



S.27

The Wildlife Trafficking Enforcement Act of 2015

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Cover Image: Tiger 6 [Digital Photograph].

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Executive Summary

The poaching of protected species and the illegal trade in wildlife products represents an international crisis that continues to escalate. Wildlife crime is one of the most lucrative illegal industries in the world, generating 8-10 billion dollars in revenue every year (Bergman, 2009). Poaching has expanded beyond small-scale actions to a coordinated business run by armed criminal syndicates (Morelle, 2014). This is a global industry that is decimating populations of iconic wildlife such as elephants, tigers, and rhinoceroses, among several others. Consumers create market demand for illegal wildlife products such as ivory carvings, traditional medicines, food products, and a live-animal pet trade. Many species in the trade are endangered, and thus command high prices, which further entices criminal activity.

Senate Bill 27: The Wildlife Trafficking Enforcement Act of 2015 is a bipartisan product of the efforts of two senators, Dianne Feinstein of California and Lindsey Graham from South Carolina, to address this serious issue. Their goal for this bill was to increase enforcement powers and penalties associated with large-scale violations of the Endangered Species Act. Under S.27, these violations become predicate offenses that can be investigated and prosecuted under statutes that were designed to target high-level organized crime and terrorist activity. This bill also creates a species conservation fund for the placement of penalties and forfeitures collected from convictions (Wildlife Trafficking Enforcement Act, 2015).

This report outlines an implementation strategy for the S.27 bill entitled “**Operation Tiger**”. This program is designed to operate within existing governmental budgets and frameworks, as well as increase coordination and collaboration between the United States Fish and Wildlife Service and the Department of Justice. This initiative strengthens the United States’ response to global wildlife crime both domestically and abroad. Operation Tiger has four program objectives, dually drawn from S.27 itself and the 2013 Executive Order on Combatting Wildlife Trafficking, that will diminish the prevalence of the wildlife trade, strengthen enforcement of wildlife legislation, increase global cooperation in addressing this issue, and aid conservation programs around the world. Seven program actions will be undertaken by several government offices to ensure the success of Operation Tiger as well as Senate Bill 27: The Wildlife Trafficking Enforcement Act of 2015.

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Summary of S.27

Senate Bill 27: The Wildlife Trafficking Enforcement Act of 2015 applies portions of the United States Federal Criminal Code that involve racketeering, money laundering, and portions of the Travel Act to wildlife trafficking violations under the Endangered Species Act of 1973, the African Elephant Conservation Act of 1988, and the Rhinoceros and Tiger Conservation Act of 1994.

S.27 amends three sections of Title 18 of the United States Federal Criminal Code to include violations of the three wildlife protection acts above when the value of the trafficked item is in excess of \$10,000:

- 1) The Travel Act, Section 1952.
- 2) Money Laundering statutes, Section 1956.
- 3) Racketeer Influenced and Corrupt Organizations Act (RICO), Chapter 96.

In doing so, **violations** of the three above named conservation acts valued in excess of \$10,000 are defined as predicate offenses and **punishable by up to \$500,000 in fines and 20 years incarceration.**

Funds generated from civil penalties, fines, forfeitures, and restitution for wildlife offenses under these statutes will be used for the benefit and conservation of impacted species. Generated funds are directed to be transferred from the Secretary of the Treasury to the Secretary of the Interior and the Secretary of the Commerce. Furthermore, it instructs that these funds be deposited in an account that would be used to address conservation efforts.

The provisions proposed within the S.27 bill grant the United States greater ability to prosecute criminals and criminal organizations operating in the illegal wildlife trade both domestically and abroad. The drastic increase in severity of punishment for large-scale wildlife crime seeks to de-incentivize participation in the illegal wildlife trade and reduce global conflict that arises from it. The bill outlines that the Secretaries of the Interior and of Commerce will have complete discretion in determining what qualifies as an appropriate conservation effort for impacted species, thus allowing for a broader allocation of generated funds.

Issue & Political Background

Wildlife trafficking is a rapidly growing crime and is currently one of the five most lucrative criminal industries in the world, generating between 8 and 10 billion dollars in revenue annually (Bergman, 2009). Much of the poaching and initial export of trafficked goods is controlled by forces with direct connection to groups that the United States has identified as sponsors of terrorism. These include Janjaweed, the Lord's Resistance Army and al-Shabaab (Lawson and Vines, 2014). President Barack Obama recognizes wildlife trafficking as a severe global problem and issued Executive Order 13648 in 2013 to explore ways in which the United States can combat the illegal wildlife trade (Exec. Reg. 13648, 2013).

