ADVANCING HUMAN RIGHTS-CENTERED INTERNATIONAL CONSERVATION ACT OF 2022

JULY 18, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources, submitted the following

REPORT

[To accompany H.R. 7025]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Advancing Human Rights-Centered International Conservation Act of 2022”.

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 subgrantee of such entity with respect to a grant issued by the Director.

(3) CREDIBLE INFORMATION.—The term “credible information” means information that, considering the source of such information and the surrounding cir-

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cumstances, 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 violation of internationally recognized human rights” has the mean-
ing 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 “Inspector 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 Secretary of State determines appro-
priate.

SEC. 3. INTERNATIONAL CONSERVATION GRANT RESTRICTIONS.
(a) IN GENERAL.—The Director shall ensure that no international financial assist-
ance provided by the Director shall be furnished to any covered recipient or sub-
grantee 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 government, and covered recipi-
ent or subgrantee as appropriate, is taking effective steps to bring the responsible
members of the unit of a foreign security force to justice and to prevent gross viola-
tions of internationally recognized human rights by the unit in the future.

(c) RISK ANALYSIS.—In performing a risk assessment analysis for a grant to a cov-
ered recipient, the Director, in consultation with the Secretary, shall include the oc-
currence of human rights violations by individuals employed, funded, or supported
by the covered recipient or subgrantee as a factor in such analysis.

(d) PROCEDURES TO IDENTIFY HUMAN RIGHTS VIOLATORS.—The Director, in con-
sultation with the Secretary, shall establish, and periodically update, procedures to—
(1) avoid duplication of effort with respect to vetting a unit of a foreign secu-

(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 recipients or subgrantees;

(4) ensure that when an individual is designated 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 respect to any credible information
of a gross violation of internationally recognized human rights in any nation in
which a covered recipient or subgrantee provides funding, training, equipment,
or other assistance 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 pursuant to subsection (a) unless such publication would cre-
ate a risk to national security or the health and safety of a victim of a gross
violation of internationally recognized human rights.

SEC. 4. INTERNATIONAL CONSERVATION GRANT REQUIREMENTS.
(a) REQUIREMENTS TO RECEIVE A GRANT.—
(1) IN GENERAL.—The Director shall incorporate into the terms of an agree-

(2) the covered recipient will not commit, fund, or support gross viola-
tions of internationally recognized human rights in carrying out the activi-
ties under the award;
(B) the covered recipient has provided a list to the contracting officer of each subgrantee to which the covered recipient intends to provide funding using such financial assistance and has provided a certification from each subgrantee that such subgrantee 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 subgrantee’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);

(E) the covered recipient has implemented procedures to detect, investigate, discipline or terminate a subgrantee, 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 SUBGRANTEE.—If, after receiving an award of funds from the Director, a covered recipient selects a new subgrantee, 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 subgrantee that such subgrantee will not commit, fund, or support gross violations of internationally recognized human rights in carrying out the activities under the award;

(C) the subgrantee’s written policy described in subparagraph (1)(C); and

(D) justification for any changes in selection of subgrantees.

(b) SOCIAL SAFEGUARDS PLAN.—A social safeguards plan described in this subsection 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 internationally 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—

(1) 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;

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

(3) 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;

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

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

(6) 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 communities.

(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 recipient shall refer all credible information of a gross violation of internationally recognized human rights in connection with a Service award by such covered recipient or a subgrantee of such covered recipient to the contracting officer 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 contracting officer 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, investigations, or corrective actions relating to gross violations of human rights under this Act.

(5) RESPONSIBILITIES OF THE CONTRACTING OFFICER.—The contracting officer 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 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.

(e) NOTIFICATION.—If the Director receives credible information of a gross violation of internationally recognized human rights by a covered recipient or a subgrantee 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; and

(3) to the maximum extent practicable, assist such government in taking effective measures to bring the responsible members of the unit of a foreign 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 resolved, 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, including the report provided by the covered recipient under subsection (d)(2), and notify the covered recipient of such referral.

(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.

(B) 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.

