

Calendar No. 404

117TH CONGRESS
2^D 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

JUNE 14, 2022

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Eliminate, Neutralize,
3 and Disrupt Wildlife Trafficking Reauthorization and Im-
4 provements Act of 2021”.

5 **SEC. 2. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

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

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

21 **SEC. 3. DEFINITIONS.**

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

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

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

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

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

16 “(B) the government facilitates such traf-
17 ficking through conduct that may include a per-
18 sistent failure to make serious and sustained ef-
19 forts to prevent and prosecute such traf-
20 ficking.”; and

21 (3) in paragraph (11), by striking “section
22 201” and inserting “section 301”.

1 **SEC. 4. FRAMEWORK FOR INTERAGENCY RESPONSE AND**
 2 **REPORTING.**

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

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

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

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

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

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

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

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

26 “(5) pursue programs—

1 “(A) to expand the role of technology for
2 anti-poaching and anti-trafficking efforts, in
3 partnership with the private sector, foreign gov-
4 ernments, academia, and nongovernmental or-
5 ganizations (including technology companies
6 and the transportation and logistics sectors);
7 and

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

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

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

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

24 “(8)(A) implement interventions to address the
25 drivers of poaching, trafficking, and demand for ille-

gal 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”.

(e) 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 period at the end and inserting “; and”; and

(D) by adding at the end the following:

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

13 (2) by striking subsection (c).

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

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

18 (1) by redesignating paragraphs (4), (5), (6),
 19 and (7) as paragraphs (5), (6), (7), and (8), respec-
 20 tively; and

21 (2) by inserting after paragraph (3) the fol-
 22 lowing:

23 “(4) routinely request and obtain such informa-
 24 tion from the United States Agency for Inter-
 25 national Development, the United States Fish and

1 Wildlife Service, and other relevant Federal agencies
 2 that partner with international nongovernmental
 3 conservation groups;”

4 (b) **REQUIRED IMPLEMENTATION.**—The Secretary of
 5 State shall implement the procedures established pursuant
 6 to section 620M(d) of the Foreign Assistance Act of 1961,
 7 as amended by subsection (a), including vetting individ-
 8 uals and units, whenever the United States Agency for
 9 International Development, the United States Fish and
 10 Wildlife Service, or any other relevant Federal agency that
 11 partners with international nongovernmental conservation
 12 groups provides assistance to any unit of the security
 13 forces of a foreign country.

14 **SEC. 6. ISSUANCE OF SUBPOENAS IN WILDLIFE TRAF-**
 15 **FICKING CIVIL PENALTY ENFORCEMENT AC-**
 16 **TIONS.**

17 (a) **ENDANGERED SPECIES ACT OF 1973.**—Section
 18 11(e) of the Endangered Species Act of 1973 (16 U.S.C.
 19 1540(e)) is amended by adding at the end the following:

20 “(7) **ISSUANCE OF SUBPOENAS.**—

21 “(A) **IN GENERAL.**—For the purposes of
 22 any inspection or investigation relating to the
 23 import into, or the export from, the United
 24 States of any fish or wildlife or plants covered
 25 under this Act or relating to the delivery, re-

1 receipt, carrying, transport, shipment, sale, or
2 offer for sale in interstate or foreign commerce
3 of any such fish or wildlife or plants imported
4 into or exported from the United States, the
5 Secretary, may issue subpoenas for the attend-
6 ance and testimony of witnesses and the pro-
7 duction of any papers, books, or other records
8 relevant to the subject matter under investiga-
9 tion.

10 “(B) FEES AND MILEAGE FOR WIT-
11 NESSES.—A witness summoned under subpara-
12 graph (A) shall be paid the same fees and mile-
13 age that are paid to witnesses in the courts of
14 the United States.

15 “(C) REFUSAL TO OBEY SUBPOENAS.—

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

1 before the Secretary, to appear and
 2 produce documents before the Secretary,
 3 or both.

4 “(ii) FAILURE TO OBEY.—Any failure
 5 to obey an order issued by a court under
 6 clause (i) may be punished by that court
 7 as a contempt of that court.”

