Amendment to H.R. 3908, as Reported  
Offered by Mr. Gilman of New York  
(for himself, Mr. Goss, Mr. Delahunt, and Mr. Farr of California)

Page 9, after line 4, insert the following:

CHAPTER 5  
GENERAL PROVISIONS—THIS TITLE  
Sec. 1501. (a) Conditions on Military Assistance for Colombia.—  

(1) Certification.—None of the funds appropriated in this title for military assistance may be made available to the Government of Colombia until the President submits to the Congress a certification that—  

(A) the Government of Colombia has agreed to and is implementing a strategy to eliminate Colombia’s total coca and opium poppy production by 2005 through a mix of alternative development programs; manual eradication; aerial spraying of chemical herbicides; tested, environmentally safe mycoherbicides;
and the destruction of illicit narcotics laboratories on Colombian territory;

(B) the head of the Colombian Armed Forces has been granted and is exercising authority that is identical to that held by the head of the Colombian National Police to summarily dismiss Colombian Armed Forces personnel for gross violations of human rights;

(C) the Colombian Armed Forces are cooperating with civilian authorities in investigating Colombian Armed Forces personnel where credible evidence exists of gross violations of human rights, and, if those investigations result in indictments, the Colombian Armed Forces are cooperating with civilian authorities in prosecuting and punishing such personnel in the civilian courts; and

(D) the Colombian Armed Forces are developing and deploying in their field units a Judge Advocate General Corps to investigate Colombian Armed Forces personnel for gross violations of human rights.

(2) WAIVER.—The President may waive the limitation in paragraph (1) if the President deter-
mines that the waiver is required by extraordinary circumstances.

(b) MONITORING.—Of the funds made available under this title—

(1) up to $1,500,000 shall be made available to provide comprehensive law of war training and to support the development of a judge advocate general corps to investigate Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights;

(2) up to $250,000 shall be made available to enhance the United States Embassy’s capabilities to monitor the use of United States assistance to Colombian Armed Forces to investigate reports of gross violations of human rights involving United States assistance; and

(3) up to $250,000 shall be made available to enhance the United States Embassy’s capabilities to monitor the role of the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC) in criminal acts against American citizens and property, including, but not limited to, kidnapping, extortion, murder, and terrorist acts.
SEC. 1502. (a) DENIAL OF VISAS FOR PERSONS CREDIBLY ALLEGED TO HAVE AIDED AND ABETTED COLOMBIAN INSURGENT AND PARAMILITARY GROUPS.—None of the funds appropriated or otherwise made available in this or any other Act for any fiscal year for the Department of State may be used to issue visas to any person who has been credibly alleged to have provided direct or indirect support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC), including conspiracy to allow, facilitate, or promote the illegal activities of such groups.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons, or to permit the prosecution of such person in the United States, or the person has cooperated fully with the investigation of crimes committed by individuals associated with the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC).
(c) WAIVER.—The President may waive the limitation in subsection (a) if the President determines that the waiver is in the national interest.