

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MS. JACOBS OF CALIFORNIA

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

1 **SEC. 10___ . CONSIDERATION OF HUMAN RIGHTS RECORDS**
2 **OF RECIPIENTS OF SUPPORT OF SPECIAL OP-**
3 **ERATIONS TO COMBAT TERRORISM.**

4 Section 127e of title 10, United States Code, is
5 amended—

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

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

16 (2) in subsection (d)(2)—

17 (A) in subparagraph (H), by inserting “,
18 including the promotion of good governance and

1 rule of law and the protection of civilians and
2 human rights” before the period at the end;

3 (B) in subparagraph (I)—

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

8 (ii) by adding at the end the following
9 new clauses:

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

12 “(ii) providing human rights training
13 to units receiving such support; and

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

19 (C) by adding at the end the following new
20 subparagraph:

21 “(J) A description of the human rights
22 record of the recipient, including for purposes
23 of section 362 of this title, and any relevant at-
24 tempts by such recipient to remedy such
25 record.”;

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

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

10 (4) by adding at the end the following new sub-
11 sections:

12 “(j) PROHIBITION ON USE OF FUNDS.—(1) Except
13 as provided in paragraphs (2) and (3), no funds may be
14 used to provide support to any foreign forces, irregular
15 forces, groups, or individuals if the Secretary of Defense
16 has credible information that the unit has committed a
17 gross violation of human rights.

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

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

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

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

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

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

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

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

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

1 **SEC. 3. CONSIDERATION OF HUMAN RIGHTS RECORDS OF**
2 **RECIPIENTS OF SUPPORT OF SPECIAL OPER-**
3 **ATIONS FOR IRREGULAR WARFARE.**

4 Section 1202 of the National Defense Authorization
5 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
6 1639) is amended—

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

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

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

19 (A) by redesignating subparagraph (G) as
20 subparagraph (H); and

21 (B) by inserting after subparagraph (F)
22 the following new subparagraph (G):

23 “(G) A description of the human rights
24 record of the recipient, including for purposes
25 of section 362 of title 10, United States Code,

1 and any relevant attempts by such recipient to
2 remedy such record.”;

3 (3) in subsection (h)(3), by adding at the end
4 the 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 interests in
9 countries in which activities under the authority
10 in this section are ongoing.”;

11 (4) by redesignating subsection (i) as subsection
12 (j); and

13 (5) by inserting after subsection (h) the fol-
14 lowing new subsection (i):

15 “(i) PROHIBITION ON USE OF FUNDS.—

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

23 “(2) WAIVER AUTHORITY.—The Secretary of
24 Defense, after consultation with the Secretary of
25 State, may waive the prohibition under paragraph

1 (1) if the Secretary determines that the waiver is re-
2 quired by extraordinary circumstances.

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

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

11 “(B) the support is necessary to assist in
12 disaster relief operations or other humanitarian
13 or national security emergencies.”.

