

116TH CONGRESS
1ST SESSION

H. R. 5493

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2019

Mr. BISHOP of Utah 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 awarding grants to entities that 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. INTERNATIONAL CONSERVATION GRANT RE-**
4 **STRICTIONS.**

5 (a) CERTIFICATION.—The Director may not award a
6 covered grant to a covered recipient unless such recipient
7 certifies that it will meet the requirements described in
8 subsection (b).

1 (b) REQUIREMENTS.—The requirements described in
2 this subsection are as follows:

3 (1) CERTIFICATION.—A covered recipient may
4 only award funds to a subgrantee if such subgrantee
5 certifies that it will meet the requirements described
6 in this subsection.

7 (2) PROHIBITION.—A covered recipient may not
8 use funds from a covered grant to fund or support
9 a prohibited entity.

10 (3) REPORTING.—A covered recipient shall re-
11 port to the Director any credible allegation of a
12 gross violation of internationally recognized human
13 rights by any entity such recipient has funded or
14 supported within 30 days of the date on which such
15 recipient knew or should have known of such allega-
16 tion.

17 (4) CEASE FUNDING.—A covered recipient that
18 reports a credible allegation under paragraph (3) to
19 the Director shall, not more than 30 days after the
20 date of such reporting, cease funding or supporting
21 the prohibited entity alleged to have committed such
22 violation.

23 (c) PENALTIES.—The Director shall apply the fol-
24 lowing penalties to a covered recipient or successor to such
25 recipient that fails to meet the requirements of this Act:

1 (1) The Director may not award a single source
2 award of a covered grant to a covered recipient or
3 successor to such recipient that has violated a provi-
4 sion of subsection (b).

5 (2) The Director may not award a covered
6 grant to a covered recipient or successor to such re-
7 cipient that violated subsection (b)(3) for a 3-year
8 period beginning on the later of—

9 (A) the date of the violation; or

10 (B) the date on which the Director became
11 aware of such violation.

12 (3) The Director may not award a covered
13 grant to a covered recipient or successor to such re-
14 cipient that violated subsection (b)(4) for a 5-year
15 period beginning on the later of—

16 (A) the date of the violation; or

17 (B) the date on which the Director became
18 aware of such violation.

19 (4) In addition to any penalties under para-
20 graphs (1) through (3), the Director may not award
21 a covered grant to a covered recipient or successor
22 to such recipient that has violated any provision of
23 this Act unless such recipient paid back any funds
24 from the grant under which such recipient received

1 funds which were used in a manner that violated
2 subsection (b).

3 (5) The Director shall report a covered recipi-
4 ent that violated a provision of subsection (b) to the
5 Department of Justice.

6 (d) HIGH-RISK AREAS.—

7 (1) WAIVER REQUIRED.—The Director may not
8 award a covered grant with respect to a high-risk
9 country unless the recipient of such grant has re-
10 ceived a waiver under paragraph (2).

11 (2) WAIVER REQUIREMENTS.—The Director
12 may issue a waiver to operate in a high-risk country
13 to an applicant that the Director determines has
14 taken sufficient measures to prevent the violation of
15 this Act. In making such a determination, the Direc-
16 tor shall require the applicant to—

17 (A) describe the safeguards such applicant
18 employs to protect human rights;

19 (B) describe the accountability such appli-
20 cant employs to ensure proper use of funds;

21 (C) provide any training materials used by
22 the organization with respect to protecting
23 human rights; and

24 (D) provide such other information as the
25 Director determines appropriate.

1 (3) AUDITS.—The Secretary of the Interior
2 shall perform, or cause an independent third party
3 to perform, audits of any recipient that receives
4 grant funds from the Director issued with respect to
5 a high-risk country.

6 (e) RISK ANALYSIS.—In performing a risk assess-
7 ment analysis for a covered grant, the Director shall in-
8 clude the occurrence of human rights violations as a factor
9 in such analysis.

10 (f) DEFINITIONS.—In this Act:

11 (1) COVERED GRANT.—The term “covered
12 grant” means a grant awarded by the Director
13 under which funds will be expended outside the
14 United States, including grants issued pursuant to—

15 (A) section 2101 of the African Elephant
16 Conservation Act (16 U.S.C. 4211);

17 (B) section 4 of the Great Ape Conserva-
18 tion Act of 2000 (16 U.S.C. 6303);

19 (C) section 4 of the Marine Turtle Con-
20 servation Act of 2004 (16 U.S.C. 6603); and

21 (D) section 5 of the Rhinoceros and Tiger
22 Conservation Act of 1994 (16 U.S.C. 5304).

23 (2) COVERED RECIPIENT.—The term “covered
24 recipient” means any entity that is a grantee, sub-

1 grantee, or applicant with respect to a covered
2 grant.

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

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

12 (5) HIGH-RISK COUNTRY.—The term “high-risk
13 country” means a country with respect to which the
14 most recent report issued pursuant to section 116(d)
15 of the Foreign Assistance Act of 1961 (22 U.S.C.
16 2151n(d)) includes reports of extrajudicial, arbi-
17 trary, or unlawful killings by security forces.

18 (6) PROHIBITED ENTITY.—The term “prohib-
19 ited entity” means a person or entity that is credibly
20 alleged to have committed a gross violation of inter-
21 nationally recognized human rights—

22 (A) during the 10-year period ending on
23 the date of issuance of the relevant covered
24 grant; or

1 (B) after the date of issuance of the rel-
2 evant covered grant.

3 (7) SUCCESSOR.—The term “successor” means
4 an entity that the Director determines is substan-
5 tially owned by persons who owned a prohibited enti-
6 ty at the time such entity became a prohibited enti-
7 ty.

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