In January of 2015, S.27 was introduced by Senator Dianne Feinstein and included Senator Lindsey Graham as an introductory co-sponsor. Senator Graham has stated that he believes helping to combat wildlife crime will also deny funding to terrorist groups, therefore making the S.27 bill an attractive and multifaceted policy solution for the United States (Senate Press Release, 2015). Since its introduction S.27 has picked up four additional co-sponsors, two Republicans, Senators Collins and Kirk, and two Democrats, Senators Klobuchar and Whitehouse.

Although the S.27 bill has gained little traction, there is now a similar bill moving in the House of Representatives. H.R. 2494 is titled The Global Anti-Poaching Act of 2015 and has the same set of policy goals as S.27, as well as all of its text, but specifically names targeted terrorist organizations. Furthermore, HR 2494 would authorize the President to deploy military forces to train advisors overseas (Global Anti-Poaching Act, 2015). This has made the bill more palatable to both political parties and it easily passed through the House on November 2, 2015.

Program Goals: Operation Tiger

Criteria and Considerations

A program designed to implement the S.27 bill must ensure increased surveillance of, and penalties for, wildlife trafficking violations. Additionally, it should apply fines and forfeitures collected from convictions to applicable conservation funds for impacted species. Since these are the only criteria specifically mandated by the bill, there is creative freedom in how to achieve these goals.

This program combines the mandated provisions of S.27 with those of the National Strategy and Implementation Plan for Combating Wildlife Trafficking initiated by President Obama's 2013 Executive Order (White House, 2015). After consulting these documents, our team designed four policy objectives for a program we titled **Operation Tiger**, as follows:

- 1) Broaden the reach of the Endangered Species Act.
- 2) Generate funds for the conservation of impacted species.
- 3) Strengthen cooperative efforts around the globe to protect biodiverse areas.
- 4) Reduce prevalence of wildlife criminal activity in regions that are particularly threatened by this trade.

Several considerations were taken when designing Operation Tiger that focused on the social, political, and economic implications of the program. Criteria in each category were crafted to fulfill the mandates of the S.27 bill while also supporting the mandates and objectives of the the National Strategy and Implementation Plan for Combatting Wildlife Trafficking, and are organized in Table 1 below.

Table 1: Social, Political, and Economic criteria employed for program design

| Social | Political | Economic |
|---|--|---|
| Creates partnerships | Assists foreign governments | Fits in USFWS 2016 budget |
| Reduces demand for illegally trafficked goods | Supports international enforcement and cooperation | Promotes economic stability of impacted nations |
| Supports foreign initiatives to increase awareness of the issue | Appeals to both major political parties | Minimizes impacts to legitimate businesses |

Organizational Design

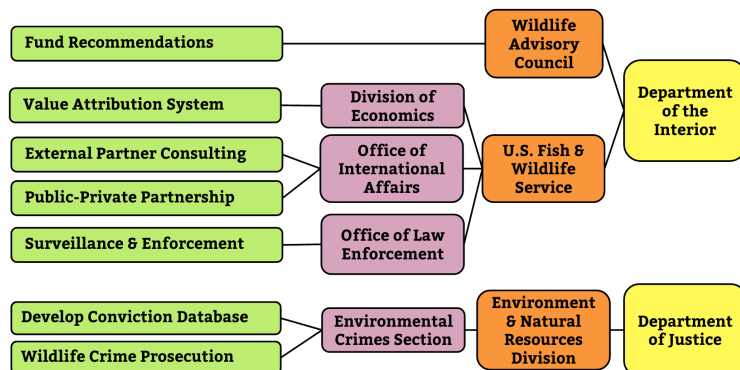


Figure 1: Organizational framework of Operation Tiger going from federal agencies (right) to specific program actions (left)

The objectives of Operation Tiger will be implemented through the coordinated effort of seven core actions, shown in Figure 2 below. This program is designed to operate within the existing structure of the United States Fish and Wildlife Service, the Department of Justice, and the

Federal Advisory Council on Wildlife

Trafficking as per Figure 1. Although Operation Tiger retains this structure, it does strengthen communication pathways to ensure a comprehensive and coordinated response to the illegal wildlife trade. Each action is designed to target large scale violations of the S.27 bill that are valued in excess of \$10,000 dollars.

