

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2494  
OFFERED BY MR. ROYCE OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**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.

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

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

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

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

20           (8) The United Nations Security Council has  
21 authorized multilateral sanctions against individuals  
22 and entities supporting armed groups through the il-  
23 licit trade in wildlife, in addition to other natural re-  
24 sources, in the Democratic Republic of Congo and  
25 the Central African Republic.

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

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

14 **SEC. 3. EXPANSION OF WILDLIFE ENFORCEMENT NET-**  
15 **WORKS.**

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

17           (1) Wildlife enforcement networks are govern-  
18 ment-led, regionally-focused mechanisms that in-  
19 crease capacity and coordination efforts between law  
20 enforcement, environmental agencies, and other enti-  
21 ties focused on countering wildlife trafficking of  
22 member countries.

23           (2) Currently there are active wildlife enforce-  
24 ment networks in Southeast Asia, South Asia, and  
25 Central America. The more mature wildlife enforce-

1        ment networks, such as the Southeast Asia wildlife  
2        enforcement network, have proven effective in dis-  
3        mantling transnational wildlife trafficking networks  
4        and bringing to justice those individuals involved in  
5        the illegal trade of endangered and threatened spe-  
6        cies.

7            (3) Efforts are underway to establish additional  
8        wildlife enforcement networks in Central Africa, the  
9        Horn of Africa, South America, and Central and  
10       West Asia, among other regions.

11        (b) STATEMENT OF POLICY.—The Secretary of  
12       State, the Administrator of the United States Agency for  
13       International Development, the Director of the United  
14       States Fish and Wildlife Service, and heads of other ap-  
15       propriate agencies should, in an effort to address regional  
16       threats to biodiversity and conservation, support strength-  
17       ening existing wildlife enforcement networks and the es-  
18       tablishment of new networks in other appropriate regions.

19        (c) SENSE OF CONGRESS.—It is the sense of Con-  
20       gress that in the process of strengthening and expanding  
21       wildlife enforcement networks, the appropriate agencies  
22       should—

23            (1) assess the existing capacity of wildlife en-  
24        forcement network member countries to gather base-

1 line data that may be used for developing program  
2 activities for the wildlife enforcement network;

3 (2) establish a central secretariat within each  
4 wildlife enforcement network that will coordinate the  
5 operational mechanisms of each such network;

6 (3) establish a focal mechanism in each member  
7 country of a wildlife enforcement network, that in-  
8 cludes representatives from environmental and wild-  
9 life protection agencies, law enforcement agencies, fi-  
10 nancial intelligence units, customs and border pro-  
11 tection agencies, and the judiciary system, that will  
12 serve as a conduit to the larger wildlife enforcement  
13 network and the central secretariat;

14 (4) strengthen cooperation and the capacity of  
15 law enforcement agencies of the wildlife enforcement  
16 network;

17 (5) facilitate the sharing of intelligence and rel-  
18 evant case information within the agencies of a wild-  
19 life enforcement network;

20 (6) support the cooperation and coordination  
21 between different regional wildlife enforcement net-  
22 works;

23 (7) incorporate and utilize expertise from inter-  
24 national bodies and civil society organizations that  
25 have appropriate subject matter expertise;

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

3 (9) recognize that lawful, well regulated hunting  
4 can contribute to sustainability and economic devel-  
5 opment, and that enforcement policies should not  
6 discourage or impede this activity.

7 **SEC. 4. SUPPORTING THE PROFESSIONALIZATION OF THE**  
8 **WILDLIFE LAW ENFORCEMENT SECTOR.**

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

20 (1) The creation and adoption of standards for  
21 professional ranger training and qualifications, in-  
22 cluding in relevant international fora and multilat-  
23 eral agreements.

24 (2) Training and accreditation systems based  
25 on the standards described in paragraph (1) that

1 produce professionally trained and qualified rangers  
2 and promote the overall professionalization of ranger  
3 forces, whether through existing United States insti-  
4 tutions, such as International Law Enforcement  
5 Academies, or through partnerships with national or  
6 regional training institutions.

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

11 (4) The development and institutionalization of  
12 reward and promotion systems for rangers based on  
13 performance and set competencies.

