TITLE XII—ELIMINATE, NEUTRALIZE, AND DISRUPT WILDLIFE TRAFFICKING AUTHORIZATION AND IMPROVEMENTS

SEC. 71201. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States Government should continue to work with international partners, including nations, nongovernmental organizations, and the private sector, to identify long-standing and emerging areas of concern in wildlife poaching and trafficking related to global supply and demand; and

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

SEC. 17202. DEFINITIONS.

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

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

(2) by amending paragraph to read as follows:

“(4) COUNTRY OF CONCERN.—The term ‘coun-
try of concern’ means a foreign country specially
designated by the Secretary of State pursuant to
section 201(b) as a major source of wildlife traff-
ficking products or their derivatives, a major transit
point of wildlife trafficking products or their deriva-
tives, 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 traf-
ficking through conduct that may include a per-
sistent failure to make serious and sustained ef-
forts to prevent and prosecute such trafficking.”; and

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

SEC. 17203. 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

(2) by amending subsection (c) to read as follows:

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

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

(1) in paragraph (4), by striking “and” at the end;
(2) by redesignating paragraph (5) as paragraph (10); and

(3) by inserting after paragraph (4) the following:

“(5) pursue programs and develop a strategy—
“(A) to expand the role of technology for anti-poaching and anti-trafficking efforts, in partnership with the private sector, foreign governments, academia, and nongovernmental organizations (including technology companies and the transportation and logistics sectors); and

“(B) to enable local governments to develop and use such technologies;

“(6) consider programs and initiatives that address the expansion of the illegal wildlife trade to digital platforms, including the use of digital currency and payment platforms for transactions by collaborating with the private sector, academia, and nongovernmental organizations, including social media, e-commerce, and search engine companies, as appropriate;

“(7)(A) establish and publish a procedure for removing from the list in the biennial report any
country of concern that no longer meets the definition of country of concern under section 2(4);

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

“(8)(A) implement interventions to address the drivers of poaching, trafficking, and demand for illegal wildlife and wildlife products in focus countries and countries of concern;

“(B) set benchmarks for measuring the effectiveness of such interventions; and

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

“(9) consider additional opportunities to increase coordination between law enforcement and financial institutions to identify trafficking activity;

and”.

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

(1) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “annually” and inserting “biennially”;
(B) in paragraph (4), by striking “and” at
the end;
(C) in paragraph (5), by striking the pe-
period at the end and inserting “; and”; and
(D) by adding at the end the following:
“(6) an analysis of the indicators developed by
the Task Force, and recommended by the Govern-
ment Accountability Office, to track and measure in-
puts, outputs, law enforcement outcomes, and the
market for wildlife products for each focus country
listed in the report, including baseline measures, as
appropriate, for each indicator in each focus country
to determine the effectiveness and appropriateness
of such indicators to assess progress and whether
additional or separate indicators, or adjustments to
indicators, may be necessary for focus countries.”;
and
(2) by striking subsection (e).

SEC. 17204. FUNDING SAFEGUARDS.

(a) Procedures for Obtaining Credible Informa-
tion.—Section 620M(d) of the Foreign Assistance Act
of 1961 (22 U.S.C. 2378d(d)) is amended—
(1) by redesignating paragraphs (4), (5), (6),
and (7) as paragraphs (5), (6), (7), and (8), respec-
tively; and
(2) by inserting after paragraph (3) the follow-

“(4) routinely request and obtain such informa-

ation from the United States Agency for Inter-

national Development, the United States Fish and 

Wildlife Service, and other relevant Federal agencies 

that partner with international nongovernmental 

conservation groups;”.

(b) REQUIRED IMPLEMENTATION.—The Secretary of 

State shall implement the procedures established pursuant 

to section 620M(d) of the Foreign Assistance Act of 1961, 
as amended by subsection (a), including vetting individ-

uals and units, whenever the United States Agency for 

International Development, the United States Fish and 

Wildlife Service, or any other relevant Federal agency that 

partners with international nongovernmental conservation 

groups provides assistance to any unit of the security 

forces of a foreign country.

SEC. 17205. ISSUANCE OF SUBPOENAS IN WILDLIFE TRAF-

FICKING CIVIL PENALTY ENFORCEMENT AC-

TIONS.

