



Illegal Trafficking of Wildlife and Other Natural Resources

October 30, 2018

Fiscal Year 2018 Report to Congress



**Homeland
Security**

Under Secretary for Management

Message from the Deputy Under Secretary for Management

October 30, 2018

I am pleased to present the following report, “Illegal Trafficking of Wildlife and Other Natural Resources,” which has been prepared by U.S. Immigration and Customs Enforcement.

This report was compiled pursuant to a requirement in the Joint Explanatory Statement, which accompanies the Fiscal Year 2018 Department of Homeland Security (DHS) Appropriations Act (P.L. 115-141).

Pursuant to congressional guidelines, this report is being provided to the following Members of Congress:

The Honorable Kevin Yoder
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jon Tester
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to me at (202) 447-3400.

Sincerely,



Chip Fulghum
Deputy Under Secretary for Management



Executive Summary

This report highlights recent activities and initiatives that DHS has put forth to address wildlife and natural resources trafficking—illegal activities that pose both a conservation and national security threat to the United States.

Through its engagement with the Presidential Task Force on Wildlife Trafficking, DHS has taken steps to coordinate further with the U.S. Fish and Wildlife Service’s Office of Law Enforcement and has worked to implement the National Strategy for Combating Wildlife Trafficking. Further, DHS has aligned its resources to meaningful activities designed to address and eliminate the threat from these unlawful activities.

DHS remains strongly committed to combating wildlife trafficking, assisting foreign nations in building capacity to combat wildlife trafficking, and working with its partners to combat transnational organized crime.



Illegal Trafficking of Wildlife and Other Natural Resources

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I. Legislative Language

This document was compiled pursuant to the legislative language set forth in the Joint Explanatory Statement accompanying the Fiscal Year (FY) 2018 Department of Homeland Security (DHS) Appropriations Act (P.L. 115-141).

The Joint Explanatory Statement states:

In addition, an updated report on wildlife trafficking, as outlined in the explanatory statement accompanying Public Law 115-31, shall be provided to the Committees not later than November 15, 2018.

The Joint Explanatory Statement references the FY 2017 DHS Appropriations Act (P.L. 115-31), which states:

As previously discussed in Senate Reports 113-198 and 114-68, the Committee is concerned about the sharp increase in illegal international trade in wildlife and wildlife products and expects DHS to work in partnership with the U.S. Fish and Wildlife Service to improve their cooperative efforts to better address wildlife trafficking. The Committee remains frustrated that the Department has failed to produce specific reports on these activities as required in Senate Report 113-198 and in the explanatory statement accompanying Public Law 114-113. These reports should be provided to the Committee expeditiously. A similar report for fiscal year 2017 should be provided not later than 45 days after the close of the fiscal year.

II. Background

Wildlife trafficking has become an international crisis that threatens security, hinders sustainable economic development, and undermines our laws. The illicit trade in wildlife is destroying many species worldwide and threatens iconic species such as the rhinoceros, elephant, and tiger with extinction. The connections between trafficking in illegal wildlife and natural resources and the financing of groups involved in transnational organized crime pose additional threats to the United States.

Executive Order No. 13648, *Combating Wildlife Trafficking*, issued on July 1, 2013, addressed the significant effects of wildlife trafficking on the national interests of the United States. The order established the Presidential Task Force on Wildlife Trafficking (Task Force), led by the U.S. Department of State (DOS), the U.S. Department of Justice (DOJ), and the U.S. Department of the Interior (DOI) and included DHS and 13 other federal agencies and offices. The Task Force created a National Strategy for Combating Wildlife Trafficking (Strategy) that included consideration of issues related to combating trafficking and curbing consumer demand.

On February 11, 2015, the Task Force issued the Strategy's Implementation Plan, which reaffirmed our Nation's commitment to work in partnership with governments, local communities, nongovernmental organizations (NGO), and the private sector to stem the illegal trade in wildlife. DHS continues to work in concert with other agencies to help implement the key objectives of the Strategy: strengthening enforcement, reducing demand for illegally traded wildlife, and expanding international cooperation.

Effective July 6, 2016, the rule for the African elephant, promulgated under section 4(d) of the Endangered Species Act (ESA) of 1973, was revised to increase protection for African elephants in response to the alarming rise in poaching driven by the mounting illegal trade in ivory. The African elephant (*Loxodonta africana*) was listed as threatened under the ESA effective June 11, 1978, and, at the same time, a rule was promulgated under section 4(d) of the ESA (a "4(d) rule") to regulate import and use of specimens of the species in the United States. This final rule allows U.S. authorities to regulate trade in African elephant ivory more strictly and to help to ensure that the U.S. ivory market is not contributing to the poaching of elephants in Africa, while still allowing activities that do not contribute to poaching and illegal trade, such as well-managed sport hunting.