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

11 “(c) ISSUANCE OF SUBPOENAS.—

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

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

5 ~~“(3) REFUSAL TO OBEY SUBPOENAS.—~~

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

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

21 ~~(c) BALD AND GOLDEN EAGLE PROTECTION ACT.—~~

22 ~~(1) CIVIL PENALTIES.—Subsection (b) of the~~
 23 ~~first section of the Act of June 8, 1940 (16 U.S.C.~~
 24 ~~668(b)) (commonly known as the “Bald and Golden~~
 25 ~~Eagle Protection Act”), is amended—~~

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

3 “~~(b)~~ CIVIL PENALTIES.—

4 “~~(1)~~ IN GENERAL.—Whoever, within the”; and
5 (B) by adding at the end the following:

6 “~~(2)~~ HEARINGS; ISSUANCE OF SUBPOENAS.—

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

12 “~~(B)~~ ISSUANCE OF SUBPOENAS.—

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

21 “~~(ii)~~ FEES AND MILEAGE FOR WIT-
22 NESSES.—A witness summoned pursuant
23 to clause ~~(i)~~ shall be paid the same fees
24 and mileage that are paid to witnesses in
25 the courts of the United States.

1 “(iii) REFUSAL TO OBEY SUB-
2 POENAS.—

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

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

22 (2) INVESTIGATORY SUBPOENAS.—Section 3 of
23 the Act of June 8, 1940 (16 U.S.C. 668b) (com-
24 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 inspection 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 witnesses in the courts of the United States.

“(3) REFUSAL TO OBEY SUBPOENAS.—

“(A) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this subsection, 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

1 that person to appear and give testimony before
 2 the Secretary, to appear and produce docu-
 3 ments before the Secretary, or both.

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

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Eliminate, Neutralize,*
 10 *and Disrupt Wildlife Trafficking Reauthorization and Im-*
 11 *provements Act of 2022”.*

12 **SEC. 2. SENSE OF CONGRESS.**

13 *It is the sense of Congress that—*

14 (1) *the United States Government should con-*
 15 *tinue to work with international partners, including*
 16 *nations, nongovernmental organizations, and the pri-*
 17 *ivate sector, to identify long-standing and emerging*
 18 *areas of concern in wildlife poaching and trafficking*
 19 *related to global supply and demand; and*

20 (2) *the activities and required reporting of the*
 21 *Presidential Task Force on Wildlife Trafficking, es-*
 22 *tablished by Executive Order 13648 (78 Fed. Reg.*
 23 *40621), and modified by sections 201 and 301 of the*
 24 *Eliminate, Neutralize, and Disrupt Wildlife Traf-*
 25 *ficking Act of 2016 (16 U.S.C. 7621 and 7631) should*

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

3 **SEC. 3. DEFINITIONS.**

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

7 (1) *in paragraph (3), by inserting “involving*
 8 *local communities” after “approach to conservation”;*

9 (2) *by amending paragraph to read as follows:*

10 “(4) COUNTRY OF CONCERN.—*The term ‘country*
 11 *of concern’ means a foreign country specially des-*
 12 *ignated by the Secretary of State pursuant to section*
 13 *201(b) as a major source of wildlife trafficking prod-*
 14 *ucts or their derivatives, a major transit point of*
 15 *wildlife trafficking products or their derivatives, or a*
 16 *major consumer of wildlife trafficking products, in*
 17 *which—*

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

21 “(B) *the government facilitates such traf-*
 22 *ficking through conduct that may include a per-*
 23 *sistent failure to make serious and sustained ef-*
 24 *forts to prevent and prosecute such trafficking.”;*
 25 *and*

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

3 **SEC. 4. FRAMEWORK FOR INTERAGENCY RESPONSE AND**
 4 **REPORTING.**

5 (a) *REAUTHORIZATION OF REPORT ON MAJOR WILD-*
 6 *LIFE TRAFFICKING COUNTRIES.*—Section 201 of the *Elimi-*
 7 *nate, Neutralize, and Disrupt Wildlife Trafficking Act of*
 8 *2016 (16 U.S.C. 7621) is amended—*

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

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

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

18 (b) *PRESIDENTIAL TASK FORCE ON WILDLIFE TRAF-*
 19 *FICKING RESPONSIBILITIES.*—Section 301(a) of the *Elimi-*
 20 *nate, Neutralize, and Disrupt Wildlife Trafficking Act of*
 21 *2016 (16 U.S.C. 7631(a)) is amended—*

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

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

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

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

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

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

12 “(6) consider programs and initiatives that ad-
 13 dress the expansion of the illegal wildlife trade to dig-
 14 ital platforms, including the use of digital currency
 15 and payment platforms for transactions by collabo-
 16 rating with the private sector, academia, and non-
 17 governmental organizations, including social media,
 18 e-commerce, and search engine companies, as appro-
 19 priate;

20 “(7)(A) establish and publish a procedure for re-
 21 moving from the list in the biennial report any coun-
 22 try of concern that no longer meets the definition of
 23 country of concern under section 2(4);

