

117TH CONGRESS
1ST SESSION

S. 3211

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 SENATE OF THE UNITED STATES

NOVEMBER 15, 2021

Mr. COONS (for himself and Mr. PORTMAN) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

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”.

7 **SEC. 2. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

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

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

15 **SEC. 3. DEFINITIONS.**

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

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

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

23 “(4) COUNTRY OF CONCERN.—The term ‘coun-
24 try of concern’ means a foreign country specially
25 designated by the Secretary of State pursuant to

section 201(b) as a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products, in which—

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

“(B) the government facilitates such trafficking through conduct that may include a persistent failure to make serious and sustained efforts to prevent and prosecute such trafficking.”; and

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

SEC. 4. FRAMEWORK FOR INTERAGENCY RESPONSE AND REPORTING.

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

(1) in subsection (a), by striking “annually thereafter” and inserting “biennially thereafter by June 1 of each year in which a report is required”; and

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

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

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

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

12 (2) by redesignating paragraph (5) as para-
13 graph (10); and

14 (3) by inserting after paragraph (4) the fol-
15 lowing:

16 “(5) pursue programs—

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

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

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

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

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

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

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

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

23 “(9) consider additional opportunities to in-
24 crease coordination between law enforcement and fi-

1 nancial institutions to identify trafficking activity;
2 and”.

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

8 (1) in subsection (d)—

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

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

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

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

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

1 additional or separate indicators, or adjustments to
 2 indicators, may be necessary for focus countries.”;
 3 and

4 (2) by striking subsection (e).

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

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

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

12 (2) by inserting after paragraph (3) the fol-
 13 lowing:

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

20 (b) REQUIRED IMPLEMENTATION.—The Secretary of
 21 State shall implement the procedures established pursuant
 22 to section 620M(d) of the Foreign Assistance Act of 1961,
 23 as amended by subsection (a), including vetting individ-
 24 uals and units, whenever the United States Agency for
 25 International Development, the United States Fish and

1 Wildlife Service, or any other relevant Federal agency that
 2 partners with international nongovernmental conservation
 3 groups provides assistance to any unit of the security
 4 forces of a foreign country.

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

8 (a) ENDANGERED SPECIES ACT OF 1973.—Section
 9 11(e) of the Endangered Species Act of 1973 (16 U.S.C.
 10 1540(e)) is amended by adding at the end the following:

11 “(7) ISSUANCE OF SUBPOENAS.—

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

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

6 “(C) REFUSAL TO OBEY SUBPOENAS.—

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

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

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