

In the Senate of the United States,

September 15, 2016.

Resolved, That the bill from the House of Representatives (H.R. 2494) entitled “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.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

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

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

5 (b) *TABLE OF CONTENTS.*—*The table of contents for*
6 *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—OTHER ACTIONS RELATING TO WILDLIFE TRAFFICKING PROGRAMS

Sec. 501. Amendments to Fisherman’s Protective Act of 1967.

Sec. 502. Wildlife trafficking violations as predicate offenses under money laundering statute.

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

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

6 (A) *the Committee on Foreign Relations*
 7 *and the Committee on Appropriations of the*
 8 *Senate; and*

9 (B) *the Committee on Foreign Affairs and*
 10 *the Committee on Appropriations of the House of*
 11 *Representatives.*

12 (2) *CO-CHAIRS OF THE TASK FORCE.—The term*
 13 *“Co-Chairs of the Task Force” means the Secretary of*
 14 *State, the Secretary of the Interior, and the Attorney*

1 *General, as established pursuant to Executive Order*
2 *13648.*

3 (3) *COMMUNITY CONSERVATION.—The term*
4 *“community conservation” means an approach to*
5 *conservation that recognizes the rights of local people*
6 *to manage, or benefit directly and indirectly from*
7 *wildlife and other natural resources in a long-term*
8 *biologically viable manner and includes—*

9 (A) *devolving management and governance*
10 *to local communities to create positive conditions*
11 *for resource use that takes into account current*
12 *and future ecological requirements; and*

13 (B) *building the capacity of communities*
14 *for conservation and natural resource manage-*
15 *ment.*

16 (4) *COUNTRY OF CONCERN.—The term “country*
17 *of concern” refers to a foreign country specially des-*
18 *ignated by the Secretary of State pursuant to sub-*
19 *section (b) of section 201 as a major source of wildlife*
20 *trafficking products or their derivatives, a major*
21 *transit point of wildlife trafficking products or their*
22 *derivatives, or a major consumer of wildlife traf-*
23 *ficking products, in which the government has ac-*
24 *tively engaged in or knowingly profited from the traf-*
25 *ficking of endangered or threatened species.*

1 (5) *FOCUS COUNTRY*.—The term “focus country”
2 refers to a foreign country determined by the Sec-
3 retary of State to be a major source of wildlife traf-
4 ficking products or their derivatives, a major transit
5 point of wildlife trafficking products or their deriva-
6 tives, or a major consumer of wildlife trafficking
7 products.

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

14 (7) *IMPLEMENTATION PLAN*.—The term “Imple-
15 mentation Plan” means the Implementation Plan for
16 the National Strategy for Combating Wildlife Traf-
17 ficking released on February 11, 2015, a modification
18 of that plan, or a successor plan.

19 (8) *NATIONAL STRATEGY*.—The term “National
20 Strategy” means the National Strategy for Combating
21 Wildlife Trafficking published on February 11, 2014,
22 a modification of that strategy, or a successor strat-
23 egy.

24 (9) *NATIONAL WILDLIFE SERVICES*.—The term
25 “national wildlife services” refers to the ministries

1 *and government bodies designated to manage matters*
2 *pertaining to wildlife management, including poach-*
3 *ing or trafficking, in a focus country.*

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

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

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

17 **TITLE I—PURPOSES AND POLICY**

18 **SEC. 101. PURPOSES.**

19 *The purposes of this Act are—*

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

22 (2) *to protect and conserve the remaining popu-*
23 *lations of wild elephants, rhinoceroses, and other spe-*
24 *cies threatened by poaching and the illegal wildlife*
25 *trade;*

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

6 (4) to prevent wildlife poaching and trafficking
7 from being a means to make a living in focus coun-
8 tries;

9 (5) to support the efforts of, and collaborate with,
10 individuals, communities, local organizations, and
11 foreign governments to combat poaching and wildlife
12 trafficking;

13 (6) to assist focus countries in implementation of
14 national wildlife anti-trafficking and poaching laws;
15 and

16 (7) to ensure that United States assistance to
17 prevent and suppress illicit wildlife trafficking is
18 carefully planned and coordinated, and that it is sys-
19 tematically and rationally prioritized on the basis of
20 detailed analysis of the nature and severity of threats
21 to wildlife and the willingness and ability of foreign
22 partners to cooperate effectively toward these ends.

