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
2D 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 Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Advancing Human Rights-Centered International Conservation Act of 2022”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

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

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

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

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

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

(F) the Committee on Appropriations of the Senate.

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

(3) CREDIBLE INFORMATION.—The term “credible information” means information that, consid-
ering the source of such information and the sur-
rounding circumstances, supports a reasonable belief
that an event has occurred or will occur.

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

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

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

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

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

(9) UNIT OF A FOREIGN SECURITY FORCE.—
The term “unit of a foreign security force” means
a unit of—
(A) a foreign military;
(B) a foreign police force;
(C) a foreign paramilitary group;
(D) any person providing security services
to a foreign government; and

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

SEC. 3. INTERNATIONAL CONSERVATION GRANT RESTRI-
C TIONS.

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

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

(e) RISK ANALYSIS.—In performing a risk assess-
ment analysis for a grant to a covered recipient, the Direc-
tor, in consultation with the Secretary, shall include the
occurrence of human rights violations by individuals em-
ployed, funded, or supported by the covered recipient or
subrecipient as a factor in such analysis.

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

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

(2) carry out the requirements of section 4;

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

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

(5) seek to identify the unit involved with re-
spect to any credible information of a gross violation
of internationally recognized human rights in any
nation in which a covered recipient or subrecipient
provides funding, training, equipment, or other as-
sistance to a unit of a foreign security force; and

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

SEC. 4. INTERNATIONAL CONSERVATION GRANT REQUIRE-
MENTS.

(a) REQUIREMENTS TO RECEIVE A GRANT.—

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

(A) the covered recipient will not commit,

fund, or support gross violations of internation-
ally recognized human rights in carrying out
the activities under the award;

(B) the covered recipient has provided a
list to the Director of each subrecipient to
which the covered recipient intends to provide
funding using such financial assistance and has
provided a certification from each subrecipient that such subrecipient will not commit, fund, or support gross violations of internationally recognized human rights in carrying out the activities under the award;

(C) the covered recipient has provided the Director with the covered recipient’s and each subrecipient’s written policy on maintaining standards for conduct consistent with recognized international human rights standards, including the Universal Declaration of Human Rights, the United Nations Declaration on the Rights of Indigenous Peoples, and the United Nations Guiding Principles on Business and Human Rights;

(D) the covered recipient has implemented and is enforcing a social safeguards plan described in subsection (b)(1);

(E) the covered recipient has implemented procedures to detect, investigate, discipline or terminate a subrecipient, employee, or agent of the covered recipient that fails to comply with applicable policies to protect human rights in connection with the award; and
(F) the covered recipient will comply with
the requirements established in this section.

(2) Subsequent Subrecipient.—If, after re-
ceiving an award of funds from the Director, a cov-
ered recipient selects a new subrecipient, the covered
recipient shall provide the Director with—

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

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

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

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

(b) Social Safeguards Plan.—

(1) In General.—A social safeguards plan de-
scribed in this paragraph is a plan consistent with
the principles of the documents listed in subsection
(a)(1)(C) to implement appropriate human rights
standards and prevent gross violations of inter-
ationally recognized human rights in connections
with activities funded under the award that includes,
as determined appropriate by the Director, taking into consideration the location, size, complexity, and scope of the award—

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

(B) requirements for internal review of research involving human subjects;

(C) measures to improve governance, increase the agency and protect the rights and needs of Indigenous Peoples and local communities, and address the potential adverse impacts of a project on the well-being and security of Indigenous Peoples and local communities;

(D) a grievance redress mechanism to redress gross violations of internationally recognized human rights;

(E) human rights training and effective monitoring by the recipient for law enforcement
personnel and units of a foreign security force;
and

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

(2) GUIDANCE AND TECHNICAL ASSISTANCE.—
To assist covered recipients develop, implement, and
enforce a social safeguard plan that meets the re-
quirements of paragraph (1), the Director may—

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

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

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

(d) REPORTING REQUIREMENT.—

(1) INITIAL NOTIFICATION.—A covered recipi-
ent shall refer all credible information of a gross vio-
lation of internationally recognized human rights in
connection with a Service award by such covered recipient or a subrecipient of such covered recipient to the Director and to the diplomatic or consular post of the United States for the country at issue as soon as reasonably practicable, but not later than 30 days after the date on which the covered recipient knew or should have known such information.

(2) REPORT.—Not later than 60 days after the first date on which a covered recipient provides notification under paragraph (1), the covered recipient shall submit to the Director a report describing specific steps taken to address an alleged violation and enforce the requirements of the covered recipient’s plan pursuant to subsection (a)(1)(D) and all relevant information relating to the allegation.

(3) EXTENSION.—The Director may grant a covered recipient an extension of not more than 30 days on the time period to file a report under paragraph (2) if the Director determines that such extension will improve the Director’s ability to carry out the purposes of this section.

