

Calendar No. _____

114TH CONGRESS
2^D SESSION**H. R. 2494**

IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2015

Received; read twice and referred to the Committee on Foreign Relations

_____ (legislative day, _____), _____

Reported by Mr. CORKER, with an amendment

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

AN ACT

To support global anti-poaching efforts, strengthen the capacity of partner countries to counter wildlife trafficking, designate major wildlife trafficking countries, 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 “Global Anti-Poaching
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Poaching and the illicit trade in endangered
2 and threatened wildlife are among the most lucrative
3 criminal activities worldwide, worth an estimated \$7
4 to \$10 billion annually.

5 (2) Poaching and wildlife trafficking have esca-
6 lated in scale, sophistication and violence, risking the
7 potential extinction of some of the world's most
8 iconic species.

9 (3) Wildlife poaching and trafficking threaten
10 elephants, rhinoceros, and tigers greatly, but also
11 have devastating impact on a number of other spe-
12 cies, including sharks, great apes, and turtles.

13 (4) The high demand for rare wildlife products
14 has driven prices to historically high levels.

15 (5) Much of the demand for wildlife products
16 comes from Asia and is fueled by the perceived me-
17 dicinal value and social status associated with these
18 products.

19 (6) Reporting indicates that a number of rebel
20 groups and terrorist organizations, including Su-
21 dan's Janjaweed militia, the Lord's Resistance
22 Army, the Seleka rebel movement in the Central Af-
23 rican Republic, and Somalia's al-Shabaab, either
24 participate in or draw funding from illicit wildlife
25 trafficking networks.

1 (7) Analyses suggest the high demand for ille-
2 gal wildlife products, combined with weak law en-
3 forcement and security measures and corruption and
4 governance failures, has led to the increased involve-
5 ment of transnational organized crime in wildlife
6 trafficking.

7 (8) The United Nations Security Council has
8 authorized multilateral sanctions against individuals
9 and entities supporting armed groups through the il-
10 licit trade in wildlife, in addition to other natural re-
11 sources, in the Democratic Republic of Congo and
12 the Central African Republic.

13 (9) A National Intelligence Council analysis of
14 wildlife poaching threats found that certain African
15 government officials facilitated the movement of
16 wildlife products, and that these governments' ability
17 to reduce poaching and trafficking was hindered by
18 corruption and weak rule of law.

19 (10) On November 13, 2013, the Secretary of
20 State announced the first reward under the
21 Transnational Organized Crime Rewards Program
22 for information leading to the dismantling of the
23 Xaysavang Network, a large wildlife trafficking syn-
24 dicate that is based in Laos and spans Africa and
25 Asia.

1 **SEC. 3. EXPANSION OF WILDLIFE ENFORCEMENT NET-**
2 **WORKS.**

3 (a) **FINDINGS.**—Congress finds the following:

4 (1) Wildlife enforcement networks are govern-
5 ment-led, regionally-focused mechanisms that in-
6 crease capacity and coordination efforts between law
7 enforcement, environmental agencies, and other enti-
8 ties focused on countering wildlife trafficking of
9 member countries.

10 (2) Currently there are active wildlife enforce-
11 ment networks in Southeast Asia, South Asia, and
12 Central America. The more mature wildlife enforce-
13 ment networks, such as the Southeast Asia wildlife
14 enforcement network, have proven effective in dis-
15 mantling transnational wildlife trafficking networks
16 and bringing to justice those individuals involved in
17 the illegal trade of endangered and threatened spe-
18 cies.

19 (3) Efforts are underway to establish additional
20 wildlife enforcement networks in Central Africa, the
21 Horn of Africa, South America, and Central and
22 West Asia, among other regions.

23 (b) **STATEMENT OF POLICY.**—The Secretary of
24 State, the Administrator of the United States Agency for
25 International Development, the Director of the United
26 States Fish and Wildlife Service, and heads of other ap-

1 appropriate agencies should, in an effort to address regional
2 threats to biodiversity and conservation, support strength-
3 ening existing wildlife enforcement networks and the es-
4 tablishment of new networks in other appropriate regions.

5 (c) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that in the process of strengthening and expanding
7 wildlife enforcement networks, the appropriate agencies
8 should—

9 (1) assess the existing capacity of wildlife en-
10 forcement network member countries to gather base-
11 line data that may be used for developing program
12 activities for the wildlife enforcement network;

13 (2) establish a central secretariat within each
14 wildlife enforcement network that will coordinate the
15 operational mechanisms of each such network;

16 (3) establish a focal mechanism in each member
17 country of a wildlife enforcement network, that in-
18 cludes representatives from environmental and wild-
19 life protection agencies, law enforcement agencies, fi-
20 nancial intelligence units, customs and border pro-
21 tection agencies, and the judiciary system, that will
22 serve as a conduit to the larger wildlife enforcement
23 network and the central secretariat;

1 (4) strengthen cooperation and the capacity of
2 law enforcement agencies of the wildlife enforcement
3 network;

4 (5) facilitate the sharing of intelligence and rel-
5 evant case information within the agencies of a wild-
6 life enforcement network;

7 (6) support the cooperation and coordination
8 between different regional wildlife enforcement net-
9 works;

10 (7) incorporate and utilize expertise from inter-
11 national bodies and civil society organizations that
12 have appropriate subject matter expertise;

13 (8) eventually create an institutionalized, sus-
14 tainable, and self-sufficient platform; and

15 (9) recognize that lawful, well regulated hunting
16 can contribute to sustainability and economic devel-
17 opment, and that enforcement policies should not
18 discourage or impede this activity.

