

COMBATING ONLINE WILDLIFE TRAFFICKING ACT OF
2021

DECEMBER 30, 2022.—Ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1546]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1546) to amend the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 to direct the Presidential Task Force on Wildlife Trafficking to develop recommendations to address wildlife trafficking on the internet and on social media, and to direct the Secretary of State and the Administrator of the United States Agency for International Development to develop a strategy to address wildlife trafficking on the internet and on social media, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1546 is to direct the Presidential Task Force on Wildlife Trafficking to develop recommendations to address wildlife trafficking on the internet and on social media, and to direct the Secretary of State and the Administrator of the United States Agency for International Development to develop a strategy to address wildlife trafficking on the internet and on social media.

BACKGROUND AND NEED FOR LEGISLATION

Wildlife trafficking—the illegal poaching, transit, trade, and sale of animals—has escalated into an international crisis. The illegal

trade of wildlife and products is worth up to \$23 billion annually,¹ threatening the survival of wildlife species across the planet and significantly contributing to what has been described as the sixth mass extinction.² Some examples of the illegal wildlife trade are well known, such as poaching elephants for ivory, tigers for their skins and bones, and rhinos for their horns. However, countless other species are overexploited, including pangolins, sharks, and sea turtles. Wildlife trafficking is not only a threat to these species, but it also undermines global security, weakens government institutions, and contributes to corruption.

Given the need for established, long-term conservation efforts to protect wildlife and humans, the *Eliminate, Neutralize, and Disrupt (END) Wildlife Trafficking Act*³ was signed into law in 2016. This statute supports an interagency collaboration to confront wildlife trafficking, protect the remaining populations of wildlife threatened by poaching and the illegal wildlife trade, prevent the spread of zoonotic diseases, and disrupt regional and global transnational organized criminal networks.⁴ The bill established the Task Force on Wildlife Trafficking, bringing together 17 federal departments and agencies to implement the National Strategy for Combating Wildlife Trafficking. The Task Force uses a three-pronged approach to combating wildlife trafficking: “strengthening law enforcement, reducing demand, and building international cooperation.”⁵ In addition, the United States has worked “in partnership with the private sector, local communities, and NGOs” to secure “agreements and commitments from governments and stakeholders at all levels to take urgent action” to stop wildlife trafficking.⁶

Wildlife trafficking has transitioned from physical storefronts to virtual markets in recent years,⁷ making it more widespread and complex. This transition imperils conservation and global security and has destabilized local communities and national governments by exacerbating corruption and reducing ecotourism revenue—a major source of income for many nations. The END Wildlife Trafficking Act lacks the authority to oversee trafficking occurring over the internet and social media, a growing platform for wildlife trafficking. Online wildlife markets allow quick “click, pay, ship” purchases, which increases the ease of illegal wildlife exchange from poachers to consumers.⁸ Law enforcement authorities must con-

¹U.N. ENV’T PROGRAMME & INTERPOL, THE RISE OF ENVIRONMENTAL CRIME—A GROWING THREAT TO NATURAL RESOURCES, PEACE, DEVELOPMENT, AND SECURITY 7 (Christian Nellemann et al. eds., 2016), available at <https://wedocs.unep.org/handle/20.500.11822/7662>.

²E.g., Gerardo Ceballos, Paul R. Ehrlich & Peter H. Raven, *Vertebrates on the Brink as Indicators of Biological Annihilation and the Sixth Mass Extinction*, 117(24) PROC. NAT’L ACAD. SCI. 13,596 (2020), available at www.pnas.org/content/117/24/13596.

³Pub. L. No. 114–231, 130 Stat. 949 (2016), <http://uscode.house.gov/statviewer.htm?volume=130&page=949> (codified at various, see http://uscode.house.gov/table3/114_231.htm) (statutory compilation through P.L.114–231 at https://www.govinfo.gov/content/pkg/COMPS-12194/pdf/COMPS_12194.pdf).

⁴See Pub. L. No. 114–231, § 101, 130 Stat. at 951 (codified as 16 U.S.C. § 7611).