(4) RESPONSIBILITIES OF COVERED RECIPIENT.—The covered recipient shall fully cooperate with any Federal agencies responsible for audits, in-
vestigations, or corrective actions relating to gross violations of human rights under this Act.

(5) Responsibilities of the awarding program.—The head of the program that awarded the financial assistance shall, with respect to each allegation reported under paragraph (1), not later than 30 days after receipt of the report required by paragraph (2), complete an investigation, in consultation with the diplomatic or consular post of the United States for the country at issue, into such allegation and submit the results of such investigation, information received under paragraph (1), and each report received under paragraph (2) relating to such allegation to the Director and the diplomatic or consular post of the United States for the country at issue.

(e) Notification.—If the Director receives credible information of a gross violation of internationally recognized human rights by a covered recipient or a sub-recipient of a covered recipient in connection with an award provided by the Service, then the Director shall, in consultation with the diplomatic or consular post of the United States for the applicable country—

(1) immediately notify the relevant covered recipient and require that the covered recipient submit
a report under subsection (d)(2) not later than 60
days after such notification;

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

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

(f) REVIEW OF ALLEGATIONS.—

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

(2) INVESTIGATION.—

(A) PRELIMINARY DETERMINATION.—The
Inspector General shall, not later than 30 days
after a referral of an alleged violation under paragraph (1), determine whether the referral requires an investigation and may make a recommendation to the Director as to whether the award should be suspended during the course of the investigation.

(B) SUSPENSION OF AWARD.—

(i) IN GENERAL.—Upon receiving a recommendation from the Inspector General under subparagraph (A), the Director may suspend the award until a final disposition of such award under subsection (g).

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

(C) DETERMINATION THAT NO INVESTIGATION IS REQUIRED.—If the Inspector General determines under subparagraph (A) that the referral does not require further investigation, the Inspector General shall document the rationale for such determination and shall notify the relevant Committees of Congress.
(D) Determination that an investigation is required.—If the Inspector General determines that an investigation is required under subparagraph (A), the Inspector General shall complete such investigation not later than 180 days after a referral under paragraph (1) and prepare a report on such investigation, which shall include—

(i) the Inspector General’s conclusions regarding whether or not any allegations that the covered recipient or any sub-recipient of the covered recipient has committed a gross violation of internationally recognized human rights in connection with the award are substantiated and regarding the effectiveness of the actions of the recipient and any subrecipient in preventing and responding to such violations;

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

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

(E) Submission of report.—The Inspector General shall provide the report required by subparagraph (C) to the Director and
the diplomatic or consular post of the United States for the country at issue.

(g) ADDITIONAL PROCEDURES.—The following requirements apply to any administrative action to enforce the requirements of this section with respect to a covered recipient:

(1) WRITTEN RESPONSE.—A covered recipient subject to administrative action under this subsection may submit, not later than 30 days after the date of such administrative action, a written response to contest such action.

(2) MEETING.—The Director, or a representative, shall meet with a covered recipient that has filed a response under subparagraph (1) and requests such a meeting not later than 45 days after the date of such administrative action to allow such covered recipient an opportunity to present information, including witness testimony, for inclusion in the administrative record.

(3) TIMELINE FOR DETERMINATION.—The Director shall, not later than 45 days after conclusion of any procedures required by paragraphs (1) and (2), make a determination in writing as to whether to continue, modify, or terminate an administrative action under this subsection.
(4) RECONSIDERATION.—A covered recipient that was the subject of an administrative action under this subsection may request a reconsideration of such administration action based upon—

(A) newly discovered evidence;

(B) a change in ownership or management;

or

(C) such other factors as the Director determines appropriate.

(h) FINANCIAL AND PROGRAMMATIC AUDIT OF GRANTS.—

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

(A) with new land-use restrictions;

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

(C) in regions that otherwise have an elevated risk of gross violations of internationally recognized human rights.

(2) SPECIFIC AWARD CONDITION AUDITS.—The Director shall carry out regular audits of any covered recipient that is subject to specific award conditions under subsection (i).
(i) REMEDIES FOR NONCOMPLIANCE.—Each agreement for financial assistance made by the Director with a covered recipient is subject to the provisions of subpart D of part 200 of chapter II of subtitle A of title 2 of the Code of Federal Regulations. The Director may consider, in determining an appropriate remedy of a violation of a grant requirement under such provision, whether the covered recipient was in compliance with subsection (a)(1)(D) at the time of such violation.

(j) ANNUAL REPORT.—The Director, in consultation with the Secretary of State, shall, not later than 1 year after the date of enactment of this Act and annually thereafter, submit to the appropriate committees of Congress a report summarizing, with respect to the previous calendar year—

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

(2) each investigation concluded by the Inspector General under subsection (f)(2), including the purpose and duration of such investigation;

(3) each administrative action taken with respect to a covered recipient to enforce this Act;

(4) information about the action taken by each covered recipient to abate a gross violation of internationally recognized human rights;
(5) information about remedial actions taken by
the Director pursuant to subsection (i);

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

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

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

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

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