19 **SEC. 4. SUPPORTING THE PROFESSIONALIZATION OF THE**
20 **WILDLIFE LAW ENFORCEMENT SECTOR.**

21 The Secretary of State, the Administrator of the
22 United States Agency for International Development, the
23 Director of the United States Fish and Wildlife Service,
24 and heads of other appropriate agencies, including the Na-
25 tional Park Service and the United States Forest Service,

1 should, in an effort to address local and regional threats
2 to biodiversity and conservation and support the rule of
3 law and good governance, promote the professionalization
4 of the wildlife law enforcement sector and professional
5 ranger training in partner countries through support and
6 technical assistance for the following:

7 (1) The creation and adoption of standards for
8 professional ranger training and qualifications, in-
9 cluding in relevant international fora and multilat-
10 eral agreements.

11 (2) Training and accreditation systems based
12 on the standards described in paragraph (1) that
13 produce professionally trained and qualified rangers
14 and promote the overall professionalization of ranger
15 forces, whether through existing United States insti-
16 tutions, such as International Law Enforcement
17 Academies, or through partnerships with national or
18 regional training institutions.

19 (3) Legal reforms, where necessary, to provide
20 rangers with authority to detain and arrest suspects,
21 process crime scenes, present evidence in court, and
22 defend themselves in life threatening situations.

23 (4) The development and institutionalization of
24 reward and promotion systems for rangers based on
25 performance and set competencies.

1 (5) The development and institutionalization of
2 national systems to provide insurance to rangers and
3 their families and compensation for those rangers
4 killed in the line of duty.

5 (6) Cooperation and coordination between local
6 law enforcement tasked with wildlife or park protec-
7 tion and local defense forces, where appropriate, in-
8 cluding training opportunities, logistical support, or
9 provision of equipment.

10 **SEC. 5. DESIGNATION OF MAJOR WILDLIFE TRAFFICKING**
11 **COUNTRIES AND AUTHORITY TO WITHHOLD**
12 **CERTAIN ASSISTANCE.**

13 (a) **REPORT.**—Not later than September 15 of each
14 year, the Secretary of State, in consultation with the Sec-
15 retary of the Interior and the Secretary of Commerce,
16 shall submit to Congress a report that lists each foreign
17 country determined to be a major source of wildlife traf-
18 ficking products or their derivatives, a major transit point
19 of wildlife trafficking products or their derivatives, or a
20 major consumer of wildlife trafficking products or their
21 derivatives.

22 (b) **SPECIAL DESIGNATION.**—In each report required
23 under subsection (a), the Secretary of State, in consulta-
24 tion with the Secretary of Interior and the Secretary of
25 Commerce, shall—

1 (1) designate each country listed in the report
2 that has failed demonstrably, during the previous
3 12-month period, to make substantial efforts to ad-
4 here to its obligations under international agree-
5 ments relating to endangered or threatened species;
6 and

7 (2) include a short justification for each deter-
8 mination made under paragraph (1).

9 (c) ~~WITHHOLDING OF ASSISTANCE.~~—The Secretary
10 of State may withhold assistance described in subsection
11 (d) with respect to each foreign country that is specially
12 designated under subsection (b).

13 (d) ~~ASSISTANCE DESCRIBED.~~—The assistance de-
14 scribed in this subsection are sections 516, 524, and 541
15 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j,
16 2344, or 2347), chapter 6 of part II of the Foreign Assist-
17 ance Act of 1961 (22 U.S.C. 2348 et seq.), and section
18 23 of the Arms Export Control Act (22 U.S.C. 2763).

19 (e) ~~NOTIFICATION.~~—The Secretary of State shall no-
20 tify—

21 (1) the government of each foreign country that
22 is listed in the report required under subsection (a)
23 that the country has been so listed; and

24 (2) the government of each foreign country that
25 is specially designated under subsection (b) and is

1 subject to the withholding of assistance described in
2 subsection (e).

3 (f) **REPORTING COST OFFSET.**—Section 8 of Public
4 Law 107–245 (50 U.S.C. 1701 note) is repealed.

5 (g) **SUNSET.**—This section shall terminate on the
6 date that is 5 years after the date of the enactment of
7 this Act.

8 **SEC. 6. SENSE OF CONGRESS REGARDING SECURITY AS-**
9 **SISTANCE TO COUNTER WILDLIFE TRAF-**
10 **FICKING AND POACHING IN AFRICA.**

11 It is the sense of Congress that the United States
12 should continue to provide defense articles (not including
13 significant military equipment), defense services, and re-
14 lated training to appropriate security forces of countries
15 of Africa for the purposes of countering wildlife trafficking
16 and poaching.

