

114TH CONGRESS
1ST SESSION

H. R. 2494

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2015

Mr. ROYCE (for himself, Mr. ENGEL, Mr. POE of Texas, Mr. KEATING, Mr. SMITH of New Jersey, Ms. BASS, Mr. CRENSHAW, Ms. MCCOLLUM, and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

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

15 (4) Researchers conservatively estimate that
16 some 22,000 African elephants were poached in
17 2012 alone, leaving the current population of ele-
18 phants around 400,000, down from approximately
19 1.3 million in 1979.

20 (5) An average of 14 rhinos were killed annu-
21 ally by poachers in South Africa between 1990 and
22 2005, but more than 1,200 rhinos were poached in
23 South Africa alone in 2014.

24 (6) Fewer than 3,200 tigers remain in the wild
25 and these remaining wild tigers are under heavy

1 threat of poaching for their skins, bones and other
2 body parts.

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

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

9 (9) Reporting indicates that a number of rebel
10 groups and terrorist organizations, including Su-
11 dan's Janjaweed militia, the Lord's Resistance
12 Army, the Seleka rebel movement in the Central Af-
13 rican Republic, and Somalia's al-Shabaab, either
14 participate in or draw funding from illicit wildlife
15 trafficking networks.

16 (10) Analyses suggest the high demand for ille-
17 gal wildlife products, combined with weak law en-
18 forcement and security measures and corruption and
19 governance failures, has led to the increased involve-
20 ment of transnational organized crime in wildlife
21 trafficking.

22 (11) The United Nations Security Council has
23 authorized multilateral sanctions against individuals
24 and entities supporting armed groups through the il-
25 licit trade in wildlife, in addition to other natural re-

1 sources, in the Democratic Republic of Congo and
2 the Central African Republic.

3 (12) A National Intelligence Council analysis of
4 wildlife poaching threats found that certain African
5 government officials facilitated the movement of
6 wildlife products, and that these governments' ability
7 to reduce poaching and trafficking was hindered by
8 corruption and weak rule of law.

9 (13) On November 13, 2013, the Secretary of
10 State announced the first reward under the
11 Transnational Organized Crime Rewards Program
12 for information leading to the dismantling of the
13 Xaysavang Network, a large wildlife trafficking syn-
14 dicate that is based in Laos and spans Africa and
15 Asia.

16 (14) On July 1, 2013, the President issued Ex-
17 ecutive Order 13648 on combating wildlife traf-
18 ficking, establishing a Presidential Task Force which
19 was responsible for producing a national strategy to
20 combat wildlife trafficking.

21 (15) On February 13, 2014, more than 40
22 countries, including the United States, European
23 Union, and countries from Africa, Asia, the Middle
24 East, and Latin America, participated in the Lon-
25 don Conference on the Illegal Wildlife Trade and

1 committed to a declaration which recognized the sig-
2 nificant scale and detrimental economic, social and
3 environmental consequences of the illegal trade in
4 wildlife.

5 **SEC. 3. EXPANSION OF WILDLIFE ENFORCEMENT NET-**
6 **WORKS.**

7 (a) FINDINGS.—Congress finds the following:

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

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

23 (3) Efforts are underway to establish additional
24 wildlife enforcement networks in Central Africa, the

1 Horn of Africa, South America, and Central and
2 West Asia, among other regions.

3 (b) STATEMENT OF POLICY.—The Secretary of
4 State, the Administrator of the United States Agency for
5 International Development, the Director of the United
6 States Fish and Wildlife Service, and heads of other ap-
7 propriate agencies should, in an effort to address regional
8 threats to biodiversity and conservation, support strength-
9 ening existing wildlife enforcement networks and the es-
10 tablishment of new networks in other appropriate regions.