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

1 “(8)(A) *implement interventions to address the*
 2 *drivers of poaching, trafficking, and demand for ille-*
 3 *gal wildlife and wildlife products in focus countries*
 4 *and countries of concern;*

5 “(B) *set benchmarks for measuring the effective-*
 6 *ness of such interventions; and*

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

9 “(9) *consider additional opportunities to in-*
 10 *crease coordination between law enforcement and fi-*
 11 *nancial institutions to identify trafficking activity;*
 12 *and”.*

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

18 (1) *in subsection (d)—*

19 (A) *in the matter preceding paragraph (1),*
 20 *by striking “annually” and inserting “bienni-*
 21 *ally”;*

22 (B) *in paragraph (4), by striking “and” at*
 23 *the end;*

24 (C) *in paragraph (5), by striking the period*
 25 *at the end and inserting “; and”; and*

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

2 “(6) an analysis of the indicators developed by
3 the Task Force, and recommended by the Government
4 Accountability Office, to track and measure inputs,
5 outputs, law enforcement outcomes, and the market
6 for wildlife products for each focus country listed in
7 the report, including baseline measures, as appro-
8 priate, for each indicator in each focus country to de-
9 termine the effectiveness and appropriateness of such
10 indicators to assess progress and whether additional
11 or separate indicators, or adjustments to indicators,
12 may be necessary for focus countries.”; and

13 (2) by striking subsection (e).

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

15 (a) *PROCEDURES FOR OBTAINING CREDIBLE INFOR-*
16 *MATION.*—Section 620M(d) of the Foreign Assistance Act of
17 1961 (22 U.S.C. 2378d(d)) is amended—

18 (1) by redesignating paragraphs (4), (5), (6),
19 and (7) as paragraphs (5), (6), (7), and (8), respec-
20 tively; and

21 (2) by inserting after paragraph (3) the fol-
22 lowing:

23 “(4) routinely request and obtain such informa-
24 tion from the United States Agency for International
25 Development, the United States Fish and Wildlife

1 *Service, and other relevant Federal agencies that*
 2 *partner with international nongovernmental con-*
 3 *servation groups;”.*

4 **(b) REQUIRED IMPLEMENTATION.**—*The Secretary of*
 5 *State shall implement the procedures established pursuant*
 6 *to section 620M(d) of the Foreign Assistance Act of 1961,*
 7 *as amended by subsection (a), including vetting individuals*
 8 *and units, whenever the United States Agency for Inter-*
 9 *national Development, the United States Fish and Wildlife*
 10 *Service, or any other relevant Federal agency that partners*
 11 *with international nongovernmental conservation groups*
 12 *provides assistance to any unit of the security forces of a*
 13 *foreign country.*

14 **SEC. 6. ISSUANCE OF SUBPOENAS IN WILDLIFE TRAF-**
 15 **FICKING CIVIL PENALTY ENFORCEMENT AC-**
 16 **TIONS.**

17 *Section 3 of the Fish and Wildlife Improvement Act*
 18 *of 1978 (16 U.S.C. 742l) is amended by adding at the end*
 19 *the following:*

20 **“(l) ADMINISTRATIVE SUBPOENA AUTHORITY.—**

21 **“(1) ENDANGERED SPECIES ACT OF 1973.—**

22 **“(A) IN GENERAL.—***Subject to subpara-*
 23 *graphs (B) through (D), the Secretary of the In-*
 24 *terior, working through the U.S. Fish and Wild-*
 25 *life Service, is authorized to issue subpoenas*

1 *when enforcing the Endangered Species Act of*
2 *1973 (16 U.S.C. 1540).*

3 “(B) *MATTERS COVERED.*—*In carrying out*
4 *any inspection or investigation relating to the*
5 *import into, or the export from, the United*
6 *States of any fish or wildlife or plants covered*
7 *under the Endangered Species Act of 1973 or re-*
8 *lating to the delivery, receipt, carrying, trans-*
9 *port, shipment, sale, or offer for sale in interstate*
10 *or foreign commerce of any such fish or wildlife*
11 *or plants imported into or exported from the*
12 *United States, the Secretary of the Interior may*
13 *issue subpoenas for the attendance and testimony*
14 *of witnesses and the production of any papers,*
15 *books, or other records relevant to the subject*
16 *matter under investigation.*

17 “(C) *FEEES AND MILEAGE REIMBURSEMENT*
18 *FOR WITNESSES.*—*A witness summoned under*
19 *subparagraph (B) shall be paid the same fees*
20 *and mileage reimbursement rate that are paid to*
21 *witnesses in the courts of the United States.*

22 “(D) *REFUSAL TO OBEY SUBPOENAS.*—

23 “(i) *IN GENERAL.*—*In the case of a*
24 *contumacy or refusal to obey a subpoena*
25 *served on any person pursuant to this para-*

graph, 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 of the Interior, to appear and produce documents before the Secretary of the Interior, or both.