1) Enhanced Enforcement and Surveillance

Operation Tiger will enhance current capabilities to detect instances of wildlife trafficking and its network around the world. It engages the staff and finances of the U.S. Fish and Wildlife Service and partner agencies to identify and apprehend criminal offenders that poach, ship, and sell wildlife. This unit will increase communication between personnel of the United States Fish and Wildlife Service Office of Law Enforcement and Department of Justice Environmental Crimes Section. These offices will share and coordinate efforts relating to wildlife trafficking and case development within the confines of existing privacy laws. Pertinent interagency memos will be sent on a monthly basis to maintain communication between the two offices. The Chief of the Office of Law Enforcement and the Deputy Assistant Attorney General of the Environment and Natural Resources Division will be responsible for ensuring that communication is upheld.

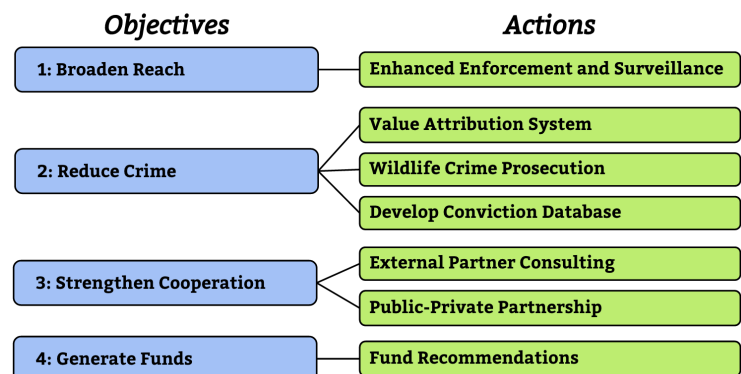


Figure 2: The relationship between Operation Tiger's policy objectives (blue) and program actions for achieving said objectives (green)

2) Value Attribution System

Operation Tiger seeks to establish a uniform system of value attribution for illegal goods to support criminal case building by prosecutors within the Department of Justice. Furthermore, it establishes an accessible database that provides real-time information on trends in pricing of wildlife goods, which support cyber investigations such as the FWS's Operation Wild Web, an initiative working to address the online market for wildlife goods. Staff from the Fish and Wildlife Service Division of Economics will reassess wildlife product values on a quarterly basis in order to account for price fluctuations on the global market. This valuation database will act as a crucial tool to strengthen wildlife trafficking case prosecutions by creating a price standard that can be used to prove the occurrence of wildlife trafficking valued in excess of \$10,000. Staff members that will be specifically assigned to this task are an Economist, a Database Manager, and unpaid interns. Updates and progress reports will be directed to the Division Chief of Economics to ensure that this unit operates effectively.

3) Wildlife Crime Prosecution

This action unit is responsible for prosecuting criminal offenders of the S.27 bill. Prosecutors within the Department of Justice's Environmental Crimes Section are tasked with convicting apprehended criminals using case information gathered by the enhanced enforcement and surveillance unit in the U.S. Fish and Wildlife Service Office of Law Enforcement. Two half-time prosecutors will serve primary roles for these cases within the Department of Justice Environmental Crimes Section.

4) Convictions Database Development

This unit will restructure and maintain the existing database of wildlife crime convictions created by the Department of Justice. This database will act as a searchable tool to strengthen wildlife cases by providing case studies and established precedents in prosecution. The Operation Tiger rendition of the current database will be reformatted by Department of Justice Environmental Crimes Section staff. Members of the Environmental Crimes Section will report to the Assistant Attorney General in charge of their division.

5) Public- Private Partnerships

Our program will successfully engage organizations such as the Wildlife Conservation Society and grassroots local partners tackling the illegal wildlife trafficking issue. This program unit will coordinate with organizations, governments, and individuals to outsource media and educational campaigns aligned with Operation Tiger initiatives. These partnerships will be managed with a focus on conveying the success of these initiatives to the public to encourage transparency and engage a global audience. It will be staffed by members of the USFWS Office of International Affairs and report to the Assistant Director. Existing staff that already engage in these roles will negotiate contracts and monitor performance of partner entities with consideration for the objectives of Operation Tiger.

6) External Partner Consulting

This action unit will provide consultative support to foreign governments and organizations in order to promote international cooperation and efficacy in combatting wildlife crime. Support will be given at the request of these foreign entities, pending alignment with the objectives of Operation Tiger. Existing staff members of the Fish and Wildlife Service Office of International Affairs will be responsible for this task and will report to the Assistant Director of International Affairs.