⁵U.S. DEP’T OF STATE, BUREAU OF OCEANS & INT’L ENV’T & SCI. AFFS., 2019 END WILDLIFE TRAFFICKING REPORT (2019), <https://www.state.gov/2019-end-wildlife-trafficking-report/>.

⁶*Id.*

⁷E.g., Michael Standaert, *Illegal Wildlife Trade Goes Online as China Shuts Down Markets*, ALJAZEERA (Mar. 24, 2020), <https://www.aljazeera.com/economy/2020/3/24/illegal-wildlife-trade-goes-online-as-china-shuts-down-markets>.

⁸COALITION TO END WILDLIFE TRAFFICKING ONLINE, <https://www.endwildlifetraffickingonline.org> (last visited Oct. 14, 2022).

sider developing “specific strategies to police virtual markets, such as cybercrime units and special monitoring” programs.⁹

Accordingly, H.R. 1546 would amend the END Wildlife Trafficking Act to reauthorize the Task Force on Wildlife Trafficking and to include internet and social media platforms in the anti-trafficking program overseen by the Secretary of State and the Administrator of the United States Agency for International Development.

Provisions of H.R. 1546 were included in H.R. 7776, the National Defense Authorization Act for Fiscal Year 2023¹⁰ and were signed into law on December 23, 2022.

COMMITTEE ACTION

H.R. 1546 was introduced on March 3, 2021, by Representative Earl L. “Buddy” Carter (R-GA). The bill was referred to the Committee on Foreign Affairs, in addition to the Committee on Natural Resources. The latter Committee referred the bill to the Subcommittee on Water, Oceans, and Wildlife. On January 20, 2022, the Subcommittee held a hearing on the bill. On February 16, 2022, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Oceans, and Wildlife held on January 20, 2022.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, as well as clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

⁹ *Wildlife Trade on the Internet*, CONVENTION ON INT’L TRADE IN ENDANGERED SPECIES OF WILD FAUNA & FLORA (CITES), <https://www.cites.org/eng/news/world/19/6.php> (last visited Oct. 14, 2022).

¹⁰ Title LIX, subtitle E, sec. 5943.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 9, 2022.

HON. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1546, the Combating Online Wildlife Trafficking Act of 2021.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 1546, Combating Online Wildlife Trafficking Act of 2021			
As ordered reported by the House Committee on Natural Resources on February 16, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

The authorization for the Presidential Task Force on Wildlife Trafficking expired on October 7, 2021. H.R. 1546 would renew the authorization through October 7, 2026. However, the task force continued to operate and fulfill ongoing responsibilities under an Executive Order for combating wildlife trafficking; therefore, CBO estimates that extending its authorization would not affect the federal budget.

H.R. 1546 also would require the task force to start a working group to collaborate with information technology and social media companies to deter wildlife trafficking on the Internet and to report to the Congress on those actions. The bill would require the Department of State and the U.S. Agency for International Development to develop a strategy for partnering with information technology and social media companies to reduce wildlife trafficking online.

In its 2021 report to the Congress, the task force indicated that federal entities are increasing their efforts to coordinate with the private sector to address trafficking online. Thus, many of the bill's requirements are being met under current law.

On the basis of information about similar reporting requirements, CBO estimates that providing the reports and developing the strategy required under the bill would cost less than \$500,000 over the 2022–2026 period. Such spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Sunita D’Monte. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to direct the Presidential Task Force on Wildlife Trafficking to develop recommendations to address wildlife trafficking on the internet and on social media, and to direct the Secretary of State and the Administrator of the United States Agency for International Development to develop a strategy to address wildlife trafficking on the internet and on social media.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to CBO, this bill contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill’s purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**ELIMINATE, NEUTRALIZE, AND DISRUPT WILDLIFE
TRAFFICKING ACT OF 2016**

* * * * *

**TITLE III—FRAMEWORK FOR
INTERAGENCY RESPONSE**

SEC. 301. PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING.

