AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY MS. OMAR OF MINNESOTA

At the end of subtitle A of title VIII, insert the following:

SEC. 8. HUMAN RIGHTS DISCLOSURES.

(a) ANNUAL ANALYSIS.—

(1) IN GENERAL.—Each covered contractor shall conduct an annual analysis to—

(A) identify the existence of any human rights risks in the operations and the value chain of the covered contractor, that are known or should be known, and rank any risks identified based on their severity; and

(B) identify the existence of any human rights impacts in the operations and the value chain of the covered contractor, that are known or should be known, and rank any impacts identified based on their severity.

(2) RANKING.—

(A) RISKS.—When ranking human rights risks under paragraph (1)(A), the covered contractor shall consider the gravity and expected
extent of any potential harm to human rights, and any anticipated challenges in remedying any potential harm.

(B) IMPACTS.—When raking human rights impacts under paragraph (1)(B), the covered contractor shall consider the gravity of the human rights impacts, the extent of harm, and any challenges in remedying such harm.

(b) DISCLOSURES.—Each covered contractor shall submit to the congressional defense committees an annual report that includes, under a heading labeled “Human Rights Risk and Impact Report”—

(1) a brief description of the supply chain of the covered contractor, including subsidiaries and business relationships, to the extent not otherwise disclosed in such report;

(2) a description of any process through which the covered contractor educates executives, employees, contractors, subcontractors, and other persons in its value chain about any human rights policies that the covered contractor has;

(3) a description of the analysis conducted pursuant to subsection (a);

(4) the results of the analysis conducted pursuant to subsection (a), including—
(A) the ranked list of any human rights risks identified; and

(B) the ranked list of any human rights impacts identified;

(5) a description of any action, including the establishment of any monitoring process, the covered contractor has taken to avoid or mitigate—

(A) any human rights risks identified in the current analysis;

(B) any human rights risks identified in any analysis described in the most recent annual report;

(C) any human rights impacts identified in the current analysis; and

(D) any human rights impacts identified in the analysis described in the most recent annual report;

(6) for any action taken, the assessment of the covered contractor of the efficacy of the action and a description of any outcomes of such action;

(7) if no action was taken, a reasoned explanation of why no action was taken;

(8) a description of any process the covered contractor has in place to avoid and mitigate any
human rights impacts that it has caused or may cause; and

(9) if no such process is in place, a reasoned explanation of why no such process is in place.

(e) DEFINITIONS.—For the purposes of this section:

(1) The term “covered contractor” means a contractor or subcontractor (at any tier) of the Department of Defense.

(2) The term “human rights risk” means an adverse impact that an action of the covered contractor has had on the enjoyment of human rights, including those rights encompassed in—

(A) the Universal Declaration of Human Rights;

(B) the International Covenant on Civil and Political Rights;

(C) the International Covenant on Economic, Social, and Cultural Rights; and

(D) the eight core conventions of the International Labor Organization.

(3) The term “human rights risk” means a potential adverse impact that an action of the covered contractor may have on the enjoyment of human rights, including those rights encompassed in—
(A) the Universal Declaration of Human Rights;
(B) the International Covenant on Civil and Political Rights;
(C) the International Covenant on Economic, Social, and Cultural Rights; and
(D) the eight core conventions of the International Labor Organization.

(4) The term “value chain” means, for an covered contractor—

(A) any recruiters of workforce labor, and suppliers of products, component parts, and raw materials used by the covered contractor in manufacturing any products of the covered contractor, even if the relationship with such recruiter or supplier is indirect; and
(B) entities that receive products or services from the covered contractor, other than for personal use.