(a) ENDANGERED SPECIES ACT OF 1973.—Section 


1540(e)) is amended by adding at the end the following:

“(7) ISSUANCE OF SUBPOENAS.—
“(A) IN GENERAL.—For the purposes of any inspection or investigation relating to the import into, or the export from, the United States of any fish or wildlife or plants covered under this Act or relating to the delivery, receipt, carrying, transport, shipment, sale, or offer for sale in interstate or foreign commerce of any such fish or wildlife or plants imported into or exported from the United States, the Secretary, may issue subpoenas for the attendance and testimony of witnesses and the production of any papers, books, or other records relevant to the subject matter under investigation.

“(B) FEES AND MILEAGE FOR WITNESSES.—A witness summoned under subparagraph (A) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

“(C) REFUSAL TO OBEY SUBPOENAS.—

“(i) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this paragraph, the district court of the United States for any judicial district in which the
person is found, resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary, to appear and produce documents before the Secretary, or both.

“(ii) Failure to obey.—Any failure to obey an order issued by a court under clause (i) may be punished by that court as a contempt of that court.”.

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

“(e) ISSUANCE OF SUBPOENAS.—

“(1) In general.—For the purposes of any inspection or investigation relating to the import into, or the export from, the United States of any fish or wildlife or plants covered under the Lacey Act of 1900 (16 U.S.C. 3371 et seq.) or relating to the transport, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any such fish or wildlife or plants imported into or exported from the United States, the Secretary may issue subpoenas
for the attendance and testimony of witnesses and
the production of any papers, books, or other
records relevant to the subject matter under inves-
tigation.

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

“(3) REFUSAL TO OBEY SUBPOENAS.—

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

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

(c) BALD AND GOLDEN EAGLE PROTECTION ACT.—
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(1) CIVIL PENALTIES.—Subsection (b) of the first section of the Act of June 8, 1940 (16 U.S.C. 668(b)) (commonly known as the “Bald and Golden Eagle Protection Act”), is amended—

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

“(b) CIVIL PENALTIES.—

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

(B) by adding at the end the following:

“(2) HEARINGS; ISSUANCE OF SUBPOENAS.—

“(A) HEARINGS.—Hearings held during proceedings for the assessment of civil penalties under paragraph (1) shall be conducted in accordance with section 554 of title 5, United States Code.

“(B) ISSUANCE OF SUBPOENAS.—

“(i) IN GENERAL.—For purposes of any hearing held during proceedings for the assessment of civil penalties under paragraph (1), the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths.
“(ii) FEES AND MILEAGE FOR WITNESSES.—A witness summoned pursuant to clause (i) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

“(iii) REFUSAL TO OBEY SUBPOENAS.—

“(I) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this subparagraph, the district court of the United States for any judicial district in which the person is found, resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary, to appear and produce documents before the Secretary, or both.

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

(2) Investigatory subpoenas.—Section 3 of
the Act of June 8, 1940 (16 U.S.C. 668b) (com-
monly known as the “Bald and Golden Eagle Pro-
tection Act”), is amended by adding at the end the
following:
“(d) Issuance of Subpoenas.—
“(1) In general.—For the purposes of any in-
spection or investigation relating to the import into
or the export from the United States of any bald or
golden eagles covered under this Act, or any parts,
nests, or eggs of any such bald or golden eagles, the
Secretary may issue subpoenas for the attendance
and testimony of witnesses and the production of
any papers, books, or other records relevant to the
subject matter under investigation.
“(2) Fees and mileage for witnesses.—A
witness summoned under paragraph (1) shall be
paid the same fees and mileage that are paid to wit-
nesses in the courts of the United States.
“(3) Refusal to obey subpoenas.—
“(A) In general.—In the case of a con-
tumacy or refusal to obey a subpoena served on
any person pursuant to this subsection, the dis-
strict court of the United States for any judicial
district in which the person is found, resides, or
transacts business, on application by the United
States and after notice to that person, shall
have jurisdiction to issue an order requiring
that person to appear and give testimony before
the Secretary, to appear and produce docu-
ments before the Secretary, or both.

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