

117TH CONGRESS
2D SESSION

H. R. 7025

IN THE SENATE OF THE UNITED STATES

JULY 20, 2022

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE COMMITTEES OF CON-**
7 **GRESS.**—The term “appropriate committees of Con-
8 gress” means—

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

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

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

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

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

19 (F) the Committee on Appropriations of
20 the Senate.

21 (2) **COVERED RECIPIENT.**—The term “covered
22 recipient” means any entity that receives financial
23 assistance from the Director for the purpose of
24 international activities or a subrecipient as defined
25 in section 200.1 of title 2, Code of Federal Regula-

1 tions, of such entity with respect to a grant issued
2 by the Director.

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

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

11 (5) GROSS VIOLATION OF INTERNATIONALLY
12 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-
13 lation of internationally recognized human rights”
14 has the meaning given that term in section
15 502B(d)(1) of the Foreign Assistance Act of 1961
16 (22 U.S.C. 2304(d)(1)).

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

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

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

1 (9) UNIT OF A FOREIGN SECURITY FORCE.—

2 The term “unit of a foreign security force” means
3 a unit of—

4 (A) a foreign military;

5 (B) a foreign police force;

6 (C) a foreign paramilitary group;

7 (D) any person providing security services
8 to a foreign government; and

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

11 **SEC. 3. INTERNATIONAL CONSERVATION GRANT RESTRIC-**
12 **TIONS.**

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

20 (b) EXCEPTION.—The prohibition in subsection (a)
21 shall not apply if the Director, in consultation with the
22 Secretary, determines and reports to the appropriate Con-
23 gressional committees that the applicable national govern-
24 ment, and covered recipient or subrecipient as appro-
25 priate, is taking effective steps to bring the responsible

1 members of the unit of a foreign security force to justice
2 and to prevent gross violations of internationally recog-
3 nized human rights by the unit in the future.

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

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

14 (1) avoid duplication of effort with respect to
15 vetting a unit of a foreign security force under this
16 Act and vetting carried out under section 620M of
17 the Foreign Assistance Act of 1961 (22 U.S.C.
18 2378d);

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

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

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

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

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

17 **SEC. 4. INTERNATIONAL CONSERVATION GRANT REQUIRE-**
18 **MENTS.**

19 (a) REQUIREMENTS TO RECEIVE A GRANT.—

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

1 (A) the covered recipient will not commit,
2 fund, or support gross violations of internation-
3 ally recognized human rights in carrying out
4 the activities under the award;

5 (B) the covered recipient has provided a
6 list to the Director of each subrecipient to
7 which the covered recipient intends to provide
8 funding using such financial assistance and has
9 provided a certification from each 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 covered recipient has provided the
15 Director with the covered recipient's and each
16 subrecipient's written policy on maintaining
17 standards for conduct consistent with recog-
18 nized international human rights standards, in-
19 cluding the Universal Declaration of Human
20 Rights, the United Nations Declaration on the
21 Rights of Indigenous Peoples, and the United
22 Nations Guiding Principles on Business and
23 Human Rights;

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

4 (E) the covered recipient has implemented
5 procedures to detect, investigate, discipline or
6 terminate a subrecipient, employee, or agent of
7 the covered recipient that fails to comply with
8 applicable policies to protect human rights in
9 connection with the award; and

10 (F) the covered recipient will comply with
11 the requirements established in this section.

12 (2) SUBSEQUENT SUBRECIPIENT.—If, after re-
13 ceiving an award of funds from the Director, a cov-
14 ered recipient selects a new subrecipient, the covered
15 recipient shall provide the Director with—

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

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

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

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

3 (b) SOCIAL SAFEGUARDS PLAN.—

4 (1) IN GENERAL.—A social safeguards plan de-
5 scribed in this paragraph is a plan consistent with
6 the principles of the documents listed in subsection
7 (a)(1)(C) to implement appropriate human rights
8 standards and prevent gross violations of inter-
9 nationally recognized human rights in connections
10 with activities funded under the award that includes,
11 as determined appropriate by the Director, taking
12 into consideration the location, size, complexity, and
13 scope of the award—

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

22 (B) requirements for internal review of re-
23 search involving human subjects;

24 (C) measures to improve governance, in-
25 crease the agency and protect the rights and

1 needs of Indigenous Peoples and local commu-
2 nities, and address the potential adverse im-
3 pacts of a project on the well-being and security
4 of Indigenous Peoples and local communities;

5 (D) a grievance redress mechanism to re-
6 dress gross violations of internationally recog-
7 nized human rights;

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

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

17 (2) GUIDANCE AND TECHNICAL ASSISTANCE.—

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

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

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

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

6 (d) REPORTING REQUIREMENT.—

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

17 (2) REPORT.—Not later than 60 days after the
18 first date on which a covered recipient provides noti-
19 fication under paragraph (1), the covered recipient
20 shall submit to the Director a report describing spe-
21 cific steps taken to address an alleged violation and
22 enforce the requirements of the covered recipient's
23 plan pursuant to subsection (a)(1)(D) and all rel-
24 evant information relating to the allegation.

