

114TH CONGRESS
1ST SESSION

H. R. 2494

IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2015

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Global Anti-Poaching
3 Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

10 (2) Poaching and wildlife trafficking have esca-
11 lated in scale, sophistication and violence, risking the
12 potential extinction of some of the world’s most
13 iconic species.

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

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

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

24 (6) Reporting indicates that a number of rebel
25 groups and terrorist organizations, including Su-
26 dan’s Janjaweed militia, the Lord’s Resistance

1 Army, the Seleka rebel movement in the Central Af-
2 rican Republic, and Somalia's al-Shabaab, either
3 participate in or draw funding from illicit wildlife
4 trafficking networks.

5 (7) Analyses suggest the high demand for ille-
6 gal wildlife products, combined with weak law en-
7 forcement and security measures and corruption and
8 governance failures, has led to the increased involve-
9 ment of transnational organized crime in wildlife
10 trafficking.

11 (8) The United Nations Security Council has
12 authorized multilateral sanctions against individuals
13 and entities supporting armed groups through the il-
14 licit trade in wildlife, in addition to other natural re-
15 sources, in the Democratic Republic of Congo and
16 the Central African Republic.

17 (9) A National Intelligence Council analysis of
18 wildlife poaching threats found that certain African
19 government officials facilitated the movement of
20 wildlife products, and that these governments' ability
21 to reduce poaching and trafficking was hindered by
22 corruption and weak rule of law.

23 (10) On November 13, 2013, the Secretary of
24 State announced the first reward under the
25 Transnational Organized Crime Rewards Program

1 for information leading to the dismantling of the
2 Xaysavang Network, a large wildlife trafficking syndicate that is based in Laos and spans Africa and
3 Asia.
4

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;

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

19 (9) recognize that lawful, well regulated hunting
20 can contribute to sustainability and economic devel-
21 opment, and that enforcement policies should not
22 discourage or impede this activity.

1 **SEC. 4. SUPPORTING THE PROFESSIONALIZATION OF THE**
2 **WILDLIFE LAW ENFORCEMENT SECTOR.**

3 The Secretary of State, the Administrator of the
4 United States Agency for International Development, the
5 Director of the United States Fish and Wildlife Service,
6 and heads of other appropriate agencies, including the Na-
7 tional Park Service and the United States Forest Service,
8 should, in an effort to address local and regional threats
9 to biodiversity and conservation and support the rule of
10 law and good governance, promote the professionalization
11 of the wildlife law enforcement sector and professional
12 ranger training in partner countries through support and
13 technical assistance for the following:

14 (1) The creation and adoption of standards for
15 professional ranger training and qualifications, in-
16 cluding in relevant international fora and multilat-
17 eral agreements.

18 (2) Training and accreditation systems based
19 on the standards described in paragraph (1) that
20 produce professionally trained and qualified rangers
21 and promote the overall professionalization of ranger
22 forces, whether through existing United States insti-
23 tutions, such as International Law Enforcement
24 Academies, or through partnerships with national or
25 regional training institutions.

1 (3) Legal reforms, where necessary, to provide
2 rangers with authority to detain and arrest suspects,
3 process crime scenes, present evidence in court, and
4 defend themselves in life threatening situations.

5 (4) The development and institutionalization of
6 reward and promotion systems for rangers based on
7 performance and set competencies.

8 (5) The development and institutionalization of
9 national systems to provide insurance to rangers and
10 their families and compensation for those rangers
11 killed in the line of duty.

12 (6) Cooperation and coordination between local
13 law enforcement tasked with wildlife or park protec-
14 tion and local defense forces, where appropriate, in-
15 cluding training opportunities, logistical support, or
16 provision of equipment.

17 **SEC. 5. DESIGNATION OF MAJOR WILDLIFE TRAFFICKING**
18 **COUNTRIES AND AUTHORITY TO WITHHOLD**
19 **CERTAIN ASSISTANCE.**

20 (a) REPORT.—Not later than September 15 of each
21 year, the Secretary of State, in consultation with the Sec-
22 retary of the Interior and the Secretary of Commerce,
23 shall submit to Congress a report that lists each foreign
24 country determined to be a major source of wildlife traf-
25 ficking products or their derivatives, a major transit point

1 of wildlife trafficking products or their derivatives, or a
2 major consumer of wildlife trafficking products or their
3 derivatives.

4 (b) SPECIAL DESIGNATION.—In each report required
5 under subsection (a), the Secretary of State, in consulta-
6 tion with the Secretary of Interior and the Secretary of
7 Commerce, shall—

8 (1) designate each country listed in the report
9 that has failed demonstrably, during the previous
10 12-month period, to make substantial efforts to ad-
11 here to its obligations under international agree-
12 ments relating to endangered or threatened species;
13 and

14 (2) include a short justification for each deter-
15 mination made under paragraph (1).

