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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wildlife Trafficking

Enforcement Act of 2015”.

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Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

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SECTION 1. SHORT TITLE.

This Act may be cited as the “Wildlife Trafficking

Enforcement Act of 2015”.

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SEC. 2. WILDLIFE TRAFFICKING VIOLATIONS AS PREDICATE OFFENSES UNDER RACKETEERING AND MONEY LAUNDERING STATUTES.

(a) Travel Act.—Section 1952 of title 18, United States Code, is amended—

(1) in subsection (b)—

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

(B) by striking “of this title and (ii)” and inserting the following: “of this title, or (4) any act that is a criminal violation of section 9(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)(1)), section 2203 of the African Elephant Conservation Act (16 U.S.C. 4223), or section 7(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5305a(a)), if the endangered or threatened species of fish or wildlife, products, items, or substances involved in the violation and relevant conduct, as applicable, have a total value of more than $10,000 and (ii)”; and

(2) by adding at the end the following:

“(e) Use of Amounts from Fines, Forfeitures, and Restitution Relating to Wildlife Trafficking Violations.—
“(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Secretary of the Interior and the Secretary of Commerce, for use in accordance with paragraph (2), the amounts received as fines, forfeitures of property or assets, or restitution to the Federal Government for any violation under this section that is based on an unlawful activity described in subsection (b)(i)(4).

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

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

(1) in subsection (e)(7)—

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

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

(C) by adding at the end the following:
“(G) any act that is a criminal violation of section 9(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)(1)), section 2203 of the African Elephant Conservation Act (16 U.S.C. 4223), or section 7(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5305a(a)), if the endangered or threatened species of fish or wildlife, products, items, or substances involved in the violation and relevant conduct, as applicable, have a total value of more than $10,000;”; and

(2) by adding at the end the following:

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

“(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Secretary of the Interior and the Secretary of Commerce, for use in accordance with paragraph (2), the amounts received as civil penalties, fines, forfeitures of property or assets, or restitution to the Federal Government for any violation under this section that is based on specified unlawful activity described in subsection (c)(7)(G).
“(2) FUNDS.—Of the amounts transferred under paragraph (1), the Secretary of the Interior and the Secretary of Commerce shall use such amounts as each Secretary determines necessary for the benefit of the species impacted by the applicable violation, to the extent practicable, by depositing the amounts into any fund that is created or authorized under Federal law for conservation purposes.”.

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

(1) in section 1961(1)—

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

(B) by inserting before the semicolon at the end the following: “, or (H) any act that is a criminal violation of section 9(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)(1)), section 2203 of the African Elephant Conservation Act (16 U.S.C. 4223), or section 7(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5305a(a)), if the endangered or threatened species of fish or wildlife, products, items, or substances involved in the violation and relevant conduct, as appli-
cable, have a total value of more than $10,000”; and

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

“(n) USE OF AMOUNTS FROM FINES, FORFEITURES, AND RESTITUTION RELATING TO WILDLIFE TRAFFICKING VIOLATIONS.—

“(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Secretary of the Interior and the Secretary of Commerce, for use in accordance with paragraph (2), the amounts received as fines, forfeitures of property or assets, or restitution to the Federal Government for any violation of section 1962 that is based on racketeering activity described in section 1961(1)(H).

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

(d) TECHNICAL AND CONFORMING AMENDMENTS.—
(1) Use of amounts from fines.—Section 1402(b)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)(1)(A)) is amended—

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

(B) by adding at the end the following:

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

(2) Use of amounts from forfeitures.—

Section 524(c)(4)(A) of title 28, United States Code, is amended by inserting before “or the Postmaster General” the following: “the Secretary of the Treasury pursuant to section 1952(e), 1956(j), or 1963(n) of title 18,”.