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 AWARDING PRO-
13 GRAM.—The head of the program that awarded the
14 financial assistance shall, with respect to each alle-
15 gation reported under paragraph (1), not later than
16 30 days after receipt of the report required by para-
17 graph (2), complete an investigation, in consultation
18 with the diplomatic or consular post of the United
19 States for the country at issue, into such allegation
20 and submit the results of such investigation, infor-
21 mation received under paragraph (1), and each re-
22 port received under paragraph (2) relating to such
23 allegation to the Director and the diplomatic or con-
24 sular post of the United States for the country at
25 issue.

1 (e) NOTIFICATION.—If the Director receives credible
2 information of a gross violation of internationally recog-
3 nized human rights by a covered recipient or a sub-
4 recipient of a covered recipient in connection with an
5 award provided by the Service, then the Director shall, in
6 consultation with the diplomatic or consular post of the
7 United States for the applicable country—

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

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

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

19 (f) REVIEW OF ALLEGATIONS.—

20 (1) REFERRAL.—Unless the covered recipient
21 submits information showing, to the satisfaction of
22 the Director, that the alleged violation has been re-
23 solved, abated, or did not occur, the Director shall,
24 not later than 30 days after receiving information
25 relating to an allegation under subsection (d)(5),

1 refer such alleged violation to the Inspector General
2 and the diplomatic or consular post of the United
3 States for the country at issue, including the report
4 provided by the covered recipient under subsection
5 (d)(2), and notify the covered recipient of such refer-
6 ral.

7 (2) INVESTIGATION.—

8 (A) PRELIMINARY DETERMINATION.—The
9 Inspector General shall, not later than 30 days
10 after a referral of an alleged violation under
11 paragraph (1), determine whether the referral
12 requires an investigation and may make a rec-
13 ommendation to the Director as to whether the
14 award should be suspended during the course of
15 the investigation.

16 (B) SUSPENSION OF AWARD.—

17 (i) IN GENERAL.—Upon receiving a
18 recommendation from the Inspector Gen-
19 eral under subparagraph (A), the Director
20 may suspend the award until a final dis-
21 position of such award under subsection
22 (g).

23 (ii) APPEAL.—A covered recipient
24 may appeal a suspension under subsection

1 (g) pursuant to subpart G of part 4, Code
2 of Federal Regulations.

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

10 (D) DETERMINATION THAT AN INVESTIGA-
11 TION IS REQUIRED.—If the Inspector General
12 determines that an investigation is required
13 under subparagraph (A), the Inspector General
14 shall complete such investigation not later than
15 180 days after a referral under paragraph (1)
16 and prepare a report on such investigation,
17 which shall include—

18 (i) the Inspector General’s conclusions
19 regarding whether or not any allegations
20 that the covered recipient or any sub-
21 recipient of the covered recipient has com-
22 mitted a gross violation of internationally
23 recognized human rights in connection
24 with the award are substantiated and re-
25 garding the effectiveness of the actions of

- 1 the recipient and any subrecipient in pre-
2 venting and responding to such violations;
3 (ii) recommendations based on the
4 findings of such investigation; and
5 (iii) a recommendation on whether the
6 award should be terminated.

7 (E) SUBMISSION OF REPORT.—The In-
8 spector General shall provide the report re-
9 quired by subparagraph (C) to the Director and
10 the diplomatic or consular post of the United
11 States for the country at issue.

12 (g) ADDITIONAL PROCEDURES.—The following re-
13 quirements apply to any administrative action to enforce
14 the requirements of this section with respect to a covered
15 recipient:

16 (1) WRITTEN RESPONSE.—A covered recipient
17 subject to administrative action under this sub-
18 section may submit, not later than 30 days after the
19 date of such administrative action, a written re-
20 sponse to contest such action.

21 (2) MEETING.—The Director, or a representa-
22 tive, shall meet with a covered recipient that has
23 filed a response under subparagraph (1) and re-
24 quests such a meeting not later than 45 days after
25 the date of such administrative action to allow such

1 covered recipient an opportunity to present informa-
2 tion, including witness testimony, for inclusion in the
3 administrative record.

4 (3) TIMELINE FOR DETERMINATION.—The Di-
5 rector shall, not later than 45 days after conclusion
6 of any procedures required by paragraphs (1) and
7 (2), make a determination in writing as to whether
8 to continue, modify, or terminate an administrative
9 action under this subsection.

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

14 (A) newly discovered evidence;

15 (B) a change in ownership or management;

16 or

17 (C) such other factors as the Director de-
18 termines appropriate.

19 (h) FINANCIAL AND PROGRAMMATIC AUDIT OF
20 GRANTS.—

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

- 1 (A) with new land-use restrictions;
- 2 (B) in fragile or conflict-affected states; or
- 3 (C) in regions that otherwise have an ele-
- 4 vated risk of gross violations of internationally
- 5 recognized human rights.

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

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

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

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

3 (2) each investigation concluded by the Inspec-
4 tor General under subsection (f)(2), including the
5 purpose and duration of such investigation;

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

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

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

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

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

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

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

Attest: **CHERYL L. JOHNSON,**
Clerk.