14 (5) The development and institutionalization of  
15 national systems to provide insurance to rangers and  
16 their families and compensation for those rangers  
17 killed in the line of duty.

18 (6) Cooperation and coordination between local  
19 law enforcement tasked with wildlife or park protec-  
20 tion and defense forces, where appropriate, including  
21 training opportunities, logistical support, or provi-  
22 sion of equipment.

1 **SEC. 5. DESIGNATION OF MAJOR WILDLIFE TRAFFICKING**  
2 **COUNTRIES AND AUTHORITY TO WITHHOLD**  
3 **CERTAIN ASSISTANCE.**

4 (a) REPORT.—Not later than September 15 of each  
5 year, the Secretary of State, in consultation with the Sec-  
6 retary of the Interior and the Secretary of Commerce,  
7 shall submit to Congress a report that lists each foreign  
8 country determined to be a major source of wildlife traf-  
9 ficking products or their derivatives, a major transit point  
10 of wildlife trafficking products or their derivatives, or a  
11 major consumer of wildlife trafficking products or their  
12 derivatives.

13 (b) SPECIAL DESIGNATION.—In each report required  
14 under subsection (a), the Secretary of State, in consulta-  
15 tion with the Secretary of Interior and the Secretary of  
16 Commerce, shall—

17 (1) designate each country listed in the report  
18 that has failed demonstrably, during the previous  
19 12-month period, to make substantial efforts to ad-  
20 here to its obligations under international agree-  
21 ments relating to endangered or threatened species;  
22 and

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

25 (c) WITHHOLDING OF ASSISTANCE.—The Secretary  
26 of State may withhold assistance described in subsection



1 (d) with respect to each foreign country that is specially  
2 designated under subsection (b).

3 (d) ASSISTANCE DESCRIBED.—The assistance de-  
4 scribed in this subsection are sections 516, 524, and 541  
5 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j,  
6 2344, or 2347), chapter 6 of part II of the Foreign Assist-  
7 ance Act of 1961 (22 U.S.C. 2348 et seq.), and section  
8 23 of the Arms Export Control Act (22 U.S.C. 2763).

9 (e) NOTIFICATION.—The Secretary of State shall no-  
10 tify—

11 (1) the government of each foreign country that  
12 is listed in the report required under subsection (a)  
13 that the country has been so listed; and

14 (2) the government of each foreign country that  
15 is specially designated under subsection (b) and is  
16 subject to the withholding of assistance described in  
17 subsection (c).

18 **SEC. 6. AUTHORITY TO PROVIDE SECURITY ASSISTANCE TO**  
19 **COUNTER WILDLIFE TRAFFICKING AND**  
20 **POACHING IN AFRICA.**

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

25 (b) TYPES OF ASSISTANCE.—

1           (1) IN GENERAL.—Assistance provided under  
2           subsection (a) may include intelligence and surveil-  
3           lance assets, communications and electronic equip-  
4           ment, mobility assets, night vision and thermal im-  
5           aging devices, and organizational clothing and indi-  
6           vidual equipment, pursuant to the applicable provi-  
7           sions of the Arms Export Control Act (22 U.S.C.  
8           2751 et seq.), the Foreign Assistance Act of 1961  
9           (22 U.S.C. 2151 et seq.), and other relevant provi-  
10          sions of law.

11          (2) LIMITATION.—Assistance provided under  
12          subsection (a) may not include significant military  
13          equipment.

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

18          (d) PROHIBITION ON ASSISTANCE.—

19                (1) IN GENERAL.—No assistance may be pro-  
20                vided under subsection (a) to a unit of a security  
21                force of a country of Africa if the President deter-  
22                mines that the unit has been found to engage in  
23                wildlife trafficking or poaching.

24                (2) EXCEPTION.—The prohibition in paragraph  
25                (1) shall not apply with respect to a unit of a secu-

1            rity force of a country of Africa if the President de-  
2            termines that the government of the country is tak-  
3            ing effective steps to hold the unit accountable and  
4            prevent the unit from engaging in trafficking and  
5            poaching.

6            (e) DEFINITIONS.—In this section:

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

12               (2) SECURITY FORCE.—The term “security  
13           force” means a military, law enforcement, gendar-  
14           merie, park ranger, or any other security force with  
15           responsibility for protecting wildlife and natural  
16           habitats.