17 **SEC. 7. UPDATES TO THE FISHERMEN'S PROTECTIVE ACT**
18 **OF 1967.**

19 Section 8 of the Fishermen's Protective Act of 1967
20 (22 U.S.C. 1978) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by inserting “, in
23 consultation with the Secretary of State,” after
24 “Secretary of Commerce”;

1 (B) by striking “of this title and (ii)” and
2 inserting the following: “of this title, or (4) any
3 act that is a criminal violation of section
4 9(a)(1) of the Endangered Species Act of 1973
5 (16 U.S.C. 1538(a)(1)), section 2203 of the Af-
6 rican Elephant Conservation Act (16 U.S.C.
7 4223), or section 7(a) of the Rhinoceros and
8 Tiger Conservation Act of 1994 (16 U.S.C.
9 5305a(a)), if the endangered or threatened spe-
10 cies, products, items, or substances involved in
11 the violation and relevant conduct, as applica-
12 ble, have a total value of more than \$10,000
13 and (ii)”; and

14 (2) by adding at the end the following:

15 “(f) USE OF AMOUNTS FROM FINES, FORFEITURES,
16 AND RESTITUTION RELATING TO WILDLIFE TRAF-
17 FICKING VIOLATIONS.—Any amounts received by the
18 United States as fines, forfeitures of property or assets,
19 or restitution to the Government for any violation under
20 this section that involves an unlawful activity described in
21 subsection (b)(i)(4) shall be transferred by the Secretary
22 of the Treasury, to the extent practicable, to the Multi-
23 national Species Conservation Fund and used as provided
24 in advance in appropriations Acts for the benefit of the
25 species impacted by the applicable violation.”.

1 (b) ~~MONEY LAUNDERING.~~—Section 1956 of title 18,
2 United States Code, is amended—

3 (1) in subsection (c)(7)—

4 (A) in subparagraph (E), by striking “or”
5 at the end;

6 (B) in subparagraph (F), by adding “or”
7 at the end; and

8 (C) by adding at the end the following:

9 “(G) any act or acts constituting a crimi-
10 nal violation of section 9(a)(1) of the Endan-
11 gered Species Act of 1973 (16 U.S.C.
12 1538(a)(1)), section 2203 of the African Ele-
13 phant Conservation Act (16 U.S.C. 4223), or
14 section 7(a) of the Rhinoceros and Tiger Con-
15 servation Act of 1994 (16 U.S.C. 5305a(a)), if
16 the endangered or threatened species, products,
17 items, or substances involved in the violation
18 and relevant conduct, as applicable, have a total
19 value of more than \$10,000;” and

20 (2) by adding at the end the following:

21 “(j) ~~USE OF AMOUNTS FROM CIVIL PENALTIES,~~
22 ~~FINES, FORFEITURES, AND RESTITUTION RELATING TO~~
23 ~~WILDLIFE TRAFFICKING VIOLATIONS.~~—Any amounts re-
24 ceived by the United States as fines, forfeitures of prop-
25 erty or assets, or restitution to the Government for any

1 violation under this section that involves an unlawful activ-
2 ity described in subsection (e)(7)(G) shall be transferred
3 by the Secretary of the Treasury, to the extent practicable,
4 to the Multinational Species Conservation Fund and used
5 as provided in advance in appropriations Acts for the ben-
6 efit of the species impacted by the applicable violation.”.

7 (e) RICO.—Chapter 96 of title 18, United States
8 Code, is amended—

9 (1) in section 1961(1)—

10 (A) by striking “or (G)” and inserting
11 “(G)”; and

12 (B) by inserting before the semicolon at
13 the end the following: “, or (H) any act consti-
14 tuting a criminal violation of section 9(a)(1) of
15 the Endangered Species Act of 1973 (16 U.S.C.
16 1538(a)(1)), section 2203 of the African Ele-
17 phant Conservation Act (16 U.S.C. 4223), or
18 section 7(a) of the Rhinoceros and Tiger Con-
19 servation Act of 1994 (16 U.S.C. 5305a(a)), if
20 the endangered or threatened species, products,
21 items, or substances involved in the violation
22 and relevant conduct, as applicable, have a total
23 value of more than \$10,000”; and

24 (2) in section 1963, by adding at the end the
25 following:

1 “(n) USE OF AMOUNTS FROM FINES, FORFEITURES,
2 AND RESTITUTION RELATING TO WILDLIFE TRAF-
3 FICKING VIOLATIONS.—Any amounts received by the
4 United States as fines, forfeitures of property or assets,
5 or restitution to the Government for any violation under
6 section 1962 that is based on racketeering activity de-
7 scribed in section 1961(1)(H) shall be transferred by the
8 Secretary of the Treasury, to the extent practicable, to the
9 Multinational Species Conservation Fund and used as pro-
10 vided in advance in appropriations Acts for the benefit of
11 the species impacted by the applicable violation.”.

12 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) USE OF AMOUNTS FROM FINES.—Section
14 1402(b)(1)(A) of the Victims of Crime Act of 1984
15 (42 U.S.C. 10601(b)(1)(A)) is amended—

16 (A) in clause (i), by striking “and” at the
17 end; and

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

19 “~~(iii)~~ sections 1952(f), 1956(j), and
20 1963(n) of title 18, United States Code;
21 and”.

