

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 2578

To support United States investment opportunities, to strengthen bilateral collaboration in addressing criminal elements operating in the Brazilian Amazon, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. KAINE

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthening the Rule
5 of Law in the Brazilian Amazon Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CRIMES.—The term “crimes” means—

9 (A) any crime related or contributing to
10 the illegal fishing and wildlife trade, illicit min-

1 ing, or illegal logging and land-clearing in the
2 Brazilian Amazon; and

3 (B) associated corruption, financial crimes,
4 and violent crimes.

5 (2) ENVIRONMENTAL DEGRADATION.—The
6 term “environmental degradation” means physical
7 damage to land, water, or wildlife resources that re-
8 sults from crimes described in paragraph (1).

9 (3) INTERNATIONAL FINANCIAL INSTITU-
10 TIONS.—The term “international financial institu-
11 tions” means—

12 (A) the World Bank Group;

13 (B) the Inter-American Development Bank
14 Group; and

15 (C) the International Monetary Fund.

16 (4) RELEVANT FEDERAL AGENCIES.—The term
17 “relevant Federal agencies” means—

18 (A) the Department of State; and

19 (B) other Federal departments and agen-
20 cies the President has designated as having sig-
21 nificant domestic or foreign affairs equities in
22 identifying investment opportunities in the Bra-
23 zilian Amazon and combating criminal elements
24 in the Brazilian Amazon.

1 **SEC. 3. IDENTIFYING INVESTMENT OPPORTUNITIES IN THE**
2 **BRAZILIAN AMAZON.**

3 (a) BUSINESS DEVELOPMENT.—The Chief Executive
4 Officer of the United States International Development
5 Finance Corporation should consider placing a staff mem-
6 ber in Brazil with duties that include—

7 (1) identifying and implementing more viable
8 economic opportunities in the Brazilian Amazon; and

9 (2) identifying possible investment risks and
10 mitigation measures related to operations and actors
11 that contribute to criminal activity in the Brazilian
12 Amazon.

13 (b) REPORT.—Not later than 180 days after the date
14 of the enactment of this Act, the Chief Executive Officer
15 of the United States International Development Finance
16 Corporation shall submit a report to Congress that de-
17 scribes—

18 (1) the opportunities identified pursuant to sub-
19 section (a)(1); and

20 (2) the most significant barriers to greater in-
21 vestment in sustainable and viable economic oppor-
22 tunities in the Brazilian Amazon.

23 **SEC. 4. COMBATING CRIMINAL ELEMENTS OPERATING IN**
24 **THE BRAZILIAN AMAZON.**

25 (a) IN GENERAL.—The Secretary of State may direct
26 the Assistant Secretary of State for International Nar-

1 coties and Law Enforcement Affairs, in coordination with
2 relevant Federal agencies and the United States mission
3 in Brazil, to support Brazil's efforts to identify and dis-
4 rupt the complex and transnational criminal networks con-
5 tributing to the destruction of communities and deforest-
6 ation in the Brazilian Amazon by providing capacity build-
7 ing and technical assistance, including—

8 (1) information sharing, training, and capacity-
9 building for Brazilian agencies, including through
10 United States Government agencies;

11 (2) collaborating on tracing funds generated
12 from crimes;

13 (3) supporting investigations of crimes that are
14 associated with deforestation, environmental deg-
15 radation, money laundering, asset laundering, or
16 corruption offenses;

17 (4) assisting with the identification of the pro-
18 ceeds of such crimes to help facilitate asset recovery;
19 and

20 (5) providing appropriate United States assist-
21 ance to funding mechanisms consistent with the
22 goals of this Act.

23 (b) COMMUNITY ASSISTANCE.—The Secretary of
24 State, in consultation with relevant Federal agencies,

1 should provide financial and technical assistance to help
2 prevent crimes by promoting—

3 (1) lawful livelihoods in the Brazilian Amazon;

4 (2) the economic, social, and political advance-
5 ment of local communities, including internationally
6 recognized human rights in Afro-descendent and in-
7 digenous communities;

8 (3) economic activities and natural resource
9 management, including mining, agriculture, and for-
10 est-based activities; and

11 (4) the management of protected areas, includ-
12 ing indigenous territories, buffer zones, water re-
13 sources, terrestrial and aquatic habitats of species
14 deemed to be threatened by extinction, and other
15 spaces vulnerable to conversion and deforestation.

16 (c) ANNUAL REPORT.—Not later than 180 days after
17 the date of the enactment of this Act and annually there-
18 after for the following 5 years, the Secretary of State, in
19 coordination with relevant Federal agencies and non-
20 governmental organizations, shall submit a report to Con-
21 gress that describes the progress made in carrying out
22 subsections (a) and (b).

1 **SEC. 5. REPORT ON CERTAIN DRIVERS OF DEFORESTATION**
2 **AND ENVIRONMENTAL DEGRADATION IN THE**
3 **BRAZILIAN AMAZON.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Secretary of State, in coordination
6 with relevant Federal agencies, shall submit a report to
7 Congress regarding certain drivers of deforestation and
8 environmental degradation in the Brazilian Amazon that
9 includes—

10 (1) a description of the agricultural commod-
11 ities, illegal timber, minerals, and wildlife entering
12 the United States market that are contributing to
13 deforestation and environmental degradation of the
14 Brazilian Amazon;

15 (2) a description of the role of the People’s Re-
16 public of China’s in facilitating illicit resource ex-
17 traction and environmental degradation, including
18 deforestation, in the Brazilian Amazon;

19 (3) the funding levels and efficacy of United
20 States foreign assistance programs in identifying
21 and disrupting the criminal elements operating in
22 the Brazilian Amazon; and

23 (4) an assessment of the Government of Bra-
24 zil’s contributions to countering criminal elements
25 operating in the Brazilian Amazon.

1 **SEC. 6. INTERNATIONAL COOPERATION.**

2 The Secretary of the Treasury should direct the
3 United States executive director to each international fi-
4 nancial institution, in consultation with relevant Federal
5 agencies, to use the voice, vote, and influence of the
6 United States—

7 (1) to prioritize promoting broad-based develop-
8 ment in the Brazilian Amazon; and

9 (2) to oppose any loans or programs at any
10 such institution that would facilitate or exacerbate
11 deforestation and environmental degradation in the
12 Brazilian Amazon.