On February 9, 2017, President Donald J. Trump issued Executive Order No. 13773, *Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking*. The order addressed the substantial threat to the safety of the United States and its citizens posed by transnational criminal organizations. Moreover, the order seeks to strengthen enforcement of federal law to combat transnational criminal organizations and subsidiary organizations engaged in illicit activities, such as "the illegal smuggling and trafficking of humans, drugs or other substances, wildlife and weapons," which threaten public safety and national security. In addition to illegal smuggling and trafficking, the order also places emphasis on impeding "the illegal concealment or transfer of proceeds derived from such illicit activities."

III. U.S. Immigration and Customs Enforcement

Engagement

U.S. Immigration and Customs Enforcement (ICE) leads DHS participation on the Presidential Task Force on Wildlife Trafficking. ICE was involved actively in building the Strategy's Implementation Plan and identified existing DHS resources and expertise capable of executing the Plan's enforcement and investigative fundamentals. ICE Homeland Security Investigations (HSI) is working to disrupt and dismantle transnational criminal organizations involved in wildlife trafficking using its domestic and international resources, expertise, and authorities. ICE personnel are engaged actively with other U.S. Government agencies and NGOs to promote ICE's role both domestically and abroad, including capacity building as it relates to illegal wildlife trafficking. These entities include DOI's Fish and Wildlife Service (FWS), DOS's Bureau of International Narcotics and Law Enforcement Affairs (DOS INL), the World Customs Organization (WCO), the International Police Organization (INTERPOL), and several NGOs.

ICE, U.S. Customs and Border Protection (CBP), and FWS also have joined forces by way of CBP's Commercial Targeting and Analysis Center (CTAC) and CBP's National Targeting Center (NTC) to enhance mutual U.S. Government efforts to combat illegal imports of endangered wildlife. The CTAC brings together key federal agencies with safety regulation oversight of imports into the United States, as well as agencies like ICE and FWS, with authority to enforce import violations. CBP provides intensive systems and targeting training, along with operational targeting support, through the NTC. ICE and FWS have co-located personnel at both the CTAC and the NTC. Furthermore, since December 2013, ICE has maintained the National Targeting Center - Investigations, which is situated within CBP's NTC, to enhance its shared border security mission. ICE's collaborative presence at the NTC supports the border security continuum, from CBP interdictions and HSI investigations, to the joint exploitation of intelligence.

In January 2018, agents and officers from ICE, CBP, and the U.S. Department of Commerce's (DOC) National Oceanic and Atmospheric Administration (NOAA) Fisheries were awarded a WCO Certificate of Merit on behalf of the WCO Secretary General for their work to stop the smuggling of protected sea urchins. This award followed a 6-year investigation led by ICE, and invaluable collaborative efforts by CBP and NOAA, which found discrepancies in volumes of import and export records. As a result, the U.S. Attorney's Office in the District of Maine was successful in obtaining a criminal conviction for a Maine seafood company for violating the Lacey Act. This company subsequently was sentenced to 1 year of probation and was ordered to pay a total of \$852,800 in criminal monetary penalties.

From May 1 to May 30, 2018, FWS, CBP, ICE, the U.S. Department of Agriculture's (USDA) U.S. Forest Service (USFS), and the INTERPOL National Central Bureau Washington, D.C., coordinated their collective participation in INTERPOL's Operation Thunderstorm. This global operation targeting illegal trade in wildlife and timber resulted in the worldwide identification of nearly 1,400 suspects and 1,974 seizures of illicit products worth millions of dollars. The

operation involved police, customs, border agencies, environment, wildlife, and forestry agencies from 92 countries and territories.

In addition to the disruption of wildlife trafficking organizations, ICE also delivers outreach and training. From March 17-24, 2018, ICE provided an environmental crimes subject matter expert to conduct a course of instruction and participate in panel discussions during workshops titled, “Combating Illegal Timber and Wildlife Trafficking in the Congo Basin.” These workshops were coordinated by DOJ’s Environment and Natural Resource Division (DOJ ENRD) and the USFS International Programs Office (USFS IP) and were funded by DOS. Successive workshops were conducted in both Libreville, Gabon, and Brazzaville, Republic of Congo, by the U.S. team. The target audience consisted of police, forestry and wildlife, and prosecutorial officials. Also in attendance at the Brazzaville workshop were representatives from the Government of the Democratic Republic of the Congo. The workshops shared instruction on conducting environmental crime investigations into illegally harvested timber and wildlife products, as well as discussions on best practices for successful prosecutions of illegal wildlife and timber cases.

From March 27-30, 2018, ICE provided an environmental crimes subject matter expert to provide a course of instruction at a DOJ ENRD- and USFS IP-sponsored illegal logging law enforcement workshop hosted in Hanoi, Vietnam. This “Workshop on Combating Illegal Timber Trafficking and Related Trade” included instruction on customs enforcement, detection and criminal investigation, and prosecution of traffickers dealing in illegally harvested timber, particularly illegal timber protected under the Convention on International Trade in Endangered Species.