22 (2) USE OF AMOUNTS FROM FORFEITURES.—

23 Section 524(e)(4)(A) of title 28, United States Code,
24 is amended by inserting before “or the Postmaster

1 General” the following: “or section 1952(f), 1956(j),
2 or 1963(n) of title 18.”.

3 **SEC. 9. OTHER ACTIONS RELATING TO WILDLIFE TRAF-**
4 **FICKING PROGRAMS.**

5 It is the sense of Congress that the Secretary of State
6 should dedicate sufficient program resources to—

7 (1) conduct monitoring and evaluation, with a
8 special emphasis where feasible on impact evalua-
9 tions, of wildlife trafficking programs consistent with
10 the Department of State’s January 2015 Evaluation
11 Policy;

12 (2) publish program information on wildlife
13 trafficking programs on the Department of State’s
14 Internet website, “ForeignAssistance.gov” in a dig-
15 ital format consistent with the United States com-
16 mitment to the International Aid Transparency Ini-
17 tiative (IATI); and

18 (3) develop and implement a learning agenda to
19 improve the performance and impact of wildlife traf-
20 ficking programs and to share best practices among
21 relevant executive branch agencies.

22 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

23 (a) *SHORT TITLE.*—*This Act may be cited as the*
24 *“Eliminate, Neutralize, and Disrupt Wildlife Trafficking*
25 *Act of 2016”.*

1 (b) *TABLE OF CONTENTS.—The table of contents for*
 2 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—PURPOSES AND POLICY

Sec. 101. Purposes.

Sec. 102. Statement of United States policy.

TITLE II—REPORT ON MAJOR WILDLIFE TRAFFICKING COUNTRIES

Sec. 201. Report.

TITLE III—FRAMEWORK FOR INTERAGENCY RESPONSE

Sec. 301. Presidential Task Force on Wildlife Trafficking.

*TITLE IV—PROGRAMS TO ADDRESS THE ESCALATING WILDLIFE
TRAFFICKING CRISIS*

Sec. 401. Anti-poaching programs.

Sec. 402. Anti-trafficking programs.

Sec. 403. Engagement of United States diplomatic missions.

Sec. 404. Community conservation.

*TITLE V—TRANSITION OF OVERSEAS CONTINGENCY FUNDING TO
BASE FUNDING*

Sec. 501. Sense of congress on funding.

*TITLE VI—OTHER ACTIONS RELATING TO WILDLIFE TRAFFICKING
PROGRAMS*

Sec. 601. Amendments to Fisherman’s Protective Act of 1967.

3 **SEC. 2. DEFINITIONS.**

4 *In this Act:*

5 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
 6 *TEES.—The term “appropriate congressional commit-*
 7 *tees” means—*

8 (A) *the Committee on Foreign Relations*
 9 *and the Committee on Appropriations of the*
 10 *Senate; and*

1 (B) *the Committee on Foreign Affairs and*
2 *the Committee on Appropriations of the House of*
3 *Representatives.*

4 (2) *CO-CHAIRS OF THE TASK FORCE.*—*The term*
5 *“Co-Chairs of the Task Force” means the Secretary of*
6 *State, the Secretary of the Interior, and the Attorney*
7 *General, as established pursuant to Executive Order*
8 *13648.*

9 (3) *COMMUNITY CONSERVATION .*—*The term*
10 *“community conservation” means an approach to*
11 *conservation that recognizes the rights of local people*
12 *to sustainably manage, or benefit directly and indi-*
13 *rectly from wildlife and other natural resources and*
14 *includes—*

15 (A) *devolving management and governance*
16 *to local communities to create positive conditions*
17 *for sustainable resource use; and*

18 (B) *building the capacity of communities*
19 *for conservation and natural resource manage-*
20 *ment.*

21 (4) *COUNTRY OF CONCERN.*—*The term “country*
22 *of concern” refers to a foreign country specially des-*
23 *ignated by the Secretary of State pursuant to sub-*
24 *section (b) of section 201 as a major source of wildlife*
25 *trafficking products or their derivatives, a major*

1 *transit point of wildlife trafficking products or their*
2 *derivatives, or a major consumer of wildlife traf-*
3 *ficking products, in which the government has ac-*
4 *tively engaged in or knowingly profited from the traf-*
5 *ficking of endangered or threatened species.*

6 (5) *FOCUS COUNTRY.*—*The term “focus country”*
7 *refers to a foreign country determined by the Sec-*
8 *retary of State to be 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.*

13 (6) *DEFENSE ARTICLE; DEFENSE SERVICE; SIG-*
14 *NIFICANT MILITARY EQUIPMENT; TRAINING.*—*The*
15 *terms “defense article”, “defense service”, “significant*
16 *military equipment”, and “training” have the mean-*
17 *ings given such terms in section 47 of the Arms Ex-*
18 *port Control Act (22 U.S.C. 2794).*

19 (7) *IMPLEMENTATION PLAN.*—*The term “Imple-*
20 *mentation Plan” means the Implementation Plan for*
21 *the National Strategy for Combating Wildlife Traf-*
22 *ficking released on February 11, 2015, a modification*
23 *of that plan, or a successor plan.*

