

Suspend the Rules and Pass the Bill, HR. 7025, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
2^D SESSION

H. R. 7025

To prohibit the Director of the United States Fish and Wildlife Service from funding entities that commit, fund, or support gross violations of internationally recognized human rights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2022

Mr. GRIJALVA (for himself, Mr. WESTERMAN, Mr. HUFFMAN, and Mr. BENTZ) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To prohibit the Director of the United States Fish and Wildlife Service from funding entities that commit, fund, or support gross violations of internationally recognized human rights, 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 “Advancing Human
5 Rights-Centered International Conservation Act of 2022”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE COMMITTEES OF CON-
4 GRESS.—The term “appropriate committees of Con-
5 gress” means—

6 (A) the Committee on Natural Resources
7 of the House of Representatives;

8 (B) the Committee on Foreign Affairs of
9 the House of Representatives;

10 (C) the Committee of Appropriations of
11 the House of Representatives;

12 (D) the Committee on Environment and
13 Public Works of the Senate;

14 (E) the Committee on Foreign Relations of
15 the Senate; and

16 (F) the Committee on Appropriations of
17 the Senate.

18 (2) COVERED RECIPIENT.—The term “covered
19 recipient” means any entity that receives financial
20 assistance from the Director for the purpose of
21 international activities or a subrecipient as defined
22 in section 200.1 of title 2, Code of Federal Regula-
23 tions, of such entity with respect to a grant issued
24 by the Director.

25 (3) CREDIBLE INFORMATION.—The term “cred-
26 ible information” means information that, consid-

1 ering the source of such information and the sur-
2 rounding circumstances, supports a reasonable belief
3 that an event has occurred or will occur.

4 (4) DIRECTOR.—The term “Director” means
5 the Director of the United States Fish and Wildlife
6 Service.

7 (5) GROSS VIOLATION OF INTERNATIONALLY
8 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-
9 lation of internationally recognized human rights”
10 has the meaning given that term in section
11 502B(d)(1) of the Foreign Assistance Act of 1961
12 (22 U.S.C. 2304(d)(1)).

13 (6) INSPECTOR GENERAL.—The term “Inspec-
14 tor General” means the Inspector General for the
15 Department of the Interior.

16 (7) SECRETARY.—The term “the Secretary”
17 means the Secretary of State.

18 (8) SERVICE.—The term “Service” means the
19 United States Fish and Wildlife Service.

20 (9) UNIT OF A FOREIGN SECURITY FORCE.—
21 The term “unit of a foreign security force” means
22 a unit of—

23 (A) a foreign military;

24 (B) a foreign police force;

25 (C) a foreign paramilitary group;

1 (D) any person providing security services
2 to a foreign government; and

3 (E) such other organizations as the Sec-
4 retary of State determines appropriate.

5 **SEC. 3. INTERNATIONAL CONSERVATION GRANT RESTRIC-**
6 **TIONS.**

7 (a) **IN GENERAL.**—The Director shall ensure that no
8 international financial assistance provided by the Director
9 shall be furnished to any covered recipient or subrecipient
10 for funding or supporting any unit of a foreign security
11 force if the Director or the Secretary of State has credible
12 information that such unit has committed a gross violation
13 of internationally recognized human rights.

14 (b) **EXCEPTION.**—The prohibition in subsection (a)
15 shall not apply if the Director, in consultation with the
16 Secretary, determines and reports to the appropriate Con-
17 gressional committees that the applicable national govern-
18 ment, and covered recipient or subrecipient as appro-
19 priate, is taking effective steps to bring the responsible
20 members of the unit of a foreign security force to justice
21 and to prevent gross violations of internationally recog-
22 nized human rights by the unit in the future.

23 (c) **RISK ANALYSIS.**—In performing a risk assess-
24 ment analysis for a grant to a covered recipient, the Direc-
25 tor, in consultation with the Secretary, shall include the

1 occurrence of human rights violations by individuals em-
2 ployed, funded, or supported by the covered recipient or
3 subrecipient as a factor in such analysis.