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

(1) collaborate, to the greatest extent practicable, with the national wildlife services, or other relevant bodies of each focus country to prepare, not later than 90 days after the date of submission of the report required under section 201(a), a United States mission assessment of the threats to wildlife in that focus country and an assessment of the capacity of that country to address wildlife trafficking;

(2) collaborate, to the greatest extent practicable, with relevant ministries, national wildlife services, or other relevant bodies of each focus country to prepare, not later than 180 days after preparation of the assessment referred to in paragraph (1), a United States mission strategic plan that includes recommendations for addressing wildlife trafficking, taking into account any regional or national strategies for addressing wildlife trafficking in a focus country developed before the preparation of such assessment;

(3) coordinate efforts among United States Federal agencies and non-Federal partners, including missions, domestic and international organizations, the private sector, and other global partners, to implement the strategic plans required by paragraph (2) in each focus country;

(4) not less frequently than annually, consult and coordinate with stakeholders qualified to provide advice, assistance, and information regarding effective support for anti-poaching activities, coordination of regional law enforcement efforts, development of and support for effective legal enforcement mechanisms, and development of strategies to reduce illicit trade and reduce consumer demand for illegally traded wildlife and wildlife products, and other relevant topics under this Act; and

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

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

(1) ensure that the activities of the Federal agencies involved in carrying out efforts under this Act are coordinated and not duplicated; and

(2) encourage efficiencies and coordination among the efforts of Federal agencies and interagency initiatives ongoing as of the date of the enactment of this Act to address trafficking activities, including trafficking of wildlife, humans, weapons, and

narcotics, illegal trade, transnational organized crime, or other illegal activities.

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

(d) **TASK FORCE STRATEGIC REVIEW.**—One year after the date of the enactment of this Act, and annually thereafter, the Task Force shall submit a strategic assessment of its work and provide a briefing to the appropriate congressional committees that shall include—

(1) a review and assessment of the Task Force’s implementation of this Act, identifying successes, failures, and gaps in its work, or that of agencies represented on the Task Force, including detailed descriptions of—

(A) what approaches, initiatives, or programs have succeeded best in increasing the willingness and capacity of focus countries to suppress and prevent illegal wildlife trafficking, and what approaches, initiatives, or programs have not succeeded as well as hoped; and

(B) which foreign governments subject to subsections (a) and (b) of section 201 have proven to be the most successful partners in suppressing and preventing illegal wildlife trafficking, which focus countries have not proven to be so, and what factors contributed to these results in each country discussed;

(2) a description of each Task Force member agency’s priorities and objectives for combating wildlife trafficking;

(3) an account of total United States funding each year since fiscal year 2014 for all government agencies and programs involved in countering poaching and wildlife trafficking;

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

(5) recommendations for how to improve United States and international efforts to suppress and prevent illegal wildlife trafficking in the future, based upon the Task Force’s experience as of the time of the review**[.]**; and

(6) *recommendations for how the Task Force can expand cooperative exchanges with technology and social media companies to combat wildlife trafficking on the internet, including recommendations for—*

(A) *identifying how wildlife is trafficked on internet sites and platforms;*

(B) *methods for technology companies to assist Federal agencies and international partners to combat wildlife trafficking;*

(C) *methods to improve public-private relationships with technology and internet companies to combat wildlife trafficking; and*

(D) *identifying correlations between wildlife trafficking and the spread of zoonotic diseases.*

(e) **TECHNOLOGY AND SOCIAL MEDIA WORKING GROUP.**—

(1) **MEMBERSHIP.**—*The Task Force shall form a Technology and Social Media Working Group, which shall be composed of*

such members of the Task Force as the Task Force determines appropriate and a representative of the Chairman of the Federal Communications Commission, as designated by such Chairman.

(2) *PURPOSE.—Such Technology and Social Media Working Group shall work to address ongoing concerns with wildlife trafficking on the internet.*

(3) *MEETINGS.—Such Technology and Social Media Working Group shall convene at least once each year.*

[(e)] (f) **TERMINATION OF TASK FORCE.**—The statutory authorization for the Task Force provided by this Act [shall terminate 5 years after the date of the enactment of this Act] *shall terminate on October 7, 2026 or such earlier date that the President terminates the Task Force by rescinding, superseding, or otherwise modifying relevant portions of Executive Order 13648.*

TITLE IV—PROGRAMS TO ADDRESS THE ESCALATING WILDLIFE TRAFFICKING CRISIS

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SEC. 402. ANTI-TRAFFICKING PROGRAMS.

