

117TH CONGRESS
1ST SESSION

H. R. 5996

To continue the whole-of-government approach to ending global wildlife poaching and trafficking by permanently reauthorizing the activities of the Presidential Task Force on Wildlife Trafficking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2021

Mr. FORTENBERRY (for himself and Ms. MENG) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To continue the whole-of-government approach to ending global wildlife poaching and trafficking by permanently reauthorizing the activities of the Presidential Task Force on Wildlife Trafficking, 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 “Eliminate, Neutralize,
5 and Disrupt Wildlife Trafficking Reauthorization and Im-
6 provements Act of 2021”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the United States Government should con-
4 tinue to work with international partners, including
5 nations, nongovernmental organizations, and the pri-
6 vate sector, to identify long-standing and emerging
7 areas of concern in wildlife poaching and trafficking
8 related to global supply and demand; and

9 (2) the activities and required reporting of the
10 Presidential Task Force on Wildlife Trafficking, es-
11 tablished by Executive Order 13648 (78 Fed. Reg.
12 40621), and modified by sections 201 and 301 of
13 the Eliminate, Neutralize, and Disrupt Wildlife
14 Trafficking Act of 2016 (16 U.S.C. 7621 and 7631)
15 should be reauthorized to minimize the disruption of
16 the work of such Task Force.

17 **SEC. 3. DEFINITIONS.**

18 Section 2 of the Eliminate, Neutralize, and Disrupt
19 Wildlife Trafficking Act of 2016 (16 U.S.C. 7601) is
20 amended—

21 (1) in paragraph (3), by inserting “involving
22 local communities” after “approach to conserva-
23 tion”;

24 (2) by amending paragraph to read as follows:

25 “(4) COUNTRY OF CONCERN.—The term ‘coun-
26 try of concern’ means a foreign country specially

1 designated by the Secretary of State pursuant to
 2 section 201(b) as a major source of wildlife traf-
 3 ficking products or their derivatives, a major transit
 4 point of wildlife trafficking products or their deriva-
 5 tives, or a major consumer of wildlife trafficking
 6 products, in which—

7 “(A) the government has actively engaged
 8 in, or knowingly profited from, the trafficking
 9 of protected species; or

10 “(B) the government facilitates such traf-
 11 ficking through conduct that may include a per-
 12 sistent failure to make serious and sustained ef-
 13 forts to prevent and prosecute such traf-
 14 ficking.”; and

15 (3) in paragraph (11), by striking “section
 16 201” and inserting “section 301”.

17 **SEC. 4. FRAMEWORK FOR INTERAGENCY RESPONSE AND**
 18 **REPORTING.**

19 (a) REAUTHORIZATION OF REPORT ON MAJOR WILD-
 20 LIFE TRAFFICKING COUNTRIES.—Section 201 of the
 21 Eliminate, Neutralize, and Disrupt Wildlife Trafficking
 22 Act of 2016 (16 U.S.C. 7621) is amended—

23 (1) in subsection (a), by striking “annually
 24 thereafter” and inserting “biennially thereafter by

1 June 1 of each year in which a report is required”;
2 and

3 (2) by amending subsection (c) to read as fol-
4 lows:

5 “(c) DESIGNATION.—A country may be designated as
6 a country of concern under subsection (b) regardless of
7 such country’s status as a focus country.”.