From August 20-24, 2018, ICE developed, coordinated, and conducted the Southeast Asia Regional Environmental Crimes Trans-Border Financial Investigations Training workshop in Bangkok, Thailand. The workshop was provided for a regional cadre of Thai, Vietnamese, and Indonesian authorities responsible for the investigation and prosecution of financial and environmental crimes to include smuggling of protected species. The instructors and guest speakers for this event were recruited from ICE, CBP, FWS, DOJ ENRD, the Elephant Action League, and the Thai Bankers Association. This project was funded by DOS INL and was hosted by the ICE Regional Attaché Bangkok.

IV. U.S. Customs and Border Protection Engagement

CBP collaborates with both ICE and FWS in addressing threats related to this important issue. CBP partners with FWS to ensure that commodities/goods (in both the passenger and commercial environments) meet requirements for legal entry into the United States. FWS personnel also are stationed at various ports of entry and enforce their regulations alongside CBP officers and CBP agriculture specialists.

CBP also works with ICE and FWS through CBP's CTAC to enhance efforts to combat illegal imports of endangered wildlife. The CTAC mission is to join together federal agencies with authority over safety regulations of products imported into the United States. The CTAC facilitates information sharing and leverages the collective resources of the 11 CTAC Partner Government Agencies¹ to enhance the prevention, preemption, deterrence, analysis, and investigation of violations of importation laws that affect the United States' interest in the import safety environment. FWS joined the CTAC on April 1, 2014. The inclusion of FWS in the CTAC allows for better coordination and enhancement of operations toward thwarting illegal wildlife trade by joining FWS with other CTAC Partner Government Agencies, including CBP and ICE.

FWS has committed multiple assets, including resources to the NTC and resources such as intelligence analysts and law enforcement agents, who are physically co-located at the CTAC. CBP has provisioned these FWS representatives with access to several CBP systems in order to facilitate import targeting. CBP also has provided intensive systems and targeting training through the NTC - Cargo in Herndon, Virginia.

FWS and ICE have broadened the scope of the CTAC by bringing its subject matter expertise and resources to the targeting of illegal wildlife trade at our Nation's borders. The information-sharing and collaboration efforts between FWS and the CTAC Partner Government Agencies play a key role in tackling illegal wildlife trade, which contributes to advance FWS's mission.

CBP also is working with ICE and the USDA Animal and Plant Health Inspection Service (APHIS) to address illegal timber shipments and is supporting the U.S. Trade Representative's efforts to ensure that timber shipments from Peru are exported to the United States in accordance with the Forest Annex of the U.S.-Peru Trade Promotion Agreement.

¹ CTAC Partner Government Agencies: USDA APHIS, U.S. Consumer Product Safety Commission, CBP, U.S. Environmental Protection Agency, U.S. Department of Health and Human Services' Food and Drug Administration, DOI's FWS, USDA Food Safety and Inspection Services, ICE, U.S. Department of Transportation's (DOT) National Highway Traffic Safety Administration, DOC's National Marine Fisheries Service, U.S. Department of the Treasury's Alcohol and Tobacco Tax and Trade Bureau, and DOT's Pipeline and Hazardous Materials Safety Administration.

V. Conclusion

DHS remains steadfast in its commitment to combat wildlife trafficking and the illegal trading of other natural resources. Through its collaboration with interagency partners, DHS will continue to work and build upon the Task Force Strategy's three objectives: strengthening enforcement; reducing demand for illegally traded wildlife; and building international cooperation, commitment, and public-private partnerships.

Appendix: List of Abbreviations

Abbreviation	Definition
APHIS	Animal and Plant Health Inspection Service
CBP	U.S. Customs and Border Protection
CTAC	Commercial Targeting and Analysis Center
DHS	U.S. Department of Homeland Security
DOC	U.S. Department of Commerce
DOI	U.S. Department of Interior
DOJ	U.S. Department of Justice
DOS	U.S. Department of State
DOT	U.S. Department of Transportation
ENRD	Environment and National Resources Division
ESA	Endangered Species Act of 1973
FWS	U.S. Fish and Wildlife Service
FY	Fiscal Year
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
INL	Bureau of International Narcotics and Law Enforcement Affairs
INTERPOL	International Police Organization
IP	International Programs Office
NOAA	National Oceanic and Atmospheric Administration
NGO	Nongovernmental Organization
NTC	National Targeting Center
Strategy	National Strategy for Combating Wildlife Trafficking
Task Force	Presidential Task Force on Wildlife Trafficking
USDA	U.S. Department of Agriculture
USFS	U.S. Forest Service
WCO	World Customs Organization