(C) 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 the Inspector General’s conclusions regarding whether or not any allegations that the covered recipient or any subgrantee 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 subgrantee in preventing and responding to such violations. The report shall include recommendations based on the findings of such investigation.

(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 administrative 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 General 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 potential gross violation of internationally recognized human rights.

PURPOSE OF THE BILL

The purpose of H.R. 7025 is to prohibit the United States Fish and Wildlife Service from funding entities that commit, fund, or support gross violations of internationally recognized human rights.

BACKGROUND AND NEED FOR LEGISLATION

Following up on several 2019 investigative reports from *BuzzFeed News* about abuses by park rangers at World Wildlife Fund (WWF)—supported parks, the Committee on Natural Resources opened a bipartisan investigation. The Committee examined the allegations on how U.S. funds—especially U.S. Fish and Wildlife Service (FWS) grants—may be involved and what safeguards are in place to prevent human rights abuses and protect the rights of indigenous and local communities in and near protected areas.
The Water, Oceans, and Wildlife Subcommittee held an oversight hearing on October 26, 2021, that examined WWF’s shortcomings and steps taken in the wake of the revelations. The hearing provided a roadmap for congressional action to improve oversight, accountability, and transparency regarding human rights and the treatment of Indigenous Peoples and local communities in and around international conservation projects. It focused on reports and allegations that guards and park rangers at major national parks worldwide committed gross human rights violations against local and Indigenous People living in and around the parks. The Natural Resources Committee obtained or viewed several internal WWF reports detailing horrific murder, rape, and torture allegations.

The Committee identified several deficiencies both in WWF’s practices and FWS’s grant oversight and vetting of grant recipients, including:

- Lack of human rights safeguards in vetting, grant agreements, and project oversight;
- Lack of accountability and reporting among the various funders and partners (for example, between local park managers, WWF-International, WWF-US, and FWS);
- Failure by WWF to implement a complaint reporting mechanism and to successfully leverage its influence to bring perpetrators to justice; and
- Incomplete or non-existent implementation of Free, Prior, and Informed Consent of Indigenous and local communities around protected areas.

H.R. 7025 elevates the role of human rights in international grants. It ensures that U.S. government funds do not go to recipients that have committed gross violations of human rights and that recipients carry out projects under the highest human rights standards. This legislation directs FWS, working with its partners at the State Department, to:

- Enhance vetting of projects and recipients in partnership with existing State Department procedures to protect human rights;
- Elevate standards for the treatment of Indigenous Peoples and local communities;
- Transparently investigate, report on, and respond to human rights abuses, suspending or terminating grants if necessary; and
- Frequently audit high-risk projects and include human rights standards in the audits.

The Committee believes that these actions should build on and not duplicate ongoing efforts through the U.S. Department of State to vet recipients and work with the governments of the countries at issue to enforce human rights policies and hold bad actors accountable.

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Committee Action

H.R. 7025 was introduced on March 9, 2022, by Chair Raúl M. Grijalva (D–AZ). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife. On March 29, 2022, the Subcommittee held a hearing on the bill. On June 15, 2022, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Grijalva offered an amendment designated Grijalva #1. The amendment was agreed to by unanimous consent. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

Hearings

For the purposes of clause 3(c)(6) of House rule XIII, the following hearings were used to develop or consider this measure: oversight hearing by the Subcommittee on Water, Oceans, and Wildlife held on October 26, 2021, and legislative hearing by the Subcommittee on Water, Oceans, and Wildlife held on March 29, 2022.

Section-by-Section Analysis


Sec. 2. Definitions

Sec. 3. International conservation grant restrictions

This section prohibits FWS from providing financial assistance to foreign security units if credible information shows that the unit has committed a gross violation of internationally recognized human rights. FWS may exempt the prohibition if the FWS Director and the Secretary of State certify that the recipient and applicable government take practical steps to bring perpetrators to justice and prevent human rights violations.

This section requires that risk analyses for grants include an assessment of human rights abuses and requires FWS and the State Department to carry out measures to track and vet security forces receiving assistance and investigate credible information on human rights violations.