7) Fund Management Recommendation

Operation Tiger will employ the analysis of the already existent Federal Advisory Council on Wildlife Trafficking, created by the 2013 Executive Order, to make recommendations for the use of funds generated from successful convictions. In accordance with the S.27 bill, these fines and forfeitures should be directed, at the discretion of the Secretaries of the Interior and Commerce, toward conservation of the impacted species from which the conviction resulted. The Council will convene for Operation Tiger annually, in their existing fourth quarter meeting, to generate a list of recommended fund recipients based off of convictions from that year. These recipients should have a proven track record of successful conservation efforts. Council members who present conflict of interest situations, such as those affiliated with potential fund recipient organizations, will be asked to recuse themselves from these meetings in favor of one of the four existing alternate members.

Budget and Staffing

The budgetary structure of Operation Tiger is designed to fit within the 2016 budget requests for the United States Fish and Wildlife Service, the Department of Justice, and the Federal Advisory Council on Wildlife Trafficking. Given that the program will simply add a meeting agenda item for the Federal Advisory Council, no further financing will be needed to achieve program objectives under this agency (Federal Advisory Committee Act Database, 2015).

In accordance with the program's design criteria, Operation Tiger will have sufficient, existing budgetary means to operationalize during its first year of implementation. Fund allocations for program initiatives have been matched to similar objectives within the 2016 budget justifications in order to fulfill the needs of the agency as well as the objectives of Operation Tiger. The anticipated 2016 budget request for Operation Tiger is **6.25 million dollars**.

United States Fish and Wildlife Service

Necessary actions and staffing for Operation Tiger, within the Fish and Wildlife Service, will require **4.25 million dollars** of their 2016 budget request (United States Department of Interior, 2015).

Enforcement and Surveillance - \$4,000,000

Budgeting and staff for the Enhanced Enforcement & Surveillance Unit will be allocated from the **Office of Law Enforcement** 2016 budget justification. Included in this document are 25 new full time employees and expected operational costs for combatting illegal wildlife trafficking. These personnel will focus on detection, investigation, and interdiction of illegal commercial wildlife exploitation, both domestically and internationally. Given that these objectives align directly with the objectives of Operation Tiger, these personnel will function to target organized crime syndicates and large scale violations worth 10,000 dollars or more.

Ten of the new hires will serve as Intelligence Analysts, while the remaining fifteen will be hired as Special Agents. Analysts will work to combat and pursue traffickers, both on the internet and in high speed transport through increased information analysis capabilities. Special Agents will investigate illegal electronic commerce, working with stakeholders in domestic and foreign government agencies, groups, and initiatives, at all levels.

Value Attribution System and Database - \$250,000

This program action will be carried out by the **Division of Economics**. While 1 million dollars is requested in the 2016 budget justification toward ecosystems valuations, Operation Tiger would appropriate a sum of \$250,000 to hire an Economist and Database Administrator in order to initiate research for, and development of, the wildlife products valuation database. Based off of the Federal General Schedule Pay Tables, approximately \$150,000 will be allocated toward the two new hires while the remaining \$100,000 will be used for operating costs of the personnel.

Consulting and Partnership Management

These two actions are implemented by the **Office of International Affairs** and are designed to operate within the current budget and staffing. As such, these two groups are not included in the Operation Tiger overall budget for the first year.

Department of Justice

Necessary actions and staffing for Operation Tiger under this agency will require **2 million dollars** of their 2016 budget request. Given that the development of the convictions database will use existing personnel and require no additional resources, there is no anticipated budgetary need to complete this program action.

Wildlife Crime Prosecution - \$2,000,000

Two of the five million dollars allocated to the Department of Justice's **Environmental Crimes Section** for the 2016 fiscal year will be used in support of Operation Tiger, as it aligns well with the department's Wildlife Trafficking Initiative. Funds will provide payment and operational costs for two half-time prosecutors, hired for the purpose of convicting criminal offenders of the S.27 bill and its covered wildlife acts (United States Department of Justice, 2015).

Program Management

Metrics and Measurements

Short term metrics function to measure the progress and success in achieving the action goals of Operation Tiger. The FWS Office of Law Enforcement and the DOJ Environmental Crimes Section metrics include the number of completed cross-training sessions, which can be used to demonstrate increased collaboration between agencies. The FWS Office of International Affairs will measure the number of new partnerships that result from program actions as well as response to public outreach events such as Ivory Crush. Additionally, staff surveys in all departments can measure employee satisfaction, which can impact program efficacy, and be used to collect suggestions for improvement.