24 (8) *NATIONAL STRATEGY.*—*The term “National*
25 *Strategy” means the National Strategy for Combating*

1 *Wildlife Trafficking published on February 11, 2014,*
2 *a modification of that strategy, or a successor strat-*
3 *egy.*

4 (9) *NATIONAL WILDLIFE SERVICES.*—*The term*
5 *“national wildlife services” refers to the ministries*
6 *and government bodies designated to manage matters*
7 *pertaining to wildlife management, including poach-*
8 *ing or trafficking, in a focus country.*

9 (10) *SECURITY FORCE.*—*The term “security*
10 *force” means a military, law enforcement, gendar-*
11 *merie, park ranger, or any other security force with*
12 *a responsibility for protecting wildlife and natural*
13 *habitats.*

14 (11) *TASK FORCE.*—*The term “Task Force”*
15 *means the Presidential Task Force on Wildlife Traf-*
16 *ficking, as established by Executive Order 13648 (78*
17 *Fed. Reg. 40621) and modified by section 201.*

18 (12) *WILDLIFE TRAFFICKING.*—*The term “wild-*
19 *life trafficking” refers to the poaching or other illegal*
20 *taking of protected or managed species and the illegal*
21 *trade in wildlife and their related parts and products.*

22 **TITLE I—PURPOSES AND POLICY**

23 **SEC. 101. PURPOSES.**

24 *The purposes of this Act are—*

1 (1) to support a collaborative, interagency ap-
2 proach to address wildlife trafficking;

3 (2) to protect and conserve the remaining popu-
4 lations of wild elephants, rhinoceroses, and other spe-
5 cies threatened by poaching and the illegal wildlife
6 trade;

7 (3) to disrupt regional and global transnational
8 organized criminal networks and to prevent the ille-
9 gal wildlife trade from being used as a source of fi-
10 nancing for criminal groups that undermine United
11 States and global security interests;

12 (4) to prevent wildlife poaching and trafficking
13 from being a means to make a living in focus coun-
14 tries;

15 (5) to support the efforts of, and collaborate with,
16 individuals, communities, local organizations, and
17 foreign governments to combat poaching and wildlife
18 trafficking;

19 (6) to assist focus countries in implementation of
20 national wildlife anti-trafficking and poaching laws;
21 and

22 (7) to ensure that United States assistance to
23 prevent and suppress illicit wildlife trafficking is
24 carefully planned and coordinated, and that it is sys-
25 tematically and rationally prioritized on the basis of

1 *detailed analysis of the nature and severity of threats*
2 *to wildlife and the willingness and ability of foreign*
3 *partners to cooperate effectively toward these ends.*

4 **SEC. 102. STATEMENT OF UNITED STATES POLICY.**

5 *It is the policy of the United States—*

6 *(1) to take immediate actions to stop the illegal*
7 *global trade in wildlife and wildlife products and as-*
8 *sociated transnational organized crime;*

9 *(2) to provide technical and other forms of as-*
10 *sistance to help focus countries halt the poaching of*
11 *elephants, rhinoceroses, and other imperiled species*
12 *and end the illegal trade in wildlife and wildlife*
13 *products, including by providing training and assist-*
14 *ance in—*

15 *(A) wildlife protection and management of*
16 *wildlife populations;*

17 *(B) anti-poaching and effective manage-*
18 *ment of protected areas including community*
19 *managed and privately-owned lands;*

20 *(C) local engagement of security forces in*
21 *anti-poaching responsibilities, where appro-*
22 *priate;*

23 *(D) wildlife trafficking investigative tech-*
24 *niques, including forensic tools;*

25 *(E) transparency and corruption issues;*

1 (F) management, tracking, and inventory of
2 confiscated wildlife contraband;

3 (G) demand reduction strategies in coun-
4 tries that lack the means and resources to con-
5 duct them; and

6 (H) bilateral and multilateral agreements
7 and cooperation;

8 (3) to employ appropriate assets and resources of
9 the United States Government in a coordinated man-
10 ner to curtail poaching and disrupt and dismantle il-
11 legal wildlife trade networks and the financing of
12 those networks in a manner appropriate for each
13 focus country;

14 (4) to build upon the National Strategy and Im-
15 plementation Plan to further combat wildlife traf-
16 ficking in a holistic manner and guide the response
17 of the United States Government to ensure progress in
18 the fight against wildlife trafficking; and

19 (5) to recognize the ties of wildlife trafficking to
20 broader forms of transnational organized criminal ac-
21 tivities, including trafficking, and where applicable,
22 to focus on those crimes in a coordinated, cross-cut-
23 ting manner.

1 **TITLE II—REPORT ON MAJOR**
2 **WILDLIFE TRAFFICKING**
3 **COUNTRIES**

4 **SEC. 201. REPORT.**

5 (a) *REPORT.*—Not later than one year after the date
6 of the enactment of this Act, and annually thereafter, the
7 Secretary of State, in consultation with the Secretary of
8 the Interior and the Secretary of Commerce, shall submit
9 to Congress a report that lists each country determined by
10 the Secretary of State to be a focus country within the
11 meaning of this Act.

