



Illegal Trafficking of Wildlife and Other Natural Resources

October 23, 2020

Fiscal Year 2019 Report to Congress



**Homeland
Security**

Under Secretary for Management

Message from the Senior Official Performing the Duties of the Director

October 23, 2020

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 language in Senate Report 115-283, which accompanies the Fiscal Year 2019 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-6).

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



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

The Honorable Chuck Fleischmann
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) 732-3000.

Sincerely,

A large, fluid handwritten signature in blue ink, appearing to read "Tony H. Pham".

Tony H. Pham
Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

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 conservation and national security threats 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

Table of Contents

I. Legislative Language.....	1
II. Background.....	3
III. U.S. Immigration and Customs Enforcement Engagement.....	5
IV. U.S. Customs and Border Protection Engagement.....	7
V. Conclusion.....	8
Appendix: List of Abbreviations	9

I. Legislative Language

This document was compiled pursuant to the legislative language set forth in Senate Report 115-283, which accompanies the Fiscal Year (FY) 2019 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-6).

Senate Report 115-283 states:

Wildlife Trafficking.—As noted in prior reports, the Committee is concerned by the high level of illegal international trade in wildlife and wildlife products. The Committee expects the Department to work in partnership with the U.S. Fish and Wildlife Service to improve cooperative efforts to better address wildlife trafficking. The Committee remains frustrated that the Department has failed to produce some specific reports on these activities, as required. Such reports should be provided to the Committee without delay. Further, as outlined in the explanatory statements accompanying Public Laws 114-113, 115-31, and 115-141 a similar report shall be provided for fiscal year 2019 not later than 45 days after the end of fiscal year 2019.

Senate Report 115-283 references the Explanatory Statement accompanying the FY 2018 DHS Appropriations Act (P.L. 115-141), which 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.

Senate Report 115-283 also references the Explanatory Statement accompanying 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.

Further, Senate Report 115-283 references the Explanatory Statement accompanying the FY 2016 DHS Appropriations Act (P.L. 114-113), which states:

Not later than 120 days after the date of enactment of this Act, the Secretary is directed to update the report required by Senate Report 113-198 regarding DHS activities related to wildlife trafficking and the illegal natural resources trade.

Senate Report 113-198 states:

The Committee directs the Secretary to submit a status update report, not later than 180 days after the date of enactment of this act, outlining the specific steps being taken by the Department to further address wildlife trafficking and illegal natural resources trade, the engagement of DHS with the Presidential Task Force on Wildlife Trafficking, including steps to improve coordination with the U.S. Fish and Wildlife Service Office of Law Enforcement, steps taken by DHS to implement the National Strategy on Wildlife Trafficking, and what resources have been aligned to activities and initiatives to address wildlife and natural resources trafficking.

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 illegal wildlife and natural resources trafficking 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), the Task Force included DHS and 13 other federal agencies and offices. The Task Force created a National Strategy for Combating Wildlife Trafficking (Strategy) that considered 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 on July 6, 2016, DOI's U.S. Fish and Wildlife Service (FWS) revised the rule for the African elephant promulgated under section 4(d) of the Endangered Species Act of 1973 (ESA), as amended, to increase protection for African elephants in response to the alarming rise in poaching driven by the mounting illegal trade in ivory.¹ 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 more strictly regulates trade in African elephant ivory and seeks to ensure that the U.S. ivory market is not contributing to the poaching of elephants in Africa, without unnecessarily restricting activities that do not contribute to poaching and illegal trade.

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 (TCO). Moreover, the order seeks to strengthen enforcement of federal law to combat TCOs 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

¹ Endangered and Threatened Wildlife and Plants; Revision of the Section 4(d) Rule for the African Elephant (*Loxodonta africana*), 81 Fed. Reg. 36,388 (June 6, 2016) (codified at 50 C.F.R. § 17.40(e) (2018)).

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 Task Force. 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. Using its domestic and international resources, expertise, and authorities, ICE Homeland Security Investigations (HSI) is working to disrupt and dismantle TCOs involved in wildlife trafficking. ICE HSI engages with other U.S. Government agencies and organizations to promote ICE HSI's role domestically and abroad, including capacity building as it relates to illegal wildlife trafficking. These entities include DOI's FWS, DOS's Bureau of International Narcotics and Law Enforcement Affairs, the World Customs Organization (WCO), the International Police Organization (INTERPOL), and several NGOs.

ICE HSI is the largest investigative arm of DHS and is a vital U.S. asset in combating criminal organizations that are illegally exploiting America's travel, trade, financial, and immigration systems. ICE HSI's workforce includes special agents, analysts, auditors, and support staff. ICE HSI maintains a presence in cities throughout the United States and in posts overseas. ICE HSI represents DHS's largest investigative presence abroad and gives ICE HSI one of the largest international footprints in U.S. law enforcement. ICE HSI has 68 offices and 8 Department of Defense liaisons in 51 countries conducting investigations against terrorist and other criminal organizations that threaten national security. ICE HSI disrupts and dismantles TCOs that seek to exploit America's legitimate trade, travel, and financial systems, and enforces U.S. customs and immigration laws at and beyond our Nation's borders to prevent threats from entering the United States.

