ongoing.”;

14 (4) by redesignating subsection (i) as subsection
15 (j); and

16 (5) by inserting after subsection (h) the fol-
17 lowing new subsection (i):

18 “(i) PROHIBITION ON USE OF FUNDS.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graphs (2) and (3), no funds may be used to provide
21 support to any individual member or unit of a for-
22 eign force, irregular force, or group in a foreign
23 country if the Secretary of Defense has credible in-
24 formation that such individual or unit has com-
25 mitted a gross violation of human rights.

1 “(2) WAIVER AUTHORITY.—The Secretary of
2 Defense, after consultation with the Secretary of
3 State, may waive the prohibition under paragraph
4 (1) if the Secretary determines that the waiver is re-
5 quired by extraordinary circumstances.

6 “(3) EXCEPTION.—The prohibition under para-
7 graph (1) shall not apply with respect to individual
8 members or units of such foreign forces, irregular
9 forces, or groups if the Secretary of Defense, after
10 consultation with the Secretary of State, determines
11 that—

12 “(A) the government of such country has
13 taken all necessary corrective steps; or

14 “(B) the support is necessary to assist in
15 disaster relief operations or other humanitarian
16 or national security emergencies.”.