12 (b) *SPECIAL DESIGNATION.*—In each report required
13 under subsection (a), the Secretary of State, in consultation
14 with the Secretary of the Interior and the Secretary of Com-
15 merce, shall identify each country of concern listed in the
16 report the government of which has actively engaged in or
17 knowingly profited from the trafficking of endangered or
18 threatened species.

19 (c) *SUNSET.*—This section shall terminate on the date
20 that is 5 years after the date of the enactment of this Act.

1 **TITLE III—FRAMEWORK FOR**
2 **INTERAGENCY RESPONSE**

3 **SEC. 301. PRESIDENTIAL TASK FORCE ON WILDLIFE TRAF-**
4 **FICKING.**

5 (a) *RESPONSIBILITIES.*—*In addition to the functions*
6 *required by Executive Order 13648 (78 Fed. Reg. 40621),*
7 *the Task Force shall be informed by the Secretary of State’s*
8 *annual report required under section 201 and considering*
9 *all available information, ensure that relevant United*
10 *States Government agencies—*

11 (1) *collaborate, to the greatest extent practicable,*
12 *with the national wildlife services, or other relevant*
13 *bodies of each focus country to prepare, not later than*
14 *90 days after the date of submission of the report re-*
15 *quired under section 201(a), a United States mission*
16 *assessment of the threats to wildlife in that focus*
17 *country and an assessment of the capacity of that*
18 *country to address wildlife trafficking;*

19 (2) *collaborate, to the greatest extent practicable,*
20 *with relevant ministries, national wildlife services, or*
21 *other relevant bodies of each focus country to prepare,*
22 *not later than 180 days after preparation of the as-*
23 *essment referred to in paragraph (1), a United*
24 *States mission strategic plan that includes rec-*
25 *ommendations for addressing wildlife trafficking, tak-*

1 *ing into account any regional or national strategies*
2 *for addressing wildlife trafficking in a focus country*
3 *developed before the preparation of such assessment;*

4 *(3) coordinate efforts among United States Fed-*
5 *eral agencies and non-Federal partners, including*
6 *missions, domestic and international organizations,*
7 *the private sector, and other global partners, to imple-*
8 *ment the strategic plans required by paragraph (2) in*
9 *each focus country;*

10 *(4) not less frequently than annually, consult*
11 *and coordinate with stakeholders qualified to provide*
12 *advice, assistance, and information regarding effective*
13 *support for anti-poaching activities, coordination of*
14 *regional law enforcement efforts, development of and*
15 *support for effective legal enforcement mechanisms,*
16 *and development of strategies to reduce illicit trade*
17 *and reduce consumer demand for illegally traded*
18 *wildlife and wildlife products, and other relevant top-*
19 *ics under this Act; and*

20 *(5) coordinate or carry out other functions as*
21 *are necessary to implement this Act.*

22 *(b) DUPLICATION AND EFFICIENCY.—The Task Force*
23 *shall—*

1 (1) *ensure that the activities of the Federal agen-*
2 *cies involved in carrying out efforts under this Act*
3 *are coordinated and not duplicated; and*

4 (2) *encourage efficiencies and coordination*
5 *among the efforts of Federal agencies and interagency*
6 *initiatives ongoing as of the date of the enactment of*
7 *this Act to address trafficking activities, including*
8 *trafficking of wildlife, humans, weapons, and nar-*
9 *cotics, illegal trade, transnational organized crime, or*
10 *other illegal activities.*

11 (c) *CONSISTENCY WITH AGENCY RESPONSIBILITIES.—*
12 *The Task Force shall carry out its responsibilities under*
13 *this Act in a manner consistent with the authorities and*
14 *responsibilities of agencies represented on the Task Force.*

15 (d) *TASK FORCE STRATEGIC REVIEW.—One year after*
16 *the date of the enactment of this Act, and annually there-*
17 *after, the Task Force shall submit a strategic assessment*
18 *of its work and provide a briefing to the appropriate con-*
19 *gressional committees that shall include—*

20 (1) *a review and assessment of the Task Force's*
21 *implementation of this Act, identifying successes, fail-*
22 *ures, and gaps in its work, or that of agencies rep-*
23 *resented on the Task Force, including detailed de-*
24 *scriptions of—*

1 (A) *what approaches, initiatives, or pro-*
2 *grams have succeeded best in increasing the will-*
3 *ingness and capacity of focus countries to sup-*
4 *press and prevent illegal wildlife trafficking, and*
5 *what approaches, initiatives, or programs have*
6 *not succeeded as well as hoped; and*

7 (B) *which foreign governments subject to*
8 *subsections (a) and (b) of section 201 have prov-*
9 *en to be the most successful partners in sup-*
10 *pressing and preventing illegal wildlife traf-*
11 *ficking, which focus countries have not proven to*
12 *be so, and what factors contributed to these re-*
13 *sults in each country discussed;*

14 (2) *a description of each Task Force member*
15 *agency's priorities and objectives for combating wild-*
16 *life trafficking;*

17 (3) *an account of total United States funding*
18 *each year since fiscal year 2014 for all government*
19 *agencies and programs involved in countering poach-*
20 *ing and wildlife trafficking;*

