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Wildlife Trafficking: International Law Enforcement Responses

Congress has sought to implement law enforcement approaches to wildlife trafficking by appropriating funds for and conducting oversight of relevant foreign aid programs and for U.S. and foreign law enforcement capabilities. U.S. policy tools to target wildlife traffickers include measures to increase dedicated law enforcement personnel, provide equipment and trainings to foreign countries, designate traffickers as ineligible for U.S. entry, freeze traffickers' assets, and offer financial rewards for information leading to their arrest. Debates exist regarding the efficacy of law enforcement approaches, the appropriate number of law enforcement officials, and the extent to which individuals at different levels of trafficking operations are targeted by law enforcement.

Background

Wildlife trafficking (i.e., illegal transactions of wildlife), holds potentially significant implications for U.S. efforts to address conservation and the rule of law. Conservative estimates of the value of the trade in endangered species alone vary from \$7 billion to over \$20 billion annually. The addition of illegal, unreported, and unregulated (IUU) fishing and of illegal logging could exponentially increase these estimates. High profits and often-lax law enforcement have motivated transnational criminal syndicates to engage in the trade. Consumers may be driven by local subsistence needs (e.g., consumption of bushmeat), traditional medicine practices, or a desire for luxury goods. Wildlife trafficking may involve global supply chains and include local poachers, regional middlemen, online retailers, and corrupt officials. In contrast with efforts to reduce consumer demand or to increase the size of protected natural areas, law enforcement focuses on disrupting, investigating, prosecuting, and deterring criminal actors.

Statute and Presidential Action

The U.S. body of laws on wildlife crime originated with the Lacey Act of 1900 (16 U.S.C. §§3371-3378 and 18 U.S.C. §§42-43) and has expanded in scope through the Pelly Amendment to the Fisherman's Protective Act of 1967 (P.L. 92-219), the Endangered Species Act of 1973 (P.L. 93-205), and other laws. Recent U.S. Administrations have identified wildlife trafficking as a transnational organized crime threat. In 2013, President Obama issued Executive Order (E.O.) 13648, which established a Presidential Task Force on Wildlife Trafficking (the Task Force). The Task Force issued a National Strategy for Combating Wildlife Trafficking (the National Strategy) in 2014, which advocated "strengthening enforcement of laws" as a strategic priority. The Eliminate, Neutralize, and Disrupt (END) Wildlife Trafficking Act of 2016 (P.L. 114-231) established the Obama-era Task Force in law and directed the Secretary of State to submit to Congress an annual report that includes updates on the National Strategy, and

identifies countries with significant levels of wildlife trafficking. In 2017, President Trump issued E.O. 13773, which called for the dismantling of groups involved in transnational crime, including wildlife trafficking, and required quarterly reports on related convictions.

Selected U.S. Agency Roles

The Department of State leads U.S. efforts to support international actions to combat wildlife trafficking. The Bureau of International Narcotics and Law Enforcement (INL) in particular focuses on supporting foreign countries' anti-trafficking legislation, investigative and prosecutorial capacity, and regional cooperation. INL administers funds for foreign aid programs, which are implemented by nongovernmental organizations (NGOs) and other third parties, and manages five International Law Enforcement Academies, which include anti-wildlife trafficking trainings conducted by U.S. Fish and Wildlife Service (FWS) personnel. In 2013, Congress passed legislation that expanded a State Department rewards program to include cases of transnational crime (P.L. 112-283). Managed by INL, the program has sought information relating to at least one wildlife trafficking network: the Laos-based Xaysavang Network. INL works with other bureaus within the State Department, notably the Bureau of Oceans and International Environmental and Scientific Affairs, on additional anti-wildlife trafficking efforts. Since FY2008, Congress has enacted annual appropriations measures requiring the Secretary of State to prevent individuals who are credibly suspected of significant corruption from entering the United States, known as Section 7031(c) designations. To date, there has been one public designation for wildlife trafficking-related corruption, concerning a Cameroonian state official.

U.S. Agency for International Development (USAID) administers foreign assistance projects aimed at reducing poaching and wildlife trafficking through regional programs as well as programs administered by the Bureau for Economic Growth, Education, and Environment. Some recent USAID projects have focused on improving forensic science capacity and collaboration between law enforcement and transportation personnel.

FWS, an agency within the Department of the Interior (DOI), retains authority to inspect wildlife shipments entering the United States through the efforts of special agents and wildlife inspectors stationed at certain U.S. points of entry. A select number (eight as of January 2020) of special agent attachés are stationed at U.S. missions abroad. Congress has also directed USAID to transfer to FWS some funds provided for foreign conservation programs with a component focused on park rangers— notably the Central Africa Regional Program for the Environment. FWS also conducts investigations and offers

rewards for information on violations of U.S. wildlife legislation.