4 (d) PROCEDURES TO IDENTIFY HUMAN RIGHTS VIO-
5 LATORS.—The Director, in consultation with the Sec-
6 retary, shall establish, and periodically update, procedures
7 to—

8 (1) avoid duplication of effort with respect to
9 vetting a unit of a foreign security force under this
10 Act and vetting carried out under section 620M of
11 the Foreign Assistance Act of 1961 (22 U.S.C.
12 2378d);

13 (2) carry out the requirements of section 4;

14 (3) ensure that for each country the Director
15 and the Secretary have a current list of all units of
16 foreign security forces receiving training, equipment,
17 or other types of assistance through covered recipi-
18 ents or subrecipients;

19 (4) ensure that when an individual is des-
20 ignated to receive United States training, equipment,
21 or other types of assistance the individual's unit is
22 vetted as well as the individual;

23 (5) seek to identify the unit involved with re-
24 spect to any credible information of a gross violation
25 of internationally recognized human rights in any

1 nation in which a covered recipient or subrecipient
2 provides funding, training, equipment, or other as-
3 sistance to a unit of a foreign security force; and

4 (6) make publicly available the identity of those
5 units for which no assistance shall be furnished pur-
6 suant to subsection (a) unless such publication
7 would create a risk to national security or the health
8 and safety of a victim of a gross violation of inter-
9 nationally recognized human rights.

10 **SEC. 4. INTERNATIONAL CONSERVATION GRANT REQUIRE-**
11 **MENTS.**

12 (a) **REQUIREMENTS TO RECEIVE A GRANT.—**

13 (1) **IN GENERAL.—**The Director shall incor-
14 porate into the terms of an agreement for financial
15 assistance to a covered recipient and require a duly
16 designated representative of the covered recipient to
17 certify before receiving the award that—

18 (A) the covered recipient will not commit,
19 fund, or support gross violations of internation-
20 ally recognized human rights in carrying out
21 the activities under the award;

22 (B) the covered recipient has provided a
23 list to the Director of each subrecipient to
24 which the covered recipient intends to provide
25 funding using such financial assistance and has

1 provided a certification from each subrecipient
2 that such subrecipient will not commit, fund, or
3 support gross violations of internationally rec-
4 ognized human rights in carrying out the activi-
5 ties under the award;

6 (C) the covered recipient has provided the
7 Director with the covered recipient's and each
8 subrecipient's written policy on maintaining
9 standards for conduct consistent with recog-
10 nized international human rights standards, in-
11 cluding the Universal Declaration of Human
12 Rights, the United Nations Declaration on the
13 Rights of Indigenous Peoples, and the United
14 Nations Guiding Principles on Business and
15 Human Rights;

16 (D) the covered recipient has implemented
17 and is enforcing a social safeguards plan de-
18 scribed in subsection (b)(1);

19 (E) the covered recipient has implemented
20 procedures to detect, investigate, discipline or
21 terminate a subrecipient, employee, or agent of
22 the covered recipient that fails to comply with
23 applicable policies to protect human rights in
24 connection with the award; and

1 (F) the covered recipient will comply with
2 the requirements established in this section.

3 (2) SUBSEQUENT SUBRECIPIENT.—If, after re-
4 ceiving an award of funds from the Director, a cov-
5 ered recipient selects a new subrecipient, the covered
6 recipient shall provide the Director with—

7 (A) an updated version of the list described
8 in paragraph (1)(B);

9 (B) a certification from such subrecipient
10 that such subrecipient will not commit, fund, or
11 support gross violations of internationally rec-
12 ognized human rights in carrying out the activi-
13 ties under the award;

14 (C) the subrecipient's written policy de-
15 scribed in paragraph (1)(C); and

16 (D) justification for any changes in selec-
17 tion of subrecipients.

