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# WILDLIFE PROTECTION

## Fish and Wildlife Service's Inspection Program Needs Strengthening







United States  
General Accounting Office  
Washington, D.C. 20548

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**Resources, Community, and  
Economic Development Division**

B-257434

December 29, 1994

The Honorable Gerry E. Studds  
Chairman, Committee on Merchant Marine  
and Fisheries  
House of Representatives

The Honorable Richard H. Lehman  
House of Representatives

This report responds to your request to review the wildlife inspection program administered by the Department of the Interior's Fish and Wildlife Service. Specifically, you asked that we determine (1) the effectiveness of the inspection program, (2) the potential impact of the North American Free Trade Agreement on wildlife trade and the inspection of wildlife shipments, and (3) the advantages and disadvantages that might accrue from a transfer of jurisdiction for the program from the Fish and Wildlife Service to the Department of the Treasury's Customs Service.

We will send copies of this report to the Secretary of the Interior; the Director, Office of Management and Budget; and various congressional committees. We will also make copies available to other interested parties upon request.

This work was performed under the direction of James Duffus III, Director, Natural Resources Management Issues, who can be reached at (202) 512-7756 if you or your staff have any questions. Other major contributors to the report are listed in appendix IV.

Keith O. Fultz  
Assistant Comptroller General

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# Executive Summary

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## Purpose

Growing demand throughout the world for wildlife and wildlife parts and products has created a market in which commercial exploitation has threatened certain wildlife populations. Although the full extent of illegal trade is not known, the value of such trade into and out of the United States is estimated to be between \$100 million and \$250 million annually. Concerned about the growth of illegal trade in wildlife, the Chairman of the House Committee on Merchant Marine and Fisheries and Representative Richard H. Lehman requested that GAO determine the (1) effectiveness of the Fish and Wildlife Service's (FWS) wildlife inspection program, (2) potential impact of the North American Free Trade Agreement on wildlife trade and the inspection of wildlife shipments, and (3) advantages and disadvantages that might accrue from a transfer of the wildlife inspection program from the Department of the Interior's FWS to the Department of the Treasury's Customs Service.

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## Background

The United States is the largest consumer of wildlife in the world, importing and exporting over \$1 billion of the estimated \$5 billion to \$8 billion in international wildlife trade occurring annually. FWS is responsible for ensuring that all wildlife shipments entering or leaving the United States are in compliance with federal, state, and foreign wildlife laws and treaties.

FWS maintains a force of 74 wildlife inspectors stationed at 11 designated ports of entry and 14 other locations where wildlife import and export shipments occur. These wildlife inspectors monitor trade in wildlife and intercept illegal shipments of federally protected wildlife. They work with other agencies—most notably the Customs Service—to fulfill their inspection mission. According to FWS' data, an average of about 77,000 import and export shipments containing wildlife or wildlife parts and products were processed nationwide during fiscal years 1989 through 1993. Funding for FWS' wildlife inspection program comes from two primary sources—annual appropriations, which totaled \$2.81 million in fiscal year 1993, and licenses and inspection fees collected from importers and exporters, which totaled \$2.25 million in the same year. Whereas the program's appropriations have risen over 235 percent in recent years, fees paid by users have remained relatively stable.

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## Results in Brief

Despite recent increases in the program's appropriations, FWS' current inspection program has had difficulty in accomplishing its mission of monitoring wildlife