“(ii) *FAILURE TO OBEY*.—Any failure to obey an order issued by a court under this paragraph may be punished by that court as a contempt of that court.

“(2) *LACEY ACT OF 1900*.—

“(A) *IN GENERAL*.—Subject to subparagraphs (B) through (D), the Secretary of the Interior, working through the U.S. Fish and Wildlife Service, is authorized to issue subpoenas when enforcing the Lacey Act of 1900 (16 U.S.C. 3371 et seq.).

“(B) *MATTERS COVERED*.—In carrying out any inspection or investigation relating to the import into, or the export from, the United States of any fish or wildlife or plants covered

1 *under the Lacey Act of 1900 or relating to the*
 2 *transport, sale, receipt, acquisition, or purchase*
 3 *in interstate or foreign commerce of any such*
 4 *fish or wildlife or plants imported into or ex-*
 5 *ported from the United States, the Secretary of*
 6 *the Interior may issue subpoenas for the attend-*
 7 *ance and testimony of witnesses and the produc-*
 8 *tion of any papers, books, or other records rel-*
 9 *evant to the subject matter under investigation.*

10 “(C) *FEEES AND MILEAGE REIMBURSEMENT*
 11 *FOR WITNESSES.—A witness summoned under*
 12 *subparagraph (B) shall be paid the same fees*
 13 *and mileage reimbursement that are paid to wit-*
 14 *nesses in the courts of the United States.*

15 “(D) *REFUSAL TO OBEY SUBPOENAS.—*

16 “(i) *IN GENERAL.—In the case of a*
 17 *contumacy or refusal to obey a subpoena*
 18 *served on any person pursuant to this para-*
 19 *graph, the district court of the United*
 20 *States for any judicial district in which the*
 21 *person is found, resides, or transacts busi-*
 22 *ness, on application by the United States*
 23 *and after notice to that person, shall have*
 24 *jurisdiction to issue an order requiring that*
 25 *person to appear and give testimony before*

1 *the Secretary of the Interior, to appear and*
 2 *produce documents before the Secretary of*
 3 *the Interior, or both.*

4 “(ii) *FAILURE TO OBEY.*—Any failure
 5 *to obey an order issued by a court pursuant*
 6 *to this paragraph may be punished by that*
 7 *court as a contempt of that court.*

8 “(3) *BALD AND GOLDEN EAGLE PROTECTION*
 9 *ACT.*—

10 “(A) *IN GENERAL.*—Subject to subpara-
 11 *graphs (B) through (D), the Secretary of the In-*
 12 *terior, working through the U.S. Fish and Wild-*
 13 *life Service, is authorized to issue subpoenas*
 14 *when enforcing the Act of June 8, 1940 (16*
 15 *U.S.C. 668 et seq.) (commonly known as the*
 16 *‘Bald and Golden Eagle Protection Act’).*

17 “(B) *MATTERS COVERED.*—In carrying out
 18 *any inspection or investigation relating to the*
 19 *import into or the export from the United States*
 20 *of any bald or golden eagles covered under the*
 21 *Act of June 8, 1940 (16 U.S.C. 668 et seq.), or*
 22 *any parts, nests, or eggs of any such bald or*
 23 *golden eagles, and for purposes of any hearing*
 24 *held during proceedings for the assessment of*
 25 *civil penalties under subsection (b) of the first*

1 *section of such Act (16 U.S.C. 668(b)), the Sec-*
 2 *retary of the Interior may issue subpoenas for*
 3 *the attendance and testimony of witnesses and*
 4 *the production of papers, books, and or other*
 5 *records relevant to the subject matter under in-*
 6 *vestigation, and may administer oaths.*

7 *“(C) FEES AND MILEAGE REIMBURSEMENT*
 8 *FOR WITNESSES.—A witness summoned pursu-*
 9 *ant to subparagraph (B) shall be paid the same*
 10 *fees and mileage reimbursement that are paid to*
 11 *witnesses in the courts of the United States.*

12 *“(D) REFUSAL TO OBEY SUBPOENAS.—*

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

1 “(ii) *FAILURE TO OBEY.*—Any failure
2 to obey an order issued by a court under
3 this paragraph may be punished by that
4 court as a contempt of that court.”.

Calendar No. 404

117TH CONGRESS
2D Session

S. 3211

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.

JUNE 14, 2022

Reported with an amendment