Long term metrics serve to provide insight into how well Operation Tiger achieves the four policy objectives that form the foundation of the program. Both the number of arrests and number of arrests leading to convictions will be tracked by the Environmental Crimes Section and serve as metrics for success under Operation Tiger. Metrics for both the valuations and convictions databases seek to measure the accessibility of the information provided as well as its use, and will be accomplished through tracking the number, rate, and locations of users visiting the respective webpages.

Communication and Progress Reporting

Increased collaboration between government agencies and offices is a hallmark of Operation Tiger and will be achieved through internal monthly memos sent between departments. This will ensure coordination and adaptability of the program throughout its implementation. As mentioned earlier in this report, monthly memos sent between the FWS Office of Law Enforcement and the DOJ Environmental Crimes Section must abide by existing privacy laws, but can nonetheless serve to strengthen the United State's response to the wildlife trafficking crisis both domestically and abroad.

Quarterly reports will be compiled by division or office chiefs, where appropriate, to ensure small scale projects are reaching their targets. Biannual reports will be sent to upper management to ensure larger scale projects are being properly managed. An annual report encompassing several aspects of the program, including the allocation of budget resources and data visualization, will be sent to appropriate agency directors and Congress to justify continued funding and support for Operation Tiger.

Master Calendar — First Year

Operation Tiger’s first year of implementation will focus primarily on the hiring of new employees and establishing the frameworks for each program action to function smoothly and efficiently going forward. The calendar is designed to ensure all necessary elements of the program are fully operational by the beginning of the second year.

It is expected that the hiring process for all offices and divisions will take 7 months in order to locate, interview, hire, and train the 29 new employees required for Operation Tiger. All hiring processes will begin on January 4, 2016, the first day of operation, with the drafting of position summaries and descriptions. The training of all new staff should be completed by the beginning of the 3rd quarter, while existing staff that will be incorporated into Operation Tiger will immediately receive directives.

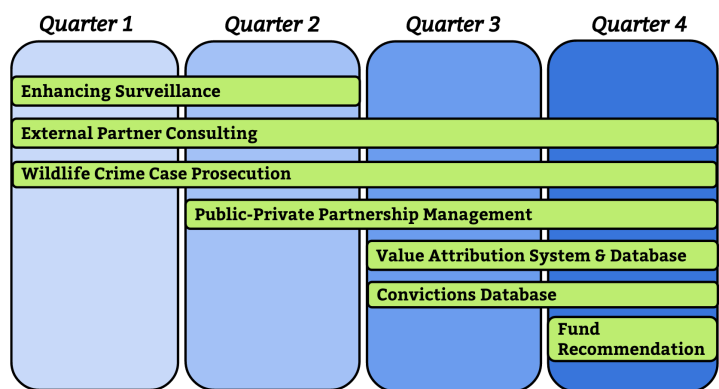


Figure 3: Overview of master calendar for the first year of implementation

The Enhancing Surveillance Action is depicted in the Figure 3 as running through the first and second quarter of the calendar. This action is expected to require two quarters to develop new protocols for identifying, monitoring, and building cases around persons and organizations participating in large scale wildlife crime. External partner consulting and wildlife crime prosecution will operate on a rolling basis as requests and cases arise, and so are expected to begin on January 4th. Existing staff will fulfill these duties during the hiring process.

The value attribution system and both the valuation and convictions databases will be researched, created and modified during the second half of the first year. The Economist hired to develop a value attribution standard will be expected to contact the International Consortium on Combatting Wildlife Crime (ICWC) as well as other organizations who have their own valuation systems to establish a global standard. Our team is confident that the organizational and communications structure will successfully support the implementation plan for the first year of Operation Tiger.

Vision for the Future

Moving forward, Operation Tiger will continue to adapt to the changing threats that wildlife and biodiverse areas face. Internal performance management will afford longterm program success through data driven adjustments as initiatives progress. Externally, Operation Tiger results should be incorporated into initiatives for the 2013 Executive Order and the resultant National Strategy and Implementation Plan for Combatting Wildlife Trafficking in order to broadly increase the effectiveness of combating wildlife crime.

It is acknowledged that marine life protected under the Endangered Species Act have not been incorporated into Operation Tiger, with the reasoning that the first year will serve as a pilot program for enforcement of the S.27 bill and associated wildlife legislation. Lessons learned and information obtained from Operation Tiger can be used to design a comparable program for the illegal trade of marine wildlife. This partner program, Operation Tiger-Shark, would have focal involvement from the National Marine Fisheries Service in lieu of the Fish and Wildlife Service, as they are the government agency responsible for the enforcement of wildlife laws for the protection of marine species.



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