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

On October 26, 2018, the ICE HSI Assistant Director for the Global Trade Investigations Division (GTI) participated as a panelist at the U.S. Attorney General's Forum on Combating Poaching and Wildlife Trafficking held at the Robert F. Kennedy Building in Washington, D.C. The Attorney General's forum brought together key participants from the public, private, academic, and not-for-profit sectors at the forefront of combating wildlife crimes to share a dialogue on their enforcement experiences and the impediments that they see to addressing this

worldwide problem. The ICE HSI Assistant Director of GTI provided an overview of ICE HSI's broad investigative powers, border search authority, access to Bank Secrecy Act information, and access to extensive trade data, which all lend to ICE HSI's expertise in targeting TCOs. In addition, the ICE HSI Assistant Director of GTI also described ICE HSI's ongoing work in DNA sampling of seized ivory horn and pangolin scales to determine the origin of harvest and various other characteristics that will assist law enforcement and prosecution officials to build stronger wildlife criminal prosecutions. These DNA test results also can help to link disparate seizures—recent and past—of wildlife products to specific criminal organizations.

From March 4 to March 9, 2019, ICE HSI special agents collaborated with other federal partners to support the Illegal Logging and Timber Trade Training Workshop sponsored by the DOJ Environment and Natural Resources Division (ENRD) and hosted by the DOS Bureau of Oceans and International Environmental and Scientific Affairs in Yangon, Myanmar. ICE HSI special agents provided investigative case summary presentations and shared best practices while also serving as panelists and law enforcement advisors for panel discussions and group discussions. The participants included officials from Myanmar's Forestry Service, the Myanmar Police Force, federal prosecutors, and federal judges.

From June 4 to June 30, 2019, FWS, CBP, ICE HSI, the U.S. Department of Agriculture's (USDA) U.S. Forest Service, and the INTERPOL National Central Bureau Washington, D.C., coordinated their collective participation in the INTERPOL- and WCO-sponsored Operation Thunderball. This joint global customs and police enforcement operation targeted illegal trade in wildlife and timber and resulted in the worldwide identification of nearly 600 suspects, triggering 582 arrests and thousands of seizures around the world of illicit wildlife and timber products worth millions of dollars. Further arrests and prosecutions are anticipated as ongoing global investigations progress. The operation involved police, customs, border agencies, environment, wildlife, and forestry agencies from 109 countries and territories.

From August 20 to August 22, 2019, ICE HSI special agents joined with various federal partners to combat illegal logging further through collaborative education. Officials from ICE HSI, the U.S. Forest Service, the U.S. Embassy of Botswana, and DOJ ENRD came together to facilitate an in-depth law enforcement training workshop in Botswana. The workshop focused on strategies to combat illegal logging and transnational crime in the 200,000 square miles of protected land in the Kavango Zambezi Trans-Frontier Conservation Area, which is composed of Angola, Botswana, Namibia, Zambia, and Zimbabwe. The 3-day workshop took place in Kasane, Botswana, included an interdisciplinary cadre of students from customs, police, forestry, and local tribal leadership, and focused primarily on customs fraud, border enforcement, money laundering, interviewing techniques, prosecution strategies, and the need for transnational cooperation. Participants also discussed agricultural and urban expansion as the primary causes of forest degradation and deforestation.

IV. U.S. Customs and Border Protection Engagement

CBP collaborates with ICE HSI and FWS in addressing threats related to this important issue. CBP partners with FWS to ensure that commodities and goods (in 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 HSI and FWS through CBP's CTAC to enhance efforts to combat illegal imports of endangered wildlife. The CTAC mission is to join federal agencies with authority over safety regulations of products imported into the United States. CTAC facilitates information-sharing, leveraging the collective resources of the 11 CTAC partner government agencies² 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 CTAC on April 1, 2014. The inclusion of FWS in 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 HSI.

FWS has committed assets to NTC, including resources such as a law enforcement agent who is co-located physically at NTC. NTC provides FWS operational support for targeting through the Tactical Trade Targeting Unit to facilitate import targeting.

FWS and ICE HSI have broadened the scope of CTAC by bringing its subject matter expertise and resources to targeting illegal wildlife trade at our Nation's borders. The information-sharing and collaboration between FWS and CTAC partner government agencies play a key role in tackling illegal wildlife trade and in advancing FWS's mission.

CBP also is working with ICE HSI and USDA's Animal and Plant Health Inspection Service 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.

² CTAC partner government agencies: USDA Animal and Plant Health Inspection Service, 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, U.S. Department of Commerce 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 on 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
CBP	U.S. Customs and Border Protection
CTAC	Commercial Targeting and Analysis Center
DHS	U.S. Department of Homeland Security
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 Natural Resources Division
ESA	Endangered Species Act of 1973
FWS	U.S. Fish and Wildlife Service
FY	Fiscal Year
GTI	Global Trade Investigations Division
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
INTERPOL	International Police Organization
NGO	Nongovernmental Organization
NTC	National Targeting Center
Strategy	National Strategy for Combating Wildlife Trafficking
Task Force	Presidential Task Force on Wildlife Trafficking
TCO	Transnational Criminal Organization
USDA	U.S. Department of Agriculture
WCO	World Customs Organization