17               (3) SIGNIFICANT MILITARY EQUIPMENT.—The  
18           term “significant military equipment” has the mean-  
19           ing given such term in section 47 of the Arms Ex-  
20           port Control Act (22 U.S.C. 2794).

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

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

25                (1) in subsection (a)—

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

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

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

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

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

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

21 **SEC. 8. WILDLIFE TRAFFICKING VIOLATIONS AS PREDI-**  
22 **CATE OFFENSES UNDER RACKETEERING AND**  
23 **MONEY LAUNDERING STATUTES.**

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

1 (1) in subsection (b)—

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

4 (B) by striking “of this title and (ii)” and  
5 inserting the following: “of this title, or (4) any  
6 act that is a criminal violation of section  
7 9(a)(1) of the Endangered Species Act of 1973  
8 (16 U.S.C. 1538(a)(1)), section 2203 of the Af-  
9 rican Elephant Conservation Act (16 U.S.C.  
10 4223), or section 7(a) of the Rhinoceros and  
11 Tiger Conservation Act of 1994 (16 U.S.C.  
12 5305a(a)), if the endangered or threatened spe-  
13 cies, products, items, or substances involved in  
14 the violation and relevant conduct, as applica-  
15 ble, have a total value of more than \$10,000  
16 and (ii)”; and

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

18 “(f) USE OF AMOUNTS FROM FINES, FORFEITURES,  
19 AND RESTITUTION RELATING TO WILDLIFE TRAF-  
20 FICKING VIOLATIONS.—Any amounts received by the  
21 United States as fines, forfeitures of property or assets,  
22 or restitution to the Government for any violation under  
23 this section that involves an unlawful activity described in  
24 subsection (b)(i)(4) shall be transferred by the Secretary  
25 of the Treasury, to the extent practicable, to the Multi-

1 national Species Conservation Fund and used for the ben-  
2 efit of the species impacted by the applicable violation.”.

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

5 (1) in subsection (c)(7)—

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

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

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

11 “(G) any act or acts constituting a crimi-  
12 nal violation of section 9(a)(1) of the Endan-  
13 gered Species Act of 1973 (16 U.S.C.  
14 1538(a)(1)), section 2203 of the African Ele-  
15 phant Conservation Act (16 U.S.C. 4223), or  
16 section 7(a) of the Rhinoceros and Tiger Con-  
17 servation Act of 1994 (16 U.S.C. 5305a(a)), if  
18 the endangered or threatened species, products,  
19 items, or substances involved in the violation  
20 and relevant conduct, as applicable, have a total  
21 value of more than \$10,000;”;

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

23 “(j) USE OF AMOUNTS FROM CIVIL PENALTIES,  
24 FINES, FORFEITURES, AND RESTITUTION RELATING TO  
25 WILDLIFE TRAFFICKING VIOLATIONS.—Any amounts re-

1 ceived by the United States as fines, forfeitures of prop-  
2 erty or assets, or restitution to the Government for any  
3 violation under this section that involves an unlawful activ-  
4 ity described in subsection (c)(7)(G) shall be transferred  
5 by the Secretary of the Treasury, to the extent practicable,  
6 to the Multinational Species Conservation Fund and used  
7 for the benefit of the species impacted by the applicable  
8 violation.”.

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 consti-  
16 tuting a criminal violation of section 9(a)(1) of  
17 the 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, 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”; and

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

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

14           (d) TECHNICAL AND CONFORMING AMENDMENTS.—

15           (1) USE OF AMOUNTS FROM FINES.—Section  
16 1402(b)(1)(A) of the Victims of Crime Act of 1984  
17 (42 U.S.C. 10601(b)(1)(A)) is amended—

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

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

21                           “(iii) sections 1952(e), 1956(j), and  
22 1963(n) of title 18, United States Code;  
23 and”.

24           (2) USE OF AMOUNTS FROM FORFEITURES.—

25           Section 524(c)(4)(A) of title 28, United States Code,



1 is amended by inserting before “or the Postmaster  
2 General” the following: “under section 1952(f),  
3 1956(j), or 1963(n) of title 18,”.