11 (c) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that in the process of strengthening and expanding
13 wildlife enforcement networks, the appropriate agencies
14 should—

15 (1) assess the existing capacity of wildlife en-
16 forcement network member countries to gather base-
17 line data that may be used for developing program
18 activities for the wildlife enforcement network;

19 (2) establish a central secretariat within each
20 wildlife enforcement network that will coordinate the
21 operational mechanisms of each such network;

22 (3) establish a focal mechanism in each member
23 country of a wildlife enforcement network, that in-
24 cludes representatives from environmental and wild-
25 life protection agencies, law enforcement agencies, fi-

1 nancial intelligence units, customs and border pro-
2 tection agencies, and the judiciary system, that will
3 serve as a conduit to the larger wildlife enforcement
4 network and the central secretariat;

5 (4) strengthen cooperation and the capacity of
6 law enforcement agencies of the wildlife enforcement
7 network;

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

11 (6) support the cooperation and coordination
12 between different regional wildlife enforcement net-
13 works;

14 (7) incorporate and utilize expertise from inter-
15 national bodies and civil society organizations that
16 have appropriate subject matter expertise; and

17 (8) eventually create an institutionalized, sus-
18 tainable, and self-sufficient platform.

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 defense forces, where appropriate, including
8 training opportunities, logistical support, or provi-
9 sion 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 (c).

3 **SEC. 6. AUTHORITY TO PROVIDE SECURITY ASSISTANCE TO**
4 **COUNTER WILDLIFE TRAFFICKING AND**
5 **POACHING IN AFRICA.**

6 (a) IN GENERAL.—The President is authorized to
7 provide defense articles, defense services, and related
8 training to security forces of countries of Africa for the
9 purpose of countering wildlife trafficking and poaching.

10 (b) TYPES OF ASSISTANCE.—Assistance provided
11 under subsection (a) may include intelligence and surveil-
12 lance assets, communications and electronic equipment,
13 mobility assets, night vision and thermal imaging devices,
14 and organizational clothing and individual equipment,
15 pursuant to the applicable provisions of the Arms Export
16 Control Act (22 U.S.C. 2751 et seq.), the Foreign Assist-
17 ance Act of 1961 (22 U.S.C. 2151 et seq.), and other rel-
18 evant provisions of law.

19 (c) SPECIAL RULE.—Assistance provided under sub-
20 section (a) shall be in addition to any other assistance pro-
21 vided to the countries referred to in such subsection under
22 any other provision of law.

23 (d) PROHIBITION ON ASSISTANCE.—

24 (1) IN GENERAL.—No assistance may be pro-
25 vided under subsection (a) to a unit of a security

1 force of a country of Africa if the President deter-
2 mines that the unit has been found to engage in
3 wildlife trafficking or poaching.

4 (2) EXCEPTION.—The prohibition in paragraph
5 (1) shall not apply with respect to a unit of a secu-
6 rity force of a country of Africa if the President de-
7 termines that the government of the country is tak-
8 ing effective steps to hold the unit accountable and
9 prevent the unit from engaging in trafficking and
10 poaching.

11 (e) DEFINITIONS.—In this section:

12 (1) DEFENSE ARTICLE, DEFENSE SERVICE,
13 AND TRAINING.—The terms “defense article”, “de-
14 fense service”, and “training” have the meanings
15 given such terms in section 47 of the Arms Export
16 Control Act (22 U.S.C. 2794 note).

17 (2) SECURITY FORCE.—The term “security
18 force” means a military, law enforcement, gendar-
19 merie, park ranger, or any other security force with
20 responsibility for protecting wildlife and natural
21 habitats.

22 **SEC. 7. UPDATES TO THE FISHERMEN’S PROTECTIVE ACT**
23 **OF 1967.**

24 Section 8 of the Fishermen’s Protective Act of 1967
25 (22 U.S.C. 1978) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1), by inserting “, in
3 consultation with the Secretary of State,” after
4 “Secretary of Commerce”;

5 (B) in paragraph (2), by inserting “, in
6 consultation with the Secretary of State,” be-
7 fore “finds”;

8 (C) in paragraph (3), by inserting “in con-
9 sultation with the Secretary of State,” after “,
10 as appropriate,”; and

11 (D) by redesignating paragraph (4) as
12 paragraph (5), and by inserting after paragraph
13 (3) the following:

14 “(4) The Secretary of Commerce and the Secretary
15 of the Interior shall each report to the Congress each cer-
16 tification to the President made by such Secretary under
17 this subsection, within 15 days after making such certifi-
18 cation.”; and

