

AMENDMENT TO RULES COMMITTEE PRINT 117-

31

OFFERED BY MR. FORTENBERRY OF NEBRASKA

Page 1668, after line 13, insert the following:

1 **TITLE XII—ELIMINATE, NEU-**
2 **TRALIZE, AND DISRUPT WILD-**
3 **LIFE TRAFFICKING REAU-**
4 **THORIZATION AND IMPROVE-**
5 **MENTS**

6 **SEC. 71201. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

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

14 (2) the activities and required reporting of the
15 Presidential Task Force on Wildlife Trafficking, es-
16 tablished by Executive Order 13648 (78 Fed. Reg.
17 40621), and modified by sections 201 and 301 of
18 the Eliminate, Neutralize, and Disrupt Wildlife
19 Trafficking Act of 2016 (16 U.S.C. 7621 and 7631)

1 should be reauthorized to minimize the disruption of
2 the work of such Task Force.

3 **SEC. 17202. DEFINITIONS.**

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

7 (1) in paragraph (3), by inserting “involving
8 local communities” after “approach to conserva-
9 tion”;

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

11 “(4) COUNTRY OF CONCERN.—The term ‘coun-
12 try of concern’ means a foreign country specially
13 designated by the Secretary of State pursuant to
14 section 201(b) as a major source of wildlife traf-
15 ficking products or their derivatives, a major transit
16 point of wildlife trafficking products or their deriva-
17 tives, or a major consumer of wildlife trafficking
18 products, in which—

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

22 “(B) the government facilitates such traf-
23 ficking through conduct that may include a per-
24 sistent failure to make serious and sustained ef-

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

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

5 “(5) pursue programs and develop a strategy—

6 “(A) to expand the role of technology for
7 anti-poaching and anti-trafficking efforts, in
8 partnership with the private sector, foreign gov-
9 ernments, academia, and nongovernmental or-
10 ganizations (including technology companies
11 and the transportation and logistics sectors);
12 and

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

15 “(6) consider programs and initiatives that ad-
16 dress the expansion of the illegal wildlife trade to
17 digital platforms, including the use of digital cur-
18 rency and payment platforms for transactions by
19 collaborating with the private sector, academia, and
20 nongovernmental organizations, including social
21 media, e-commerce, and search engine companies, as
22 appropriate;

23 “(7)(A) establish and publish a procedure for
24 removing from the list in the biennial report any

1 country of concern that no longer meets the defini-
2 tion of country of concern under section 2(4);

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

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

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

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

13 “(9) consider additional opportunities to in-
14 crease coordination between law enforcement and fi-
15 nancial institutions to identify trafficking activity;
16 and”.

17 (c) PRESIDENTIAL TASK FORCE ON WILDLIFE
18 TRAFFICKING STRATEGIC REVIEW.—Section 301 of the
19 Eliminate, Neutralize, and Disrupt Wildlife Trafficking
20 Act of 2016 (16 U.S.C. 7631), as amended by subsection
21 (b), is further amended—

22 (1) in subsection (d)—

23 (A) in the matter preceding paragraph (1),
24 by striking “annually” and inserting “bienni-
25 ally”;

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

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

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

6 “(6) an analysis of the indicators developed by
7 the Task Force, and recommended by the Govern-
8 ment Accountability Office, to track and measure in-
9 puts, outputs, law enforcement outcomes, and the
10 market for wildlife products for each focus country
11 listed in the report, including baseline measures, as
12 appropriate, for each indicator in each focus country
13 to determine the effectiveness and appropriateness
14 of such indicators to assess progress and whether
15 additional or separate indicators, or adjustments to
16 indicators, may be necessary for focus countries.”;
17 and

18 (2) by striking subsection (e).

19 **SEC. 17204. FUNDING SAFEGUARDS.**

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

23 (1) by redesignating paragraphs (4), (5), (6),
24 and (7) as paragraphs (5), (6), (7), and (8), respec-
25 tively; and

1 “(A) IN GENERAL.—For the purposes of
2 any inspection or investigation relating to the
3 import into, or the export from, the United
4 States of any fish or wildlife or plants covered
5 under this Act or relating to the delivery, re-
6 ceipt, carrying, transport, shipment, sale, or
7 offer for sale in interstate or foreign commerce
8 of any such fish or wildlife or plants imported
9 into or exported from the United States, the
10 Secretary, may issue subpoenas for the attend-
11 ance and testimony of witnesses and the pro-
12 duction of any papers, books, or other records
13 relevant to the subject matter under investiga-
14 tion.