16 (c) WITHHOLDING OF ASSISTANCE.—The Secretary
17 of State may withhold assistance described in subsection
18 (d) with respect to each foreign country that is specially
19 designated under subsection (b).

20 (d) ASSISTANCE DESCRIBED.—The assistance de-
21 scribed in this subsection are sections 516, 524, and 541
22 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j,
23 2344, or 2347), chapter 6 of part II of the Foreign Assist-
24 ance Act of 1961 (22 U.S.C. 2348 et seq.), and section
25 23 of the Arms Export Control Act (22 U.S.C. 2763).

1 (e) NOTIFICATION.—The Secretary of State shall no-
2 tify—

3 (1) the government of each foreign country that
4 is listed in the report required under subsection (a)
5 that the country has been so listed; and

6 (2) the government of each foreign country that
7 is specially designated under subsection (b) and is
8 subject to the withholding of assistance described in
9 subsection (c).

10 (f) REPORTING COST OFFSET.—Section 8 of Public
11 Law 107–245 (50 U.S.C. 1701 note) is repealed.

12 (g) SUNSET.—This section shall terminate on the
13 date that is 5 years after the date of the enactment of
14 this Act.

15 **SEC. 6. SENSE OF CONGRESS REGARDING SECURITY AS-**
16 **SISTANCE TO COUNTER WILDLIFE TRAF-**
17 **FICKING AND POACHING IN AFRICA.**

18 It is the sense of Congress that the United States
19 should continue to provide defense articles (not including
20 significant military equipment), defense services, and re-
21 lated training to appropriate security forces of countries
22 of Africa for the purposes of countering wildlife trafficking
23 and poaching.

1 **SEC. 7. UPDATES TO THE FISHERMEN'S PROTECTIVE ACT**
2 **OF 1967.**

3 Section 8 of the Fishermen's Protective Act of 1967
4 (22 U.S.C. 1978) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by inserting “, in
7 consultation with the Secretary of State,” after
8 “Secretary of Commerce”;

9 (B) in paragraph (2), by inserting “, in
10 consultation with the Secretary of State,” be-
11 fore “finds”;

12 (C) in paragraph (3), by inserting “in con-
13 sultation with the Secretary of State,” after “,
14 as appropriate,”;

15 (D) by redesignating paragraph (4) as
16 paragraph (5), and by inserting after paragraph
17 (3) the following:

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

23 (2) in subsection (d), by inserting “in consulta-
24 tion with the Secretary of State,” after “as the case
25 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 as provided
6 in advance in appropriations Acts for the benefit of the
7 species impacted by the applicable violation.”.

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

10 (1) in subsection (c)(7)—

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

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

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

16 “(G) any act or acts constituting a crimi-
17 nal violation of section 9(a)(1) of the Endan-
18 gered Species Act of 1973 (16 U.S.C.
19 1538(a)(1)), section 2203 of the African Ele-
20 phant Conservation Act (16 U.S.C. 4223), or
21 section 7(a) of the Rhinoceros and Tiger Con-
22 servation Act of 1994 (16 U.S.C. 5305a(a)), if
23 the endangered or threatened species, products,
24 items, or substances involved in the violation

1 and relevant conduct, as applicable, have a total
2 value of more than \$10,000;” and

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

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

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

17 (1) in section 1961(1)—

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

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

1 section 7(a) of the Rhinoceros and Tiger Con-
2 servation Act of 1994 (16 U.S.C. 5305a(a)), if
3 the endangered or threatened species, products,
4 items, or substances involved in the violation
5 and relevant conduct, as applicable, have a total
6 value of more than \$10,000”; and

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

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

20 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) USE OF AMOUNTS FROM FINES.—Section
22 1402(b)(1)(A) of the Victims of Crime Act of 1984
23 (42 U.S.C. 10601(b)(1)(A)) is amended—

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

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

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

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

10 **SEC. 9. OTHER ACTIONS RELATING TO WILDLIFE TRAF-**
11 **FICKING PROGRAMS.**

12 It is the sense of Congress that the Secretary of State
13 should dedicate sufficient program resources to—

14 (1) conduct monitoring and evaluation, with a
15 special emphasis where feasible on impact evalua-
16 tions, of wildlife trafficking programs consistent with
17 the Department of State’s January 2015 Evaluation
18 Policy;

19 (2) publish program information on wildlife
20 trafficking programs on the Department of State’s
21 Internet website, “ForeignAssistance.gov” in a dig-
22 ital format consistent with the United States com-
23 mitment to the International Aid Transparency Ini-
24 tiative (IATI); and

1 (3) develop and implement a learning agenda to
2 improve the performance and impact of wildlife traf-
3 ficking programs and to share best practices among
4 relevant executive branch agencies.

Passed the House of Representatives November 2,
2015.

Attest:

KAREN L. HAAS,
Clerk.