8 (b) PRESIDENTIAL TASK FORCE ON WILDLIFE
9 TRAFFICKING RESPONSIBILITIES.—Section 301(a) of the
10 Eliminate, Neutralize, and Disrupt Wildlife Trafficking
11 Act of 2016 (16 U.S.C. 7631(a)) is amended—

12 (1) in paragraph (4), by striking “and” at the
13 end;

14 (2) by redesignating paragraph (5) as para-
15 graph (10); and

16 (3) by inserting after paragraph (4) the fol-
17 lowing:

18 “(5) pursue programs—

19 “(A) to expand the role of technology for
20 anti-poaching and anti-trafficking efforts, in
21 partnership with the private sector, foreign gov-
22 ernments, academia, and nongovernmental or-
23 ganizations (including technology companies
24 and the transportation and logistics sectors);
25 and

1 “(B) to enable local governments to de-
2 velop and use such technologies;

3 “(6) consider programs and initiatives that ad-
4 dress the expansion of the illegal wildlife trade to
5 digital platforms, including the use of digital cur-
6 rency and payment platforms for transactions by
7 collaborating with the private sector, academia, and
8 nongovernmental organizations, including social
9 media, e-commerce, and search engine companies, as
10 appropriate;

11 “(7)(A) establish and publish a procedure for
12 removing from the list in the biennial report any
13 country of concern that no longer meets the defini-
14 tion of country of concern under section 2(4);

15 “(B) include details about such procedure in
16 the next report required under section 201;

17 “(8)(A) implement interventions to address the
18 drivers of poaching, trafficking, and demand for ille-
19 gal wildlife and wildlife products in focus countries
20 and countries of concern;

21 “(B) set benchmarks for measuring the effec-
22 tiveness of such interventions; and

23 “(C) consider alignment and coordination with
24 indicators developed by the Task Force;

1 “(9) consider additional opportunities to in-
2 crease coordination between law enforcement and fi-
3 nancial institutions to identify trafficking activity;
4 and”.

5 (c) PRESIDENTIAL TASK FORCE ON WILDLIFE
6 TRAFFICKING STRATEGIC REVIEW.—Section 301 of the
7 Eliminate, Neutralize, and Disrupt Wildlife Trafficking
8 Act of 2016 (16 U.S.C. 7631), as amended by subsection
9 (b), is further amended—

10 (1) in subsection (d)—

11 (A) in the matter preceding paragraph (1),
12 by striking “annually” and inserting “bienni-
13 ally”;

14 (B) in paragraph (4), by striking “and” at
15 the end;

16 (C) in paragraph (5), by striking the pe-
17 riod at the end and inserting “; and”; and

18 (D) by adding at the end the following:

19 “(6) an analysis of the indicators developed by
20 the Task Force, and recommended by the Govern-
21 ment Accountability Office, to track and measure in-
22 puts, outputs, law enforcement outcomes, and the
23 market for wildlife products for each focus country
24 listed in the report, including baseline measures, as
25 appropriate, for each indicator in each focus country

1 to determine the effectiveness and appropriateness
2 of such indicators to assess progress and whether
3 additional or separate indicators, or adjustments to
4 indicators, may be necessary for focus countries.”;
5 and

6 (2) by striking subsection (e).

7 **SEC. 5. FUNDING SAFEGUARDS.**

8 (a) PROCEDURES FOR OBTAINING CREDIBLE INFOR-
9 MATION.—Section 620M(d) of the Foreign Assistance Act
10 of 1961 (22 U.S.C. 2378d(d)) is amended—

11 (1) by redesignating paragraphs (4), (5), (6),
12 and (7) as paragraphs (5), (6), (7), and (8), respec-
13 tively; and

14 (2) by inserting after paragraph (3) the fol-
15 lowing:

16 “(4) routinely request and obtain such informa-
17 tion from the United States Agency for Inter-
18 national Development, the United States Fish and
19 Wildlife Service, and other relevant Federal agencies
20 that partner with international nongovernmental
21 conservation groups;”.

22 (b) REQUIRED IMPLEMENTATION.—The Secretary of
23 State shall implement the procedures established pursuant
24 to section 620M(d) of the Foreign Assistance Act of 1961,
25 as amended by subsection (a), including vetting individ-

1 uals and units, whenever the United States Agency for
 2 International Development, the United States Fish and
 3 Wildlife Service, or any other relevant Federal agency that
 4 partners with international nongovernmental conservation
 5 groups provides assistance to any unit of the security
 6 forces of a foreign country.