15 “(B) FEES AND MILEAGE FOR WIT-
16 NESSES.—A witness summoned under subpara-
17 graph (A) shall be paid the same fees and mile-
18 age that are paid to witnesses in the courts of
19 the United States.

20 “(C) REFUSAL TO OBEY SUBPOENAS.—

21 “(i) IN GENERAL.—In the case of a
22 contumacy or refusal to obey a subpoena
23 served on any person pursuant to this
24 paragraph, the district court of the United
25 States for any judicial district in which the

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

9 “(ii) FAILURE TO OBEY.—Any failure
10 to obey an order issued by a court under
11 clause (i) may be punished by that court
12 as a contempt of that court.”.

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

16 “(e) ISSUANCE OF SUBPOENAS.—

17 “(1) IN GENERAL.—For the purposes of any in-
18 spection or investigation relating to the import into,
19 or the export from, the United States of any fish or
20 wildlife or plants covered under the Lacey Act of
21 1900 (16 U.S.C. 3371 et seq.) or relating to the
22 transport, sale, receipt, acquisition, or purchase in
23 interstate or foreign commerce of any such fish or
24 wildlife or plants imported into or exported from the
25 United States, the Secretary may issue subpoenas

1 for the attendance and testimony of witnesses and
2 the production of any papers, books, or other
3 records relevant to the subject matter under inves-
4 tigation.

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

9 “(3) REFUSAL TO OBEY SUBPOENAS.—

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

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

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

1 (1) CIVIL PENALTIES.—Subsection (b) of the
2 first section of the Act of June 8, 1940 (16 U.S.C.
3 668(b)) (commonly known as the “Bald and Golden
4 Eagle Protection Act”), is amended—

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

7 “(b) CIVIL PENALTIES.—

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

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

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

11 “(A) HEARINGS.—Hearings held during
12 proceedings for the assessment of civil penalties
13 under paragraph (1) shall be conducted in ac-
14 cordance with section 554 of title 5, United
15 States Code.

16 “(B) ISSUANCE OF SUBPOENAS.—

17 “(i) IN GENERAL.—For purposes of
18 any hearing held during proceedings for
19 the assessment of civil penalties under
20 paragraph (1), the Secretary may issue
21 subpoenas for the attendance and testi-
22 mony of witnesses and the production of
23 relevant papers, books, and documents,
24 and may administer oaths.

1 “(ii) FEES AND MILEAGE FOR WIT-
2 NESSES.—A witness summoned pursuant
3 to clause (i) shall be paid the same fees
4 and mileage that are paid to witnesses in
5 the courts of the United States.

6 “(iii) REFUSAL TO OBEY SUB-
7 POENAS.—

8 “(I) IN GENERAL.—In the case
9 of a contumacy or refusal to obey a
10 subpoena served on any person pursu-
11 ant to this subparagraph, the district
12 court of the United States for any ju-
13 dicial district in which the person is
14 found, resides, or transacts business,
15 on application by the United States
16 and after notice to that person, shall
17 have jurisdiction to issue an order re-
18 quiring that person to appear and give
19 testimony before the Secretary, to ap-
20 pear and produce documents before
21 the Secretary, or both.

22 “(II) FAILURE TO OBEY.—Any
23 failure to obey an order issued by a
24 court under subclause (I) may be pun-

1 ished by that court as a contempt of
2 that court.”.

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

8 “(d) ISSUANCE OF SUBPOENAS.—

9 “(1) IN GENERAL.—For the purposes of any in-
10 spection or investigation relating to the import into
11 or the export from the United States of any bald or
12 golden eagles covered under this Act, or any parts,
13 nests, or eggs of any such bald or golden eagles, the
14 Secretary may issue subpoenas for the attendance
15 and testimony of witnesses and the production of
16 any papers, books, or other records relevant to the
17 subject matter under investigation.

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.”.