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

1 **SEC. 8. WILDLIFE TRAFFICKING VIOLATIONS AS PREDI-**
2 **CATE OFFENSES UNDER RACKETEERING AND**
3 **MONEY LAUNDERING STATUTES.**

4 (a) TRAVEL ACT.—Section 1952 of title 18, United
5 States Code, is amended—

6 (1) in subsection (b)—

7 (A) by striking “or (3)” and inserting
8 “(3)”; and

9 (B) by striking “of this title and (ii)” and
10 inserting the following: “of this title, or (4) any
11 act that is a criminal violation of section
12 9(a)(1) of the Endangered Species Act of 1973
13 (16 U.S.C. 1538(a)(1)), section 2203 of the Af-
14 rican Elephant Conservation Act (16 U.S.C.
15 4223), or section 7(a) of the Rhinoceros and
16 Tiger Conservation Act of 1994 (16 U.S.C.
17 5305a(a)), if the endangered or threatened spe-
18 cies, products, items, or substances involved in
19 the violation and relevant conduct, as applica-
20 ble, have a total value of more than \$10,000
21 and (ii)”; and

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

23 “(f) USE OF AMOUNTS FROM FINES, FORFEITURES,
24 AND RESTITUTION RELATING TO WILDLIFE TRAF-
25 FICKING VIOLATIONS.—Any amounts received by the
26 United States as fines, forfeitures of property or assets,

1 or restitution to the Government for any violation under
 2 this section that involves an unlawful activity described in
 3 subsection (b)(i)(4) shall be transferred by the Secretary
 4 of the Treasury, to the extent practicable, to the Multi-
 5 national Species Conservation Fund and used for the ben-
 6 efit of the species impacted by the applicable violation.”.

7 (b) MONEY LAUNDERING.—Section 1956 of title 18,
 8 United States Code, is amended—

9 (1) in subsection (c)(7)—

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

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

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

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

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

2 “(j) USE OF AMOUNTS FROM CIVIL PENALTIES,
3 FINES, FORFEITURES, AND RESTITUTION RELATING TO
4 WILDLIFE TRAFFICKING VIOLATIONS.—Any amounts re-
5 ceived by the United States as fines, forfeitures of prop-
6 erty or assets, or restitution to the Government for any
7 violation under this section that involves an unlawful activ-
8 ity described in subsection (c)(7)(G) shall be transferred
9 by the Secretary of the Treasury, to the extent practicable,
10 to the Multinational Species Conservation Fund and used
11 for the benefit of the species impacted by the applicable
12 violation.”.

13 (c) RICO.—Chapter 96 of title 18, United States
14 Code, is amended—

15 (1) in section 1961(1)—

16 (A) by striking “or (G)” and inserting
17 “(G)”; and

18 (B) by inserting before the semicolon at
19 the end the following: “, or (H) any act consti-
20 tuting a criminal violation of section 9(a)(1) of
21 the Endangered Species Act of 1973 (16 U.S.C.
22 1538(a)(1)), section 2203 of the African Ele-
23 phant Conservation Act (16 U.S.C. 4223), or
24 section 7(a) of the Rhinoceros and Tiger Con-
25 servation Act of 1994 (16 U.S.C. 5305a(a)), if

1 the endangered or threatened species, products,
2 items, or substances involved in the violation
3 and relevant conduct, as applicable, have a total
4 value of more than \$10,000”; and

5 (2) in section 1963, by adding at the end the
6 following:

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

18 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

19 (1) USE OF AMOUNTS FROM FINES.—Section
20 1402(b)(1)(A) of the Victims of Crime Act of 1984
21 (42 U.S.C. 10601(b)(1)(A)) is amended—

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

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

1 “(iii) sections 1952(e), 1956(j), and
2 1963(n) of title 18, United States Code;
3 and”.

4 (2) USE OF AMOUNTS FROM FORFEITURES.—
5 Section 524(c)(4)(A) of title 28, United States Code,
6 is amended by inserting before “or the Postmaster
7 General” the following: “under section 1952(f),
8 1956(j), or 1963(n) of title 18,”.

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