

**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:

1 **SEC. \_\_. PROMOTING HUMAN RIGHTS IN COLOMBIA.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-  
3 gress that—

4 (1) the United States recognizes Colombia as a  
5 key regional partner committed to promoting democ-  
6 racy, human rights, and security and remains com-  
7 mitted to supporting areas of mutual interest out-  
8 lined under Plan Colombia;

9 (2) no military or intelligence equipment or  
10 supplies transferred or sold to the Government of  
11 Colombia under United States security sector assist-  
12 ance programs should be used for purposes of un-  
13 lawful surveillance or intelligence gathering directed  
14 at the civilian population, including human rights  
15 defenders, judicial personnel, journalists or the polit-  
16 ical opposition;

17 (3) the United States should encourage ac-  
18 countability through full and transparent investiga-

1           tion, as appropriate, and prosecution under applica-  
2           ble law of individuals in Colombia responsible for  
3           conducting unlawful surveillance or intelligence gath-  
4           ering;

5           (4) the United States, through its diplomacy,  
6           foreign assistance, and United States security sector  
7           assistance programs, should consistently and at all  
8           times promote the protection of internationally-rec-  
9           ognized human rights in Colombia, including by  
10          incentivizing the Colombian Government, its mili-  
11          tary, police, security, and intelligence units, to abide  
12          by their human rights obligations.

13          (b) REPORT.—

14          (1) IN GENERAL.—Not later than 120 days  
15          after the date of the enactment of this Act, the Sec-  
16          retary of State, in coordination with the Secretary of  
17          Defense and the Director of National Intelligence,  
18          shall submit to the appropriate congressional com-  
19          mittees a report that assesses allegations that  
20          United States security sector assistance provided to  
21          the Government of Colombia was used by or on be-  
22          half of the Government of Colombia for purposes of  
23          unlawful surveillance or intelligence gathering di-  
24          rected at the civilian population, including human

1 rights defenders, judicial personnel, journalists, and  
2 the political opposition.

3 (2) MATTERS TO BE INCLUDED.—The report  
4 required by this subsection shall include the fol-  
5 lowing:

6 (A) A detailed summary of findings in re-  
7 gard to any involvement by Colombian military,  
8 police, security, or intelligence units in unlawful  
9 surveillance or intelligence gathering directed at  
10 sectors of the civilian population and non-com-  
11 batants from 2002 through 2018.

12 (B) Any findings in regard to any unlawful  
13 surveillance or intelligence gathering alleged or  
14 reported to have been carried out by Colombian  
15 military, police, security, or intelligence units in  
16 2019 and 2020 and an assessment of the full  
17 extent of such activities, including identification  
18 of units involved, relevant chains of command,  
19 and the nature and objectives of such surveil-  
20 lance or intelligence gathering.

21 (C) A detailed description of any use of  
22 United States security sector assistance for  
23 such unlawful surveillance or intelligence gath-  
24 ering.

1 (D) Full information on the steps taken by  
2 the Department of State, the Department of  
3 Defense, or the Office of the Director of Na-  
4 tional Intelligence in response to any misuse or  
5 credible allegations of misuse of United States  
6 security sector assistance, including—

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

12 (ii) any consideration of the imple-  
13 mentation of mandatory “snap-back” of  
14 United States security assistance found to  
15 have been employed by the Colombian Gov-  
16 ernment or any dependency thereof for  
17 such unlawful surveillance or intelligence  
18 gathering;

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

22 (E) Full information on the steps taken by  
23 the Colombian Government and all relevant Co-  
24 lombian authorities in response to any misuse  
25 or credible allegations of misuse of United

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

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

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

18 (c) DEFINITIONS.—In this section:

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

22 (A) the Committee on Foreign Affairs, the  
23 Committee on Armed Services, and the Perma-  
24 nent Select Committee on Intelligence of the  
25 House of Representatives; and

1 (B) the Committee on Foreign Relations,  
2 the Committee on Armed Services, and the Se-  
3 lect Committee on Intelligence of the Senate.

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

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

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

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

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

20 (4) UNLAWFUL SURVEILLANCE OR INTEL-  
21 LIGENCE GATHERING.—The term “unlawful surveil-  
22 lance or intelligence gathering” means surveillance  
23 or intelligence gathering—

1 (A) prohibited under applicable Colombian  
2 law or international law recognized by Colom-  
3 bia;

4 (B) undertaken without legally required ju-  
5 dicial oversight, warrant or order; or

6 (C) undertaken in violation of internation-  
7 ally recognized human rights.

