AMENDMENT TO RULES COMM. PRINT 116–57
OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

At the end of subtitle G of title XII, add the following:

SEC. 1. PROMOTING HUMAN RIGHTS IN COLOMBIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States recognizes Colombia as a key regional partner committed to promoting democracy, human rights, and security and remains committed to supporting areas of mutual interest outlined under Plan Colombia;

(2) no military or intelligence equipment or supplies transferred or sold to the Government of Colombia under United States security sector assistance programs should be used for purposes of unlawful surveillance or intelligence gathering directed at the civilian population, including human rights defenders, judicial personnel, journalists or the political opposition;

(3) the United States should encourage accountability through full and transparent investiga-
tion, as appropriate, and prosecution under applicable law of individuals in Colombia responsible for conducting unlawful surveillance or intelligence gathering;

(4) the United States, through its diplomacy, foreign assistance, and United States security sector assistance programs, should consistently and at all times promote the protection of internationally-recognized human rights in Colombia, including by incentivizing the Colombian Government, its military, police, security, and intelligence units, to abide by their human rights obligations.

(b) REPORT.—

(1) In general.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report that assesses allegations that United States security sector assistance provided to the Government of Colombia was used by or on behalf of the Government of Colombia for purposes of unlawful surveillance or intelligence gathering directed at the civilian population, including human
rights defenders, judicial personnel, journalists, and the political opposition.

(2) MATTERS TO BE INCLUDED.—The report required by this subsection shall include the following:

(A) A detailed summary of findings in regard to any involvement by Colombian military, police, security, or intelligence units in unlawful surveillance or intelligence gathering directed at sectors of the civilian population and non-combatants from 2002 through 2018.

(B) Any findings in regard to any unlawful surveillance or intelligence gathering alleged or reported to have been carried out by Colombian military, police, security, or intelligence units in 2019 and 2020 and an assessment of the full extent of such activities, including identification of units involved, relevant chains of command, and the nature and objectives of such surveillance or intelligence gathering.

(C) A detailed description of any use of United States security sector assistance for such unlawful surveillance or intelligence gathering.
(D) Full information on the steps taken by the Department of State, the Department of Defense, or the Office of the Director of National Intelligence in response to any misuse or credible allegations of misuse of United States security sector assistance, including—

(i) any application of section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) or section 362 of title 10, United States Code (commonly referred to as the “Leahy Laws”);

(ii) any consideration of the implementation of mandatory “snap-back” of United States security assistance found to have been employed by the Colombian Government or any dependency thereof for such unlawful surveillance or intelligence gathering;

(iii) a description of measures taken to ensure that such misuse does not recur in the future.

(E) Full information on the steps taken by the Colombian Government and all relevant Colombian authorities in response to any misuse or credible allegations of misuse of United States security sector assistance, including—

(i) any application of section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) or section 362 of title 10, United States Code (commonly referred to as the “Leahy Laws”);

(ii) any consideration of the implementation of mandatory “snap-back” of United States security assistance found to have been employed by the Colombian Government or any dependency thereof for such unlawful surveillance or intelligence gathering;

(iii) a description of measures taken to ensure that such misuse does not recur in the future.
States security sector assistance, including a
description of measures taken to ensure that
such misuse of military or intelligence equip-
ment or supplies does not recur in the future.

(F) An analysis of the adequacy of Colom-
bian military and security doctrine and training
for ensuring that surveillance and intelligence
gathering operations are conducted in accord-
ance with the Government of Colombia’s inter-
national human rights obligations and any addi-
tional assistance and training that the United
States can provide to strengthen adherence by
Colombian military and security forces to inter-
national human rights obligations.

(3) FORM.—The report required by this sub-
section shall be submitted in unclassified form, but
may include a classified annex.

(c) DEFINITIONS.—In this section:

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

(A) the Committee on Foreign Affairs, the
Committee on Armed Services, and the Perma-
rent Select Committee on Intelligence of the
House of Representatives; and
(B) the Committee on Foreign Relations,
the Committee on Armed Services, and the Se-
lect Committee on Intelligence of the Senate.

(2) INTELLIGENCE COMMUNITY.—The term
“intelligence community” has the meaning given
that term in section 3(4) of the National Security
Act of 1947 (50 U.S.C. 3003(4)).

(3) UNITED STATES SECURITY SECTOR ASSIST-
ANCE.—The term “United States security sector as-
sistance” means a program authorized under—

(A) section 502B of the Foreign Assistance
Act of 1961 (22 U.S.C. 2304) and administered
by the Department of State;

(B) section 301 of title 10, United States
Code, or any national defense authorization Act
and administered by the Department of De-
fense; or

(C) any law administered by the intel-
ligence community.

(4) UNLAWFUL SURVEILLANCE OR INTEL-
LIGENCE GATHERING.—The term “unlawful surveil-
lance or intelligence gathering” means surveil-
ance or intelligence gathering—
(A) prohibited under applicable Colombian law or international law recognized by Colombia;

(B) undertaken without legally required judicial oversight, warrant or order; or

(C) undertaken in violation of internationally recognized human rights.