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

24 It is the policy of the United States—

1 (1) to take immediate actions to stop the illegal
2 global trade in wildlife and wildlife products and as-
3 sociated transnational organized crime;

4 (2) to provide technical and other forms of as-
5 sistance to help focus countries halt the poaching of
6 elephants, rhinoceroses, and other imperiled species
7 and end the illegal trade in wildlife and wildlife
8 products, including by providing training and assist-
9 ance in—

10 (A) wildlife protection and management of
11 wildlife populations;

12 (B) anti-poaching and effective manage-
13 ment of protected areas including community
14 managed and privately-owned lands;

15 (C) local engagement of security forces in
16 anti-poaching responsibilities, where appro-
17 priate;

18 (D) wildlife trafficking investigative tech-
19 niques, including forensic tools;

20 (E) transparency and corruption issues;

21 (F) management, tracking, and inventory of
22 confiscated wildlife contraband;

23 (G) demand reduction strategies in coun-
24 tries that lack the means and resources to con-
25 duct them; and

1 (H) bilateral and multilateral agreements
2 and cooperation;

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

9 (4) to build upon the National Strategy and Im-
10 plementation Plan to further combat wildlife traf-
11 ficking in a holistic manner and guide the response
12 of the United States Government to ensure progress in
13 the fight against wildlife trafficking; and

14 (5) to recognize the ties of wildlife trafficking to
15 broader forms of transnational organized criminal ac-
16 tivities, including trafficking, and where applicable,
17 to focus on those crimes in a coordinated, cross-cut-
18 ting manner.

19 **TITLE II—REPORT ON MAJOR**
20 **WILDLIFE TRAFFICKING**
21 **COUNTRIES**

22 **SEC. 201. REPORT.**

23 (a) *REPORT.*—Not later than one year after the date
24 of the enactment of this Act, and annually thereafter, the
25 Secretary of State, in consultation with the Secretary of

1 *the Interior and the Secretary of Commerce, shall submit*
2 *to Congress a report that lists each country determined by*
3 *the Secretary of State to be a focus country within the*
4 *meaning of this Act.*

5 (b) *SPECIAL DESIGNATION.*—*In each report required*
6 *under subsection (a), the Secretary of State, in consultation*
7 *with the Secretary of the Interior and the Secretary of Com-*
8 *merce, shall identify each country of concern listed in the*
9 *report the government of which has actively engaged in or*
10 *knowingly profited from the trafficking of endangered or*
11 *threatened species.*

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

14 **TITLE III—FRAMEWORK FOR**
15 **INTERAGENCY RESPONSE**

16 **SEC. 301. PRESIDENTIAL TASK FORCE ON WILDLIFE TRAF-**
17 **FICKING.**

18 (a) *RESPONSIBILITIES.*—*In addition to the functions*
19 *required by Executive Order 13648 (78 Fed. Reg. 40621),*
20 *the Task Force shall be informed by the Secretary of State's*
21 *annual report required under section 201 and considering*
22 *all available information, ensure that relevant United*
23 *States Government agencies—*

24 (1) *collaborate, to the greatest extent practicable,*
25 *with the national wildlife services, or other relevant*

1 *bodies of each focus country to prepare, not later than*
2 *90 days after the date of submission of the report re-*
3 *quired under section 201(a), a United States mission*
4 *assessment of the threats to wildlife in that focus*
5 *country and an assessment of the capacity of that*
6 *country to address wildlife trafficking;*

7 *(2) collaborate, to the greatest extent practicable,*
8 *with relevant ministries, national wildlife services, or*
9 *other relevant bodies of each focus country to prepare,*
10 *not later than 180 days after preparation of the as-*
11 *essment referred to in paragraph (1), a United*
12 *States mission strategic plan that includes rec-*
13 *ommendations for addressing wildlife trafficking, tak-*
14 *ing into account any regional or national strategies*
15 *for addressing wildlife trafficking in a focus country*
16 *developed before the preparation of such assessment;*