Table I. Enacted Appropriations for Selected Federal Funds That Address Wildlife Trafficking and Law Enforcement FY2014 to FY2020 (millions)

Program/Fund	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020
International Narcotics Control and Law Enforcement Fund Efforts to Combat Wildlife Trafficking	\$ 15.0	\$25.0	\$40.0	\$50.7	\$50.0	\$50.0	\$50.0
FWS Law Enforcement Funds For Wildlife Trafficking Enforcement	N/A	N/A	NA	\$7.5	\$7.5	\$7.5	\$9.0

Source: Pertinent annual appropriations laws and committee reports for Interior, Environment, and Related Agencies and State and Foreign Operations and Related Agencies from FY2014 to FY2020.

Notes: This selection is not comprehensive. Other U.S. government programs also address wildlife trafficking and law enforcement. For fields marked N/A, comparable data are not available.

The Department of the Treasury supports regional financial intelligence efforts, applies financial sanctions, and offers rewards relating to wildlife trafficking prosecutions. Pursuant to E.O. 13581 (2011), Treasury’s Office of Foreign Assets Control (OFAC) may leverage sanctions against transnational criminal groups. In 2018, OFAC announced sanctions against a Laotian criminal organization for activities including wildlife trafficking.

Other Federal Entities. The Department of Homeland Security’s Customs and Border Protection maintains authority to inspect U.S. imports. The Department of Justice’s Environmental and Natural Resources Division prosecutes and investigates wildlife crimes. Since FY2015, National Defense Authorization Acts (NDAAs) have authorized Department of Defense joint task forces that support domestic and foreign law enforcement to address certain transnational crimes, including wildlife trafficking.

Selected Intergovernmental Efforts

The International Criminal Police Organization (INTERPOL) facilitates police cooperation, including on wildlife trafficking cases. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a multilateral treaty—to which the United States is a party—that regulates the international trade in animals and plants, according to the sustainability of trade for particular species. The U.N. Office on Drugs and Crime provides technical assistance to law enforcement entities and publishes the World Wildlife Crime Report. The U.N. Environment Program conducts public awareness campaigns and supports CITES regulations.

Legislation in the 116th Congress

The 116th Congress passed the Rescuing Animals with Rewards (RAWR) Act as part of FY2020 appropriations (P.L. 116-94), which explicitly added wildlife trafficking to the State Department’s Transnational Organized Crime Rewards Program. The FY2020 NDAA established an interagency working group on maritime security and IUU fishing (P.L. 116-92). Proposed legislation in the 116th Congress includes H.R. 5398, which would require the presidential Task Force to develop an interagency working group and strategy to address online wildlife trafficking; H.R. 864, which would reclassify certain wildlife trafficking offenses as federal racketeering or related

charges and require an interagency strategy for related rewards for information programs; and H.R. 6043, which would extend the authority for the Task Force and annual report as authorized by the END Act (currently scheduled to expire in October 2021), in addition to other provisions.

Issues for Congress

Human Rights Abuses. In 2019, BuzzFeed News reported that rangers at overseas parks (including in Nepal, Cameroon, and the Central African Republic) that had received assistance from the NGO World Wildlife Fund (WWF) were implicated in human rights abuses against indigenous communities and poaching suspects. The FWS had contracted with WWF to implement some overseas conservation programs. Some Members of Congress requested investigations from WWF, the U.S. Government Accountability Office (GAO), and the DOI. In allocating funds for law enforcement, Congress may consider conditions to minimize the risks of human rights abuses.

Effectiveness. Some observers highlight the difficulty of measuring the impact of law enforcement efforts, pointing to a lack of robust data and to different interpretations of the data that do exist. For example, increased seizures by law enforcement may suggest success in preventing products from reaching consumers, or they may reflect a surge in trafficking. Some stakeholders also point to the adaptability of criminal groups, which could lead to counterproductive outcomes for conservation when governments prioritize law enforcement responses. For example, some traffickers may increase poaching to account for anticipated seizures. Congress may seek to adjust appropriations for other approaches to wildlife trafficking, such as demand-reduction efforts (including public awareness, alternative livelihoods, and food security programs). It may also consider a range of metrics, such as species population estimates and frequency of inspections and seizures, when examining program effectiveness.

Rewards Programs. In April 2018, GAO published a report on the use of cash rewards by the National Oceanic and Atmospheric Administration (NOAA) and FWS in countering wildlife trafficking. GAO recommended that both FWS and NOAA improve tracking systems and public advertising of the rewards programs. Congress may seek to strengthen oversight of these and other rewards programs

or, in the event of ongoing questions about reward effectiveness, to consider using funds for another purpose.

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