21 (4) *an account of total United States funding*
22 *since fiscal year 2014 to support the activities of the*
23 *Task Force, including administrative overhead costs*
24 *and congressional reporting; and*

1 (5) *recommendations for how to improve United*
2 *States and international efforts to suppress and pre-*
3 *vent illegal wildlife trafficking in the future, based*
4 *upon the Task Force’s experience as of the time of the*
5 *review.*

6 (e) *TERMINATION OF TASK FORCE.—The statutory au-*
7 *thorization for the Task Force provided by this Act shall*
8 *terminate 5 years after the date of the enactment of this*
9 *Act or such earlier date that the President terminates the*
10 *Task Force by rescinding, superseding, or otherwise modi-*
11 *fying relevant portions of Executive Order 13648.*

12 **TITLE IV—PROGRAMS TO AD-**
13 **DRESS THE ESCALATING**
14 **WILDLIFE TRAFFICKING CRI-**
15 **SIS**

16 **SEC. 401. ANTI-POACHING PROGRAMS.**

17 (a) *WILDLIFE LAW ENFORCEMENT PROFESSIONAL*
18 *TRAINING AND COORDINATION ACTIVITIES.—The Secretary*
19 *of State and the Administrator of the United States Agency*
20 *for International Development, in collaboration with the*
21 *heads of other relevant United States agencies and non-*
22 *governmental partners where appropriate, may provide as-*
23 *sistance to focus countries to carry out the recommendations*
24 *made in the strategic plan required by section 301(a)(2),*
25 *among other goals, to improve the effectiveness of wildlife*

1 *law enforcement in regions and countries that have dem-*
2 *onstrated capacity, willingness, and need for assistance.*

3 (b) *AUTHORITY TO PROVIDE SECURITY ASSISTANCE*
4 *TO COUNTER WILDLIFE TRAFFICKING AND POACHING.—*

5 (1) *IN GENERAL.—The President is authorized to*
6 *provide defense articles, defense services, and related*
7 *training to security forces of focus countries for the*
8 *purpose of countering wildlife trafficking and poach-*
9 *ing where appropriate.*

10 (2) *TYPES OF ASSISTANCE.—*

11 (A) *IN GENERAL.—Assistance provided*
12 *under paragraph (1) may include intelligence*
13 *and surveillance assets, communications and*
14 *electronic equipment, mobility assets, night vi-*
15 *sion and thermal imaging devices, and organiza-*
16 *tional clothing and individual equipment, pur-*
17 *suant to the applicable provision of the Arms*
18 *Export Control Act (22 U.S.C. 2751 et seq.) or*
19 *the Foreign Assistance Act of 1961 (22 U.S.C.*
20 *2151 et seq.).*

21 (B) *LIMITATION.—Assistance provided*
22 *under paragraph (1) may not include significant*
23 *military equipment.*

24 (3) *SPECIAL RULE.—Assistance provided under*
25 *paragraph (1) shall be in addition to any other as-*

1 *sistance provided to the countries under any other*
2 *provision of law.*

3 (4) *PROHIBITION ON ASSISTANCE.—*

4 (A) *IN GENERAL.—No assistance may be*
5 *provided under subsection (b) to a unit of a secu-*
6 *rity force if the President determines that the*
7 *unit has been found to engage in wildlife traf-*
8 *ficking or poaching.*

9 (B) *EXCEPTION.—The prohibition in sub-*
10 *paragraph (A) shall not apply with respect to a*
11 *unit of a security force of a country if the Presi-*
12 *dent determines that the government of the coun-*
13 *try is taking effective steps to hold the unit ac-*
14 *countable and prevent the unit from engaging in*
15 *trafficking and poaching.*

16 (5) *CERTIFICATION.—With respect to any assist-*
17 *ance provided pursuant to this subsection, the Sec-*
18 *retary of State shall certify to the Committee on For-*
19 *eign Relations of the Senate and the Committee on*
20 *Foreign Affairs of the House of Representatives that*
21 *such assistance is necessary for the purposes of com-*
22 *bating wildlife trafficking.*

23 (6) *NOTIFICATION.—Consistent with the require-*
24 *ments of the Arms Export Control Act (22 U.S.C.*
25 *2751 et seq.) and the Foreign Assistance Act of 1961*

1 (22 U.S.C. 2151 et seq.), the Secretary of State shall
2 notify the appropriate congressional committees re-
3 garding defense articles, defense services, and related
4 training provided under paragraph (1).

5 **SEC. 402. ANTI-TRAFFICKING PROGRAMS.**

6 (a) *INVESTIGATIVE CAPACITY BUILDING.*—The Sec-
7 retary of State and the Administrator of the United States
8 Agency for International Development, in collaboration
9 with the heads of other relevant United States agencies and
10 communities, regions, and governments in focus countries,
11 may design and implement programs in focus countries to
12 carry out the recommendations made in the strategic plan
13 required under section 301(a)(2) among other goals, with
14 clear and measurable targets and indicators of success, to
15 increase the capacity of wildlife law enforcement and cus-
16 toms and border security officers in focus countries.