17 *(3) coordinate efforts among United States Fed-*
18 *eral agencies and non-Federal partners, including*
19 *missions, domestic and international organizations,*
20 *the private sector, and other global partners, to imple-*
21 *ment the strategic plans required by paragraph (2) in*
22 *each focus country;*

23 *(4) not less frequently than annually, consult*
24 *and coordinate with stakeholders qualified to provide*
25 *advice, assistance, and information regarding effective*

1 *support for anti-poaching activities, coordination of*
2 *regional law enforcement efforts, development of and*
3 *support for effective legal enforcement mechanisms,*
4 *and development of strategies to reduce illicit trade*
5 *and reduce consumer demand for illegally traded*
6 *wildlife and wildlife products, and other relevant top-*
7 *ics under this Act; and*

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

10 *(b) DUPLICATION AND EFFICIENCY.—The Task Force*
11 *shall—*

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

15 *(2) encourage efficiencies and coordination*
16 *among the efforts of Federal agencies and interagency*
17 *initiatives ongoing as of the date of the enactment of*
18 *this Act to address trafficking activities, including*
19 *trafficking of wildlife, humans, weapons, and nar-*
20 *cotics, illegal trade, transnational organized crime, or*
21 *other illegal activities.*

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

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

6 (1) a review and assessment of the Task Force’s
7 implementation of this Act, identifying successes, fail-
8 ures, and gaps in its work, or that of agencies rep-
9 resented on the Task Force, including detailed de-
10 scriptions of—

11 (A) what approaches, initiatives, or pro-
12 grams have succeeded best in increasing the will-
13 ingness and capacity of focus countries to sup-
14 press and prevent illegal wildlife trafficking, and
15 what approaches, initiatives, or programs have
16 not succeeded as well as hoped; and

17 (B) which foreign governments subject to
18 subsections (a) and (b) of section 201 have prov-
19 en to be the most successful partners in sup-
20 pressing and preventing illegal wildlife traf-
21 ficking, which focus countries have not proven to
22 be so, and what factors contributed to these re-
23 sults in each country discussed;

1 (2) *a description of each Task Force member*
2 *agency’s priorities and objectives for combating wild-*
3 *life trafficking;*

4 (3) *an account of total United States funding*
5 *each year since fiscal year 2014 for all government*
6 *agencies and programs involved in countering poach-*
7 *ing and wildlife trafficking;*

8 (4) *an account of total United States funding*
9 *since fiscal year 2014 to support the activities of the*
10 *Task Force, including administrative overhead costs*
11 *and congressional reporting; and*

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

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

1 **TITLE IV—PROGRAMS TO AD-**
2 **DRESS THE ESCALATING**
3 **WILDLIFE TRAFFICKING CRI-**
4 **SIS**

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

6 (a) *WILDLIFE LAW ENFORCEMENT PROFESSIONAL*
7 *TRAINING AND COORDINATION ACTIVITIES.*—*The Secretary*
8 *of State and the Administrator of the United States Agency*
9 *for International Development, in collaboration with the*
10 *heads of other relevant United States agencies and non-*
11 *governmental partners where appropriate, may provide as-*
12 *sistance to focus countries to carry out the recommendations*
13 *made in the strategic plan required by section 301(a)(2),*
14 *among other goals, to improve the effectiveness of wildlife*
15 *law enforcement in regions and countries that have dem-*
16 *onstrated capacity, willingness, and need for assistance.*

17 (b) *SENSE OF CONGRESS REGARDING SECURITY AS-*
18 *SISTANCE TO COUNTER WILDLIFE TRAFFICKING AND*
19 *POACHING IN AFRICA.*—*It is the sense of Congress that the*
20 *United States should continue to provide defense articles*
21 *(not including significant military equipment), defense*
22 *services, and related training to appropriate security forces*
23 *of countries of Africa for the purposes of countering wildlife*
24 *trafficking and poaching.*

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

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

13 (b) *TRANSNATIONAL PROGRAMS.*—The Secretary of
14 State and the Administrator of the United States Agency
15 for International Development, in collaboration with other
16 relevant United States agencies, nongovernmental partners,
17 and international bodies, and in collaboration with commu-
18 nities, regions, and governments in focus countries, may de-
19 sign and implement programs, including support for Wild-
20 life Enforcement Networks, in focus countries to carry out
21 the recommendations made in the strategic plan required
22 under section 301(a)(2), among other goals, to better under-
23 stand and combat the transnational trade in illegal wild-
24 life.

