

114TH CONGRESS
1ST SESSION

S. 27

To make wildlife trafficking a predicate offense under racketeering and money laundering statutes and the Travel Act, to provide for the use for conservation purposes of amounts from civil penalties, fines, forfeitures, and restitution under such statutes based on such violations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2015

Mrs. FEINSTEIN (for herself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To make wildlife trafficking a predicate offense under racketeering and money laundering statutes and the Travel Act, to provide for the use for conservation purposes of amounts from civil penalties, fines, forfeitures, and restitution under such statutes based on such violations, 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 “Wildlife Trafficking
5 Enforcement Act of 2015”.

1 **SEC. 2. 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 of fish or wildlife, products, items, or sub-
 19 stances involved in the violation and relevant
 20 conduct, as applicable, have a total value of
 21 more than \$10,000 and (ii)”; and

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

23 “(e) USE OF AMOUNTS FROM FINES, FORFEITURES,
 24 AND RESTITUTION RELATING TO WILDLIFE TRAF-
 25 FICKING VIOLATIONS.—

1 “(1) IN GENERAL.—The Secretary of the
2 Treasury shall transfer to the Secretary of the Inte-
3 rior and the Secretary of Commerce, for use in ac-
4 cordance with paragraph (2), the amounts received
5 as fines, forfeitures of property or assets, or restitu-
6 tion to the Federal Government for any violation
7 under this section that is based on an unlawful ac-
8 tivity described in subsection (b)(i)(4).

9 “(2) FUNDS.—Of the amounts transferred
10 under paragraph (1), the Secretary of the Interior
11 and the Secretary of Commerce shall use such
12 amounts as each Secretary determines necessary for
13 the benefit of the species impacted by the applicable
14 violation, to the extent practicable, by depositing the
15 amounts into any fund that is created or authorized
16 under Federal law for conservation purposes.”.

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

19 (1) in subsection (c)(7)—

20 (A) in subsection (E), by striking “or” at
21 the end;

22 (B) in subsection (F), by adding “or” at
23 the end; and

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

1 “(G) any act that is a criminal violation of
2 section 9(a)(1) of the Endangered Species Act
3 of 1973 (16 U.S.C. 1538(a)(1)), section 2203
4 of the African Elephant Conservation Act (16
5 U.S.C. 4223), or section 7(a) of the Rhinoceros
6 and Tiger Conservation Act of 1994 (16 U.S.C.
7 5305a(a)), if the endangered or threatened spe-
8 cies of fish or wildlife, products, items, or sub-
9 stances involved in the violation and relevant
10 conduct, as applicable, have a total value of
11 more than \$10,000;” and

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

13 “(j) USE OF AMOUNTS FROM CIVIL PENALTIES,
14 FINES, FORFEITURES, AND RESTITUTION RELATING TO
15 WILDLIFE TRAFFICKING VIOLATIONS.—

16 “(1) IN GENERAL.—The Secretary of the
17 Treasury shall transfer to the Secretary of the Inte-
18 rior and the Secretary of Commerce, for use in ac-
19 cordance with paragraph (2), the amounts received
20 as civil penalties, fines, forfeitures of property or as-
21 sets, or restitution to the Federal Government for
22 any violation under this section that is based on
23 specified unlawful activity described in subsection
24 (c)(7)(G).

1 “(2) FUNDS.—Of the amounts transferred
2 under paragraph (1), the Secretary of the Interior
3 and the Secretary of Commerce shall use such
4 amounts as each Secretary determines necessary for
5 the benefit of the species impacted by the applicable
6 violation, to the extent practicable, by depositing the
7 amounts into any fund that is created or authorized
8 under Federal law for conservation purposes.”.

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

11 (1) in section 1961(1)—

12 (A) by striking “or (G)” and inserting
13 “(G)”; and

14 (B) by inserting before the semicolon at
15 the end the following: “, or (H) any act that is
16 a criminal violation of section 9(a)(1) of the
17 Endangered 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 of fish or
23 wildlife, products, items, or substances involved
24 in the violation and relevant conduct, as appli-

1 cable, have a total value of more than
2 \$10,000”; and

3 (2) in section 1963, by adding at the end the
4 following:

5 “(n) USE OF AMOUNTS FROM FINES, FORFEITURES,
6 AND RESTITUTION RELATING TO WILDLIFE TRAF-
7 FICKING VIOLATIONS.—

8 “(1) IN GENERAL.—The Secretary of the
9 Treasury shall transfer to the Secretary of the Inte-
10 rior and the Secretary of Commerce, for use in ac-
11 cordance with paragraph (2), the amounts received
12 as fines, forfeitures of property or assets, or restitui-
13 tion to the Federal Government for any violation of
14 section 1962 that is based on racketeering activity
15 described in section 1961(1)(H).

16 “(2) FUNDS.—Of the amounts transferred
17 under paragraph (1), the Secretary of the Interior
18 and the Secretary of Commerce shall use such
19 amounts as each Secretary determines necessary for
20 the benefit of the species impacted by the applicable
21 violation, to the extent practicable, by depositing the
22 amounts into any fund that is created or authorized
23 under Federal law for conservation purposes.”.

24 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) USE OF AMOUNTS FROM FINES.—Section
2 1402(b)(1)(A) of the Victims of Crime Act of 1984
3 (42 U.S.C. 10601(b)(1)(A)) is amended—

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

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

7 “(iii) sections 1952(e), 1956(j), and
8 1963(n) of title 18, United States Code;
9 and”.

10 (2) USE OF AMOUNTS FROM FORFEITURES.—
11 Section 524(c)(4)(A) of title 28, United States Code,
12 is amended by inserting before “or the Postmaster
13 General” the following: “the Secretary of the Treas-
14 ury pursuant to section 1952(e), 1956(j), or 1963(n)
15 of title 18,”.

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