7 **SEC. 6. ISSUANCE OF SUBPOENAS IN WILDLIFE TRAF-**
 8 **FICKING CIVIL PENALTY ENFORCEMENT AC-**
 9 **TIONS.**

10 (a) ENDANGERED SPECIES ACT OF 1973.—Section
 11 11(e) of the Endangered Species Act of 1973 (16 U.S.C.
 12 1540(e)) is amended by adding at the end the following:

13 “(7) ISSUANCE OF SUBPOENAS.—

14 “(A) IN GENERAL.—For the purposes of
 15 any inspection or investigation relating to the
 16 import into, or the export from, the United
 17 States of any fish or wildlife or plants covered
 18 under this Act or relating to the delivery, re-
 19 ceipt, carrying, transport, shipment, sale, or
 20 offer for sale in interstate or foreign commerce
 21 of any such fish or wildlife or plants imported
 22 into or exported from the United States, the
 23 Secretary, may issue subpoenas for the attend-
 24 ance and testimony of witnesses and the pro-
 25 duction of any papers, books, or other records

1 relevant to the subject matter under investiga-
2 tion.

3 “(B) FEES AND MILEAGE FOR WIT-
4 NESSES.—A witness summoned under subpara-
5 graph (A) shall be paid the same fees and mile-
6 age that are paid to witnesses in the courts of
7 the United States.

8 “(C) REFUSAL TO OBEY SUBPOENAS.—

9 “(i) IN GENERAL.—In the case of a
10 contumacy or refusal to obey a subpoena
11 served on any person pursuant to this
12 paragraph, the district court of the United
13 States for any judicial district in which the
14 person is found, resides, or transacts busi-
15 ness, on application by the United States
16 and after notice to that person, shall have
17 jurisdiction to issue an order requiring
18 that person to appear and give testimony
19 before the Secretary, to appear and
20 produce documents before the Secretary,
21 or both.

22 “(ii) FAILURE TO OBEY.—Any failure
23 to obey an order issued by a court under
24 clause (i) may be punished by that court
25 as a contempt of that court.”.

1 (b) LACEY ACT AMENDMENTS OF 1981.—Section 6
2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3375)
3 is amended by adding at the end the following:

4 “(e) ISSUANCE OF SUBPOENAS.—

5 “(1) IN GENERAL.—For the purposes of any in-
6 spection or investigation relating to the import into,
7 or the export from, the United States of any fish or
8 wildlife or plants covered under the Lacey Act of
9 1900 (16 U.S.C. 3371 et seq.) or relating to the
10 transport, sale, receipt, acquisition, or purchase in
11 interstate or foreign commerce of any such fish or
12 wildlife or plants imported into or exported from the
13 United States, the Secretary may issue subpoenas
14 for the attendance and testimony of witnesses and
15 the production of any papers, books, or other
16 records relevant to the subject matter under inves-
17 tigation.

18 “(2) FEES AND MILEAGE FOR WITNESSES.—A
19 witness summoned under paragraph (1) shall be
20 paid the same fees and mileage that are paid to wit-
21 nesses in the courts of the United States.

22 “(3) REFUSAL TO OBEY SUBPOENAS.—

23 “(A) IN GENERAL.—In the case of a con-
24 tumacy or refusal to obey a subpoena served on
25 any person pursuant to this subsection, the dis-

1 trict court of the United States for any judicial
2 district in which the person is found, resides, or
3 transacts business, on application by the United
4 States and after notice to that person, shall
5 have jurisdiction to issue an order requiring
6 that person to appear and give testimony before
7 the Secretary, to appear and produce docu-
8 ments before the Secretary, or both.

9 “(B) FAILURE TO OBEY.—Any failure to
10 obey an order issued by a court under subpara-
11 graph (A) may be punished by that court as a
12 contempt of that court.”.

