

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.

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## 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

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## 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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

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

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

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

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

14                  (F) the Committee on Appropriations of  
15                  the Senate.

16           (2) COVERED RECIPIENT.—The term “covered  
17           recipient” means any entity that receives financial  
18           assistance from the Director for the purpose of  
19           international activities or a subgrantee of such entity  
20           with respect to a grant issued by the Director.

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

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

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

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

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

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

17          (9) UNIT OF A FOREIGN SECURITY FORCE.—  
18 The term “unit of a foreign security force” means  
19 a unit of—

20               (A) a foreign military;

21               (B) a foreign police force;

22               (C) a foreign paramilitary group;

23               (D) any person providing security services  
24 to a foreign government; and

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

3 **SEC. 3. INTERNATIONAL CONSERVATION GRANT RESTRIC-**  
4 **TIONS.**

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

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

21 (c) RISK ANALYSIS.—In performing a risk assess-  
22 ment analysis for a grant to a covered recipient, the Direc-  
23 tor shall include the occurrence of human rights violations  
24 by individuals employed, funded, or supported by the cov-  
25 ered recipient or subgrantee as a factor in such analysis.

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

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

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

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

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

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

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

7 **SEC. 4. INTERNATIONAL CONSERVATION GRANT REQUIRE-**  
8 **MENTS.**

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

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

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

19           (B) the covered recipient has provided a  
20 list to the contracting officer of each subgrantee  
21 to which the covered recipient intends to pro-  
22 vide funding using such financial assistance and  
23 has provided a certification from each sub-  
24 grantee that such subgrantee will not commit,  
25 fund, or support gross violations of internation-

1           ally recognized human rights in carrying out  
2           the activities under the award;

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

13          (D) the covered recipient has implemented  
14          and is enforcing a social safeguards plan de-  
15          scribed in subsection (b);

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

22          (F) the covered recipient will comply with  
23          the requirements established in this section.

24          (2) SUBSEQUENT SUBGRANTEE.—If, after re-  
25          ceiving an award of funds from the Director, a cov-

1       ered recipient selects a new subgrantee, the covered  
2       recipient shall provide the Director with—

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

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

10              (C) the subgrantee’s written policy de-  
11              scribed in subparagraph (1)(C); and

12              (D) justification for any changes in selec-  
13              tion of subgrantees.

14       (b) SOCIAL SAFEGUARDS PLAN.—A social safeguards  
15       plan described in this subsection is a plan consistent with  
16       the principles of the documents listed in subsection  
17       (a)(1)(C) to implement appropriate human rights stand-  
18       ards and prevent gross violations of internationally recog-  
19       nized human rights in connections with activities funded  
20       under the award that includes, as determined appropriate  
21       by the Director, taking into consideration the location,  
22       size, complexity, and scope of the award—

23              (1) a process for meaningful consultation and  
24              engagement with Indigenous Peoples and local com-  
25              munities to safeguard their rights, including obtain-



1       ing their free, prior, and informed consent for any  
2       new land-use restriction and, if applicable, proce-  
3       dures for the fair resolution of existing land and re-  
4       source claims, in the area in which the project will  
5       be conducted;

6               (2) requirements for internal review of research  
7       involving human subjects;

8               (3) measures to improve governance, increase  
9       the agency and protect the rights and needs of In-  
10      digenous Peoples and local communities, and ad-  
11      dress the potential adverse impacts of a project on  
12      the well-being and security of Indigenous Peoples  
13      and local communities;

14              (4) a grievance redress mechanism to redress  
15      gross violations of internationally recognized human  
16      rights;

17              (5) human rights training and effective moni-  
18      toring by the recipient for law enforcement personnel  
19      and units of a foreign security force; and

20              (6) publication of documents, such as park  
21      management plans and ranger codes of conduct, that  
22      are relevant to potential impacts of the project on  
23      Indigenous Peoples and local communities.

24       (c) REQUIREMENT TO REMEDY VIOLATIONS.—The  
25      Director may require a covered recipient to take such

1 measures to address an alleged violation of the terms of  
2 an agreement required by subsection (a) as the Director  
3 determines appropriate.

4 (d) REPORTING REQUIREMENT.—

5 (1) INITIAL NOTIFICATION.—A covered recipi-  
6 ent shall refer all credible information of a gross vio-  
7 lation of internationally recognized human rights in  
8 connection with a Service award by such covered re-  
9 cipient or a subgrantee of such covered recipient to  
10 the contracting officer and to the diplomatic or con-  
11 sular post of the United States for the country at  
12 issue as soon as reasonably practicable, but not later  
13 than 30 days after the date on which the covered re-  
14 cipient knew or should have known such informa-  
15 tion.