17 (b) *TRANSNATIONAL PROGRAMS.*—The Secretary of
18 State and the Administrator of the United States Agency
19 for International Development, in collaboration with other
20 relevant United States agencies, nongovernmental partners,
21 and international bodies, and in collaboration with commu-
22 nities, regions, and governments in focus countries, may de-
23 sign and implement programs, including support for Wild-
24 life Enforcement Networks, in focus countries to carry out
25 the recommendations made in the strategic plan required

1 *under section 301(a)(2), among other goals, to better under-*
2 *stand and combat the transnational trade in illegal wild-*
3 *life.*

4 **SEC. 403. ENGAGEMENT OF UNITED STATES DIPLOMATIC**
5 **MISSIONS.**

6 *As soon as practicable but not later than 2 years after*
7 *the date of the enactment of this Act, each chief of mission*
8 *to a focus country should begin to implement the rec-*
9 *ommendations contained in the strategic plan required*
10 *under section 301(a)(2), among other goals, for the country.*

11 **SEC. 404. COMMUNITY CONSERVATION.**

12 *The Secretary of State, in collaboration with the*
13 *United State Agency for International Development, heads*
14 *of other relevant United States agencies, the private sector,*
15 *nongovernmental organizations, and other development*
16 *partners, may provide support in focus countries to carry*
17 *out the recommendations made in the strategic plan re-*
18 *quired under section 301(a)(2) as such recommendations re-*
19 *late to the development, scaling, and replication of commu-*
20 *nity wildlife conservancies and community conservation*
21 *programs in focus countries to assist with rural stability*
22 *and greater security for people and wildlife, empower and*
23 *support communities to manage or benefit from their wild-*
24 *life resources sustainably, and reduce the threat of poaching*
25 *and trafficking, including through—*

1 (1) *promoting conservation-based enterprises and*
2 *incentives, such as eco-tourism and sustainable agri-*
3 *cultural production, that empower communities to*
4 *manage wildlife, natural resources, and community*
5 *ventures where appropriate, by ensuring they benefit*
6 *from well-managed wildlife populations;*

7 (2) *helping create alternative livelihoods to*
8 *poaching by mitigating wildlife trafficking, helping*
9 *support rural stability, greater security for people*
10 *and wildlife, sustainable economic development, and*
11 *economic incentives to conserve wildlife populations;*

12 (3) *engaging regional businesses and the private*
13 *sector to develop goods and services to aid in anti-*
14 *poaching and anti-trafficking measures;*

15 (4) *working with communities to develop secure*
16 *and safe methods of sharing information with enforce-*
17 *ment officials;*

18 (5) *providing technical assistance to support sus-*
19 *tainable land use plans to improve the economic, en-*
20 *vironmental, and social outcomes in community-*
21 *owned or -managed lands;*

22 (6) *supporting community anti-poaching efforts,*
23 *including policing and informant networks;*

24 (7) *working with community and national gov-*
25 *ernments to develop relevant policy and regulatory*

1 *frameworks to enable and promote community con-*
2 *servation programs, including supporting law en-*
3 *forcement engagement with wildlife protection au-*
4 *thorities to promote information-sharing; and*

5 *(8) working with national governments to ensure*
6 *that communities have timely and effective support*
7 *from national authorities to mitigate risks that com-*
8 *munities may face when engaging in anti-poaching*
9 *and anti-trafficking activities.*

10 ***TITLE V—TRANSITION OF OVER-***
11 ***SEAS CONTINGENCY FUND-***
12 ***ING TO BASE FUNDING***

13 ***SEC. 501. SENSE OF CONGRESS ON FUNDING.***

14 *It is the sense of Congress that the President and Con-*
15 *gress should provide for an appropriate and responsible*
16 *transition for funding designated for overseas contingency*
17 *operations to traditional and regular annual appropria-*
18 *tions, including emergency supplemental funding, as ap-*
19 *propriate.*

1 **TITLE VI—OTHER ACTIONS RE-**
2 **LATING TO WILDLIFE TRAF-**
3 **FICKING PROGRAMS**

4 **SEC. 601. AMENDMENTS TO FISHERMAN'S PROTECTIVE ACT**
5 **OF 1967.**

6 *Section 8 of the Fisherman's Protective Act of 1967*
7 *(22 U.S.C. 1978) is amended—*

8 *(1) in subsection (a)—*

9 *(A) in paragraph (1), by inserting “, in*
10 *consultation with the Secretary of State,” after*
11 *“Secretary of Commerce”;*

12 *(B) in paragraph (2), by inserting “, in*
13 *consultation with the Secretary of State,” after*
14 *“Secretary of the Interior”;*

15 *(C) in paragraph (3), by inserting “in con-*
16 *sultation with the Secretary of State,” after “, as*
17 *appropriate,”;*

18 *(D) by redesigning paragraph (4) as para-*
19 *graph (5); and*

20 *(E) by inserting after paragraph (3) the fol-*
21 *lowing new paragraph:*

22 *“(4) The Secretary of Commerce and the Sec-*
23 *retary of the Interior shall each report to Congress*
24 *each certification to the President made by such Sec-*

1 *retary under this subsection, within 15 days after*
2 *making such certification.”; and*

3 *(2) in subsection (d), by inserting “in consulta-*
4 *tion with the Secretary of State,” after “as the case*
5 *may be,”.*