Sec. 4. International conservation grant requirements

This section establishes human rights requirements for recipients of international FWS grants, including providing to FWS:

• A certification that gross violations of human rights will not be funded or carried out under the award;

• A list of sub-recipients;

• Recipient and sub-recipients policies on upholding human rights and social safeguard plans;

• Procedures to address potential human rights violations.

The social safeguards plan must:

• Be consistent with internationally recognized human rights standards;
• Include a process for meaningful consultation and engagement with Indigenous Peoples and local communities, including free, prior, and informed consent;
• Protect the needs and rights of Indigenous Peoples and local communities;
• Provide a grievance redress mechanism;
• Provide effective human rights training and monitoring;
• Publish relevant documentation about the impacts of projects on Indigenous Peoples and local communities.

This section also outlines the steps for addressing human rights violations: The covered recipient must notify FWS of any credible information regarding a gross violation of human rights and fully cooperate with an investigation and corrective action. Within 60 days, the covered recipient must provide specific steps taken to address the alleged violation. FWS can extend that timeline by 30 days. The contracting officer shall complete an investigation and submit the results to the FWS Director, who will refer information to the DOI Inspector General and notify the Department of State in the case of credible information. The Inspector General must determine whether an investigation is required and, if so, investigate and provide recommendations for action to the Director.

This section also directs FWS to carry out financial and programmatic audits, prioritizing high-risk programs such as projects with new land-use restrictions (such as expanding boundaries of a national park) and projects in conflict zones and areas of elevated risk of human rights abuses. The Director may use remedies for non-compliance, including withholding payments, denying funds for certain activities, wholly or partly suspending or terminating the award, initiating suspension or debarment proceedings, withholding subsequent awards, or taking other legally available remedies.

Finally, this section requires FWS to submit an annual report to Congress summarizing reports and investigations carried out under the Act, including administrative and remedial actions taken, exemptions granted, and a summary of information not referred to the inspector general.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should
such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

However, the Congressional Budget Office has prepared an analysis of the bill as it to be considered by the full House of Representatives the week of July 18, 2022, as follows:

**Legislation Considered Under Suspension of the Rules**

The Majority Leader of the House of Representatives announces bills that will be considered under suspension of the rules in that chamber. Under suspension, floor debate is limited, all floor amendments are prohibited, points of order against the bill are waived, and final passage requires a two-thirds majority vote.

At the request of the Majority Leader and the House Committee on the Budget, CBO estimates the effects of those bills on direct spending and revenues. CBO has limited time to review the legislation before consideration. Although it is possible in most cases to determine whether the legislation would affect direct spending or revenues, time may be insufficient to estimate the magnitude of those effects. If CBO has prepared estimates for similar or identical legislation, a more detailed assessment of budgetary effects, including effects on spending subject to appropriation, may be included.

**Effects on Direct Spending and Revenues of Legislation Considered Under Suspension of the Rules in the House of Representatives**

Week of July 18, 2022

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<tr>
<th>Bill Number</th>
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<th>Effect on Direct Spending</th>
<th>Effect on Revenues</th>
<th>Additional Information on Direct Spending and Revenue Effects</th>
<th>Link to Published Estimates</th>
<th>Suspension Bill Text at docs.house.gov</th>
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### EFFECTS ON DIRECT SPENDING AND REVENUES OF LEGISLATION CONSIDERED UNDER SUSPENSION OF THE RULES IN THE HOUSE OF REPRESENTATIVES—Continued

**Week of July 18, 2022**

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<td>S. 144</td>
<td>Desert Sage Youth Wellness Center Access Improvement Act.</td>
<td>None</td>
<td>None</td>
<td><a href="https://docs.house.gov/bills/thisweek/20220718/BILLS-117s144-SUS.pdf">https://docs.house.gov/bills/thisweek/20220718/BILLS-117s144-SUS.pdf</a></td>
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Source: Congressional Budget Office.

2. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to prohibit the United States Fish and Wildlife Service from funding entities that commit, fund, or support gross violations of internationally recognized human rights.

### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

### UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

### EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

### PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill’s purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.
SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSenting VIEWS

None.