16 (2) REPORT.—Not later than 60 days after the  
17 first date on which a covered recipient provides noti-  
18 fication under paragraph (1), the covered recipient  
19 shall submit to the contracting officer a report de-  
20 scribing specific steps taken to address an alleged  
21 violation and enforce the requirements of the covered  
22 recipient's plan pursuant to subsection (a)(1)(D)  
23 and all relevant information relating to the allega-  
24 tion.

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

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

12           (5) RESPONSIBILITIES OF THE CONTRACTING  
13 OFFICER.—The contracting officer shall, with re-  
14 spect to each allegation reported under paragraph  
15 (1), not later than 30 days after receipt of the re-  
16 port required by paragraph (2), complete an inves-  
17 tigation into such allegation and submit the results  
18 of such investigation, information received under  
19 paragraph (1), and each report received under para-  
20 graph (2) relating to such allegation to the Director.

21           (e) NOTIFICATION.—If the Director receives credible  
22 information of a gross violation of internationally recog-  
23 nized human rights by a covered recipient or a subgrantee  
24 of a covered recipient in connection with an award pro-  
25 vided by the Service, then the Director shall, in consulta-

1 tion with the diplomatic or consular post of the United  
2 States for the applicable country—

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

7 (2) immediately notify the government of the  
8 applicable country; and

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

13 (f) REVIEW OF ALLEGATIONS.—

14 (1) REFERRAL.—Unless the covered recipient  
15 submits information showing, to the satisfaction of  
16 the Director, that the alleged violation has been re-  
17 solved, abated, or did not occur, the Director shall,  
18 not later than 30 days after receiving information  
19 relating to an allegation under subsection (d)(5),  
20 refer such alleged violation to the Inspector General,  
21 including the report provided by the covered recipi-  
22 ent under subsection (d)(2), and notify the covered  
23 recipient of such referral.

24 (2) INVESTIGATION.—

1 (A) PRELIMINARY DETERMINATION.—The  
2 Inspector General shall, not later than 30 days  
3 after a referral of an alleged violation under  
4 paragraph (1), determine whether the referral  
5 requires an investigation.

6 (B) DETERMINATION THAT NO INVESTIGA-  
7 TION IS REQUIRED.—If the Inspector General  
8 determines under subparagraph (A) that the re-  
9 ferral does not require further investigation, the  
10 Inspector General shall document the rationale  
11 for such determination and shall notify the rel-  
12 evant Committees of Congress.

13 (C) DETERMINATION THAT AN INVESTIGA-  
14 TION IS REQUIRED.—If the Inspector General  
15 determines that an investigation is required  
16 under subparagraph (A), the Inspector General  
17 shall complete such investigation not later than  
18 180 days after a referral under paragraph (1)  
19 and prepare a report on such investigation,  
20 which shall include the Inspector General’s con-  
21 clusions regarding whether or not any allega-  
22 tions that the covered recipient or any sub-  
23 grantee of the covered recipient has committed  
24 a gross violation of internationally recognized  
25 human rights in connection with the award, are

1 substantiated, and regarding the effectiveness  
2 of the actions of the recipient and any sub-  
3 grantee in preventing and responding to such  
4 violations. The report shall include rec-  
5 ommendations based on the findings of such in-  
6 vestigation.

7 (g) ADDITIONAL PROCEDURES.—The following re-  
8 quirements apply to any administrative action to enforce  
9 the requirements of this section with respect to a covered  
10 recipient:

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

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

24 (3) TIMELINE FOR DETERMINATION.—The Di-  
25 rector shall, not later than 45 days after conclusion

1 of any procedures required by paragraphs (1) and  
2 (2), make a determination in writing as to whether  
3 to continue, modify, or terminate an administrative  
4 action under this subsection.

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

9 (A) newly discovered evidence;

10 (B) a change in ownership or management;

11 or

12 (C) such other factors as the Director de-  
13 termines appropriate.

14 (h) FINANCIAL AND PROGRAMMATIC AUDIT OF  
15 GRANTS.—

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

21 (A) with new land-use restrictions;

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

23 (C) in regions that otherwise have an ele-  
24 vated risk of gross violations of internationally  
25 recognized human rights.

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

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

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

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

22                 (2) each investigation concluded by the Inspec-  
23                 tor General under subsection (f)(2), including the  
24                 purpose and duration of such investigation;



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

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

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

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

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

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

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

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

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