18 (b) SOCIAL SAFEGUARDS PLAN.—

19 (1) IN GENERAL.—A social safeguards plan de-
20 scribed in this paragraph is a plan consistent with
21 the principles of the documents listed in subsection
22 (a)(1)(C) to implement appropriate human rights
23 standards and prevent gross violations of inter-
24 nationally recognized human rights in connections
25 with activities funded under the award that includes,

1 as determined appropriate by the Director, taking
2 into consideration the location, size, complexity, and
3 scope of the award—

4 (A) a process for meaningful consultation
5 and engagement with Indigenous Peoples and
6 local communities to safeguard their rights, in-
7 cluding obtaining their free, prior, and informed
8 consent for any new land-use restriction and, if
9 applicable, procedures for the fair resolution of
10 existing land and resource claims, in the area in
11 which the project will be conducted;

12 (B) requirements for internal review of re-
13 search involving human subjects;

14 (C) measures to improve governance, in-
15 crease the agency and protect the rights and
16 needs of Indigenous Peoples and local commu-
17 nities, and address the potential adverse im-
18 pacts of a project on the well-being and security
19 of Indigenous Peoples and local communities;

20 (D) a grievance redress mechanism to re-
21 dress gross violations of internationally recog-
22 nized human rights;

23 (E) human rights training and effective
24 monitoring by the recipient for law enforcement

1 personnel and units of a foreign security force;
2 and

3 (F) publication of documents, such as park
4 management plans and ranger codes of conduct,
5 that are relevant to potential impacts of the
6 project on Indigenous Peoples and local commu-
7 nities.

8 (2) GUIDANCE AND TECHNICAL ASSISTANCE.—

9 To assist covered recipients develop, implement, and
10 enforce a social safeguard plan that meets the re-
11 quirements of paragraph (1), the Director may—

12 (A) develop and publish guidance on devel-
13 oping, implementing, and enforcing a social
14 safeguard plan; and

15 (B) provide technical assistance to covered
16 recipients and subrecipients.

17 (c) REQUIREMENT TO REMEDY VIOLATIONS.—The
18 Director may require a covered recipient to take such
19 measures to address an alleged violation of the terms of
20 an agreement required by subsection (a) as the Director
21 determines appropriate.

22 (d) REPORTING REQUIREMENT.—

23 (1) INITIAL NOTIFICATION.—A covered recipi-
24 ent shall refer all credible information of a gross vio-
25 lation of internationally recognized human rights in

1 connection with a Service award by such covered re-
2 cipient or a subrecipient of such covered recipient to
3 the Director and to the diplomatic or consular post
4 of the United States for the country at issue as soon
5 as reasonably practicable, but not later than 30 days
6 after the date on which the covered recipient knew
7 or should have known such information.

8 (2) REPORT.—Not later than 60 days after the
9 first date on which a covered recipient provides noti-
10 fication under paragraph (1), the covered recipient
11 shall submit to the Director a report describing spe-
12 cific steps taken to address an alleged violation and
13 enforce the requirements of the covered recipient's
14 plan pursuant to subsection (a)(1)(D) and all rel-
15 evant information relating to the allegation.

16 (3) EXTENSION.—The Director may grant a
17 covered recipient an extension of not more than 30
18 days on the time period to file a report under para-
19 graph (2) if the Director determines that such ex-
20 tension will improve the Director's ability to carry
21 out the purposes of this section.

22 (4) RESPONSIBILITIES OF COVERED RECIPI-
23 ENT.—The covered recipient shall fully cooperate
24 with any Federal agencies responsible for audits, in-

1 investigations, or corrective actions relating to gross
2 violations of human rights under this Act.

