

118TH CONGRESS
2D SESSION

H. R. 7774

To amend title 10, United States Code, to make certain improvements in the laws administered by the Secretary of Defense relating to the consideration of the human rights records of recipients of certain support, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2024

Ms. JACOBS introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to make certain improvements in the laws administered by the Secretary of Defense relating to the consideration of the human rights records of recipients of certain support, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Upholding Human
5 Rights Abroad Act of 2024”.

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

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

7 (1) in subsection (c)(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)—

18 (A) in subparagraph (H), by inserting “,
19 including the promotion of good governance and
20 rule of law and the protection of civilians and
21 human rights” before the period at the end;

22 (B) in subparagraph (I)—

23 (i) by striking the period at the end
24 and inserting “or violations of the laws of
25 armed conflict, including the Geneva Con-
26 ventions of 1949, including—”; and

1 (ii) by adding at the end the following
2 new clauses:

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

5 “(ii) providing human rights training
6 to units receiving such support; and

7 “(iii) providing for the investigation of
8 allegations of gross violations of human
9 rights and termination of such support in
10 cases of credible information of such viola-
11 tions.”; and

12 (C) by adding at the end the following new
13 subparagraph:

14 “(J) A description of the human rights
15 record of the recipient, including for purposes
16 of section 362 of this title, and any relevant at-
17 tempts by such recipient to remedy such
18 record.”;

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

21 “(I) An assessment of how support pro-
22 vided under this section advances United States
23 national security priorities and aligns with
24 other United States Government efforts to ad-
25 dress underlying risk factors of terrorism and

1 violent extremism, including repression, human
2 rights abuses, and corruption.”; and

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

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

12 “(2) The Secretary of Defense, after consultation
13 with the Secretary of State, may waive the prohibition
14 under paragraph (1) if the Secretary determines that the
15 waiver is required by extraordinary circumstances.

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

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

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

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

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

7 “(2) The introduction of United States Armed
8 Forces, within the meaning of section 5(b) of the
9 War Powers Resolution, into hostilities or into situa-
10 tions wherein hostilities are clearly indicated by the
11 circumstances.

12 “(3) The provision of support to regular forces,
13 irregular forces, groups, or individuals for the con-
14 duct of operations that United States Special Oper-
15 ations Forces are not otherwise legally authorized to
16 conduct themselves.

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

20 (b) CONSIDERATION OF HUMAN RIGHTS RECORDS
21 OF RECIPIENTS OF SUPPORT OF SPECIAL OPERATIONS
22 FOR IRREGULAR WARFARE.— Section 127d of title 10,
23 United States Code, is amended—

(1) in subsection (c)(2), by striking subparagraph (D) and inserting the following new subparagraph (D):

“(D) The processes through which the Secretary shall, in consultation with the Secretary of State, ensure that prior to a decision to provide support to individual members or units of foreign forces, irregular forces, or groups in a foreign country full consideration is given to any credible information available to the Department of State relating to gross violations of human rights by such individuals or units.”;

(2) in subsection (g)(2) of such section—

(A) by redesignating subparagraph (F) as subparagraph (G); and

(B) by inserting after subparagraph (E) the following new subparagraph (F):

“(F) A description of the human rights record of the recipient, including for purposes of section 362 of this title and any relevant attempts by such recipient to remedy such record.”;

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

1 “(I) An assessment of how support pro-
2 vided under this section advances United States
3 national security priorities and aligns with
4 other United States Government interests in
5 countries in which activities under the authority
6 in this section are ongoing.”;

7 (4) by redesignating subsection (k) as sub-
8 section (l); and

9 (5) by inserting after subsection (j) the fol-
10 lowing new subsection (k):

11 “(k) PROHIBITION ON USE OF FUNDS.—(1) Except
12 as provided in paragraphs (2) and (3), no funds may be
13 used to provide support to any individual member or unit
14 of a foreign force, irregular force, or group in a foreign
15 country if the Secretary of Defense has credible informa-
16 tion that such individual or unit has committed a gross
17 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 individual members or units of such
24 foreign forces, irregular forces, or groups if the Secretary

1 of Defense, after consultation with the Secretary of State,
2 determines that—

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

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

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