1 **SEC. 403. ENGAGEMENT OF UNITED STATES DIPLOMATIC**
2 **MISSIONS.**

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

8 **SEC. 404. COMMUNITY CONSERVATION.**

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

24 *(1) promoting conservation-based enterprises and*
25 *incentives, such as eco-tourism and stewardship-ori-*
26 *ented agricultural production, that empower commu-*

1 *nities to manage wildlife, natural resources, and com-*
2 *munity ventures where appropriate, by ensuring they*
3 *benefit from well-managed wildlife populations;*

4 *(2) helping create alternative livelihoods to*
5 *poaching by mitigating wildlife trafficking, helping*
6 *support rural stability, greater security for people*
7 *and wildlife, responsible economic development, and*
8 *economic incentives to conserve wildlife populations;*

9 *(3) engaging regional businesses and the private*
10 *sector to develop goods and services to aid in anti-*
11 *poaching and anti-trafficking measures;*

12 *(4) working with communities to develop secure*
13 *and safe methods of sharing information with enforce-*
14 *ment officials;*

15 *(5) providing technical assistance to support*
16 *land use stewardship plans to improve the economic,*
17 *environmental, and social outcomes in community-*
18 *owned or -managed lands;*

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

21 *(7) working with community and national gov-*
22 *ernments to develop relevant policy and regulatory*
23 *frameworks to enable and promote community con-*
24 *servation programs, including supporting law en-*

1 *forcement engagement with wildlife protection au-*
2 *thorities to promote information-sharing; and*

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

8 ***TITLE V—OTHER ACTIONS RE-***
9 ***LATING TO WILDLIFE TRAF-***
10 ***FICKING PROGRAMS***

11 ***SEC. 501. AMENDMENTS TO FISHERMAN’S PROTECTIVE ACT***
12 ***OF 1967.***

13 *Section 8 of the Fisherman’s Protective Act of 1967*
14 *(22 U.S.C. 1978) is amended—*

15 *(1) in subsection (a)—*

16 *(A) in paragraph (1), by inserting “, in*
17 *consultation with the Secretary of State,” after*
18 *“Secretary of Commerce”;*

19 *(B) in paragraph (2), by inserting “, in*
20 *consultation with the Secretary of State,” after*
21 *“Secretary of the Interior”;*

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

1 (D) by redesigning paragraph (4) as para-
2 graph (5); and

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

5 “(4) The Secretary of Commerce and the Sec-
6 retary of the Interior shall each report to Congress
7 each certification to the President made by such Sec-
8 retary under this subsection, within 15 days after
9 making such certification.”; and

10 (2) in subsection (d), by inserting “in consulta-
11 tion with the Secretary of State,” after “as the case
12 may be,”.

13 **SEC. 502. WILDLIFE TRAFFICKING VIOLATIONS AS PREDI-**
14 **CATE OFFENSES UNDER MONEY LAUNDERING**
15 **STATUTE.**

16 Section 1956(c)(7) of title 18, United States Code, is
17 amended—

18 (1) in subparagraph (E), by striking “; or” and
19 inserting a semicolon;

20 (2) in subparagraph (F), by striking the semi-
21 colon and inserting “; or”; and

22 (3) by adding at the end the following new sub-
23 paragraph:

24 “(G) any act that is a criminal violation of
25 subparagraph (A), (B), (C), (D), (E), or (F) of

1 *paragraph (1) of section 9(a) of the Endangered*
2 *Species Act of 1973 (16 U.S.C. 1538(a)(1)), sec-*
3 *tion 2203 of the African Elephant Conservation*
4 *Act (16 U.S.C. 4223), or section 7(a) of the Rhi-*
5 *noceros and Tiger Conservation Act of 1994 (16*
6 *U.S.C. 5305a(a)), if the endangered or threat-*
7 *ened species of fish or wildlife, products, items,*
8 *or substances involved in the violation and rel-*
9 *evant conduct, as applicable, have a total value*
10 *of more than \$10,000;”.*

Attest:

Secretary.

114TH CONGRESS
2^D SESSION

H.R. 2494

AMENDMENT