(a) **INVESTIGATIVE CAPACITY BUILDING.**—The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with the heads of other relevant United States agencies and communities, regions, and governments in focus countries, may design and implement programs in focus countries to carry out the recommendations made in the strategic plan required under section 301(a)(2) among other goals, with clear and measurable targets and indicators of success, to increase the capacity of wildlife law enforcement and customs and border security officers in focus countries.

(b) **TRANSNATIONAL PROGRAMS.**—The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with other relevant United States agencies, nongovernmental partners, and international bodies, and in collaboration with communities, regions, and governments in focus countries, may design and implement programs, including support for Wildlife Enforcement Networks, in focus countries to carry out the recommendations made in the strategic plan required under section 301(a)(2), among other goals, to better understand and combat the transnational trade in illegal wildlife.

(c) **INTERNET AND SOCIAL MEDIA.**—*The Secretary of State and the Administrator of the United States Agency for International Development, in collaboration with other relevant United States agencies, nongovernmental partners, private sector companies, and international bodies, shall develop a strategy for engaging and partnering with internet and social media companies to combat the spread of wildlife trafficking on the internet.*

* * * * *

COMMITTEE CORRESPONDENCE

GREGORY W. MEEKS, NEW YORK
CHAIRMAN

SOPHIA A. LAFARGUE
STAFF DIRECTOR



MICHAEL T. MCCAUL, TEXAS
RANKING REPUBLICAN MEMBER

BRENDAN P. SHIELDS
REPUBLICAN STAFF DIRECTOR

One Hundred Seventeenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

December 16, 2022

The Honorable Raúl Grijalva
Chair, Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

Dear Chair Grijalva:

I write concerning H.R. 1546, *Combating Online Wildlife Trafficking Act of 2021*, and H.R. 3764, *Ocean-Based Climate Solutions Act of 2021*. There are provisions in both pieces of legislation that fall within the Rule X jurisdiction of the Committee on Foreign Affairs.

In order to allow the Committee on Natural Resources to file committee reports on H.R. 1546 and H.R. 3764 for legislative history purposes, the Committee on Foreign Affairs agrees to forgo action on these bills. However, this is conditional on our mutual understanding that these bills will not be considered on the House floor during the 117th Congress. In addition, by forgoing consideration of these bills, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the matters contained in the bills or similar legislation that fall within its Rule X jurisdiction.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee reports for H.R. 1546 and H.R. 3764. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Gregory W. Meeks".

GREGORY W. MEEKS
Chairman

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

BRUCE WESTERMAN OF ARKANSAS
RANKING REPUBLICAN

DAVID WATKINS
STAFF DIRECTOR

VIVIAN MOEGLIN
REPUBLICAN STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

December 16, 2022

The Honorable Gregory W. Meeks
Chair
Committee on Foreign Affairs
U.S. House of Representatives
2170 Rayburn House Office Building
Washington, DC 20515

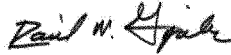
Dear Chair Meeks,

I write to you concerning H.R. 1546, the *Combating Online Wildlife Trafficking Act of 2021*, and H.R. 3764, the *Ocean-Based Climate Solutions Act*.

I appreciate your willingness to work cooperatively on these bills. I recognize that they contain provisions that fall within the jurisdiction of the Committee on Foreign Affairs, and I agree that the inaction of your Committee with respect to the bills does not waive any future jurisdictional claim over the matters contained in the bills that fall within your Committee's Rule X jurisdiction. I also acknowledge our mutual understanding that these bills will not be considered on the House floor during the 117th Congress without further consultation with and clear, separate signoff from the Committee on Foreign Affairs.

I will ensure that our exchange of letters is included in the committee reports for H.R. 1546 and H.R. 3764. I appreciate your cooperation and look forward to continuing to work with you on the measures.

Sincerely,



Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Michael T. McCaul, Ranking Member, Committee on Foreign Affairs
The Honorable Jason Smith, Parliamentarian

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS
None.