13 (c) BALD AND GOLDEN EAGLE PROTECTION ACT.—

14 (1) CIVIL PENALTIES.—Subsection (b) of the
15 first section of the Act of June 8, 1940 (16 U.S.C.
16 668(b)) (commonly known as the “Bald and Golden
17 Eagle Protection Act”), is amended—

18 (A) by striking “(b) Whoever, within the”
19 and inserting the following:

20 “(b) CIVIL PENALTIES.—

21 “(1) IN GENERAL.—Whoever, within the”; and

22 (B) by adding at the end the following:

23 “(2) HEARINGS; ISSUANCE OF SUBPOENAS.—

24 “(A) HEARINGS.—Hearings held during
25 proceedings for the assessment of civil penalties

1 under paragraph (1) shall be conducted in ac-
2 cordance with section 554 of title 5, United
3 States Code.

4 “(B) ISSUANCE OF SUBPOENAS.—

5 “(i) IN GENERAL.—For purposes of
6 any hearing held during proceedings for
7 the assessment of civil penalties under
8 paragraph (1), the Secretary may issue
9 subpoenas for the attendance and testi-
10 mony of witnesses and the production of
11 relevant papers, books, and documents,
12 and may administer oaths.

13 “(ii) FEES AND MILEAGE FOR WIT-
14 NESSES.—A witness summoned pursuant
15 to clause (i) shall be paid the same fees
16 and mileage that are paid to witnesses in
17 the courts of the United States.

18 “(iii) REFUSAL TO OBEY SUB-
19 POENAS.—

20 “(I) IN GENERAL.—In the case
21 of a contumacy or refusal to obey a
22 subpoena served on any person pursu-
23 ant to this subparagraph, the district
24 court of the United States for any ju-
25 dicial district in which the person is

1 found, resides, or transacts business,
2 on application by the United States
3 and after notice to that person, shall
4 have jurisdiction to issue an order re-
5 quiring that person to appear and give
6 testimony before the Secretary, to ap-
7 pear and produce documents before
8 the Secretary, or both.

9 “(II) FAILURE TO OBEY.—Any
10 failure to obey an order issued by a
11 court under subclause (I) may be pun-
12 ished by that court as a contempt of
13 that court.”.

14 (2) INVESTIGATORY SUBPOENAS.—Section 3 of
15 the Act of June 8, 1940 (16 U.S.C. 668b) (com-
16 monly known as the “Bald and Golden Eagle Pro-
17 tection Act”), is amended by adding at the end the
18 following:

19 “(d) ISSUANCE OF SUBPOENAS.—

20 “(1) IN GENERAL.—For the purposes of any in-
21 spection or investigation relating to the import into
22 or the export from the United States of any bald or
23 golden eagles covered under this Act, or any parts,
24 nests, or eggs of any such bald or golden eagles, the
25 Secretary may issue subpoenas for the attendance

1 and testimony of witnesses and the production of
2 any papers, books, or other records relevant to the
3 subject matter under investigation.

4 “(2) FEES AND MILEAGE FOR WITNESSES.—A
5 witness summoned under paragraph (1) shall be
6 paid the same fees and mileage that are paid to wit-
7 nesses in the courts of the United States.

8 “(3) REFUSAL TO OBEY SUBPOENAS.—

9 “(A) IN GENERAL.—In the case of a con-
10 tumacy or refusal to obey a subpoena served on
11 any person pursuant to this subsection, the dis-
12 trict court of the United States for any judicial
13 district in which the person is found, resides, or
14 transacts business, on application by the United
15 States and after notice to that person, shall
16 have jurisdiction to issue an order requiring
17 that person to appear and give testimony before
18 the Secretary, to appear and produce docu-
19 ments before the Secretary, or both.

20 “(B) FAILURE TO OBEY.—Any failure to
21 obey an order issued by a court under subpara-
22 graph (A) may be punished by that court as a
23 contempt of that court.”.

○