3 (5) RESPONSIBILITIES OF THE AWARDING PRO-
4 GRAM.—The head of the program that awarded the
5 financial assistance shall, with respect to each alle-
6 gation reported under paragraph (1), not later than
7 30 days after receipt of the report required by para-
8 graph (2), complete an investigation, in consultation
9 with the diplomatic or consular post of the United
10 States for the country at issue, into such allegation
11 and submit the results of such investigation, infor-
12 mation received under paragraph (1), and each re-
13 port received under paragraph (2) relating to such
14 allegation to the Director and the diplomatic or con-
15 sular post of the United States for the country at
16 issue.

17 (e) NOTIFICATION.—If the Director receives credible
18 information of a gross violation of internationally recog-
19 nized human rights by a covered recipient or a sub-
20 recipient of a covered recipient in connection with an
21 award provided by the Service, then the Director shall, in
22 consultation with the diplomatic or consular post of the
23 United States for the applicable country—

24 (1) immediately notify the relevant covered re-
25 cipient and require that the covered recipient submit

1 a report under subsection (d)(2) not later than 60
2 days after such notification;

3 (2) immediately notify the government of the
4 applicable country if the Director determines such
5 notification is appropriate; and

6 (3) to the maximum extent practicable, assist
7 such government in taking effective measures to
8 bring the responsible members of the unit of a for-
9 eign security force to justice.

10 (f) REVIEW OF ALLEGATIONS.—

11 (1) REFERRAL.—Unless the covered recipient
12 submits information showing, to the satisfaction of
13 the Director, that the alleged violation has been re-
14 solved, abated, or did not occur, the Director shall,
15 not later than 30 days after receiving information
16 relating to an allegation under subsection (d)(5),
17 refer such alleged violation to the Inspector General
18 and the diplomatic or consular post of the United
19 States for the country at issue, including the report
20 provided by the covered recipient under subsection
21 (d)(2), and notify the covered recipient of such refer-
22 ral.

23 (2) INVESTIGATION.—

24 (A) PRELIMINARY DETERMINATION.—The
25 Inspector General shall, not later than 30 days

1 after a referral of an alleged violation under
2 paragraph (1), determine whether the referral
3 requires an investigation and may make a rec-
4 ommendation to the Director as to whether the
5 award should be suspended during the course of
6 the investigation.

7 (B) SUSPENSION OF AWARD.—

8 (i) IN GENERAL.—Upon receiving a
9 recommendation from the Inspector Gen-
10 eral under subparagraph (A), the Director
11 may suspend the award until a final dis-
12 position of such award under subsection
13 (g).

14 (ii) APPEAL.—A covered recipient
15 may appeal a suspension under subsection
16 (g) pursuant to subpart G of part 4, Code
17 of Federal Regulations.

18 (C) DETERMINATION THAT NO INVESTIGA-
19 TION IS REQUIRED.—If the Inspector General
20 determines under subparagraph (A) that the re-
21 ferral does not require further investigation, the
22 Inspector General shall document the rationale
23 for such determination and shall notify the rel-
24 evant Committees of Congress.

1 (D) DETERMINATION THAT AN INVESTIGA-
2 TION IS REQUIRED.—If the Inspector General
3 determines that an investigation is required
4 under subparagraph (A), the Inspector General
5 shall complete such investigation not later than
6 180 days after a referral under paragraph (1)
7 and prepare a report on such investigation,
8 which shall include—

9 (i) the Inspector General’s conclusions
10 regarding whether or not any allegations
11 that the covered recipient or any sub-
12 recipient of the covered recipient has com-
13 mitted a gross violation of internationally
14 recognized human rights in connection
15 with the award are substantiated and re-
16 garding the effectiveness of the actions of
17 the recipient and any subrecipient in pre-
18 venting and responding to such violations;

19 (ii) recommendations based on the
20 findings of such investigation; and

21 (iii) a recommendation on whether the
22 award should be terminated.

23 (E) SUBMISSION OF REPORT.—The In-
24 spector General shall provide the report re-
25 quired by subparagraph (C) to the Director and

1 the diplomatic or consular post of the United
2 States for the country at issue.

3 (g) **ADDITIONAL PROCEDURES.**—The following re-
4 quirements apply to any administrative action to enforce
5 the requirements of this section with respect to a covered
6 recipient:

7 (1) **WRITTEN RESPONSE.**—A covered recipient
8 subject to administrative action under this sub-
9 section may submit, not later than 30 days after the
10 date of such administrative action, a written re-
11 sponse to contest such action.

12 (2) **MEETING.**—The Director, or a representa-
13 tive, shall meet with a covered recipient that has
14 filed a response under subparagraph (1) and re-
15 quests such a meeting not later than 45 days after
16 the date of such administrative action to allow such
17 covered recipient an opportunity to present informa-
18 tion, including witness testimony, for inclusion in the
19 administrative record.

20 (3) **TIMELINE FOR DETERMINATION.**—The Di-
21 rector shall, not later than 45 days after conclusion
22 of any procedures required by paragraphs (1) and
23 (2), make a determination in writing as to whether
24 to continue, modify, or terminate an administrative
25 action under this subsection.

1 (4) RECONSIDERATION.—A covered recipient
2 that was the subject of an administrative action
3 under this subsection may request a reconsideration
4 of such administration action based upon—

5 (A) newly discovered evidence;

6 (B) a change in ownership or management;

7 or

8 (C) such other factors as the Director de-
9 termines appropriate.

10 (h) FINANCIAL AND PROGRAMMATIC AUDIT OF
11 GRANTS.—

12 (1) IN GENERAL.—The Director shall perform
13 and require compliance with periodic financial and
14 programmatic audits of covered recipients receiving
15 financial assistance from the Director. The Director
16 shall prioritize audits of programs—

17 (A) with new land-use restrictions;

18 (B) in fragile or conflict-affected states; or

19 (C) in regions that otherwise have an ele-
20 vated risk of gross violations of internationally
21 recognized human rights.

22 (2) SPECIFIC AWARD CONDITION AUDITS.—The
23 Director shall carry out regular audits of any cov-
24 ered recipient that is subject to specific award condi-
25 tions under subsection (i).

1 (i) REMEDIES FOR NONCOMPLIANCE.—Each agree-
2 ment for financial assistance made by the Director with
3 a covered recipient is subject to the provisions of subpart
4 D of part 200 of chapter II of subtitle A of title 2 of
5 the Code of Federal Regulations. The Director may con-
6 sider, in determining an appropriate remedy of a violation
7 of a grant requirement under such provision, whether the
8 covered recipient was in compliance with subsection
9 (a)(1)(D) at the time of such violation.

10 (j) ANNUAL REPORT.—The Director, in consultation
11 with the Secretary of State, shall, not later than 1 year
12 after the date of enactment of this Act and annually there-
13 after, submit to the appropriate committees of Congress
14 a report summarizing, with respect to the previous cal-
15 endar year—

16 (1) each report received under subsection
17 (d)(2);

18 (2) each investigation concluded by the Inspec-
19 tor General under subsection (f)(2), including the
20 purpose and duration of such investigation;

21 (3) each administrative action taken with re-
22 spect to a covered recipient to enforce this Act;

23 (4) information about the action taken by each
24 covered recipient to abate a gross violation of inter-
25 nationally recognized human rights;

1 (5) information about remedial actions taken by
2 the Director pursuant to subsection (i);

3 (6) explanations for each extension of time
4 given under subsection (d)(3); and

5 (7) a summary of allegations and information
6 that the Director did not refer to the Inspector Gen-
7 eral and the explanation for why such information
8 was not referred.

9 (k) SAFEGUARD FOR SENSITIVE INFORMATION.—In
10 carrying out this section, the Director may take such
11 measures and withhold such information as the Director
12 determines necessary to protect the safety of individuals—

13 (1) who are victims, or at risk of being victims,
14 of a gross violation of internationally recognized
15 human rights; and

16 (2) who provide information regarding a poten-
17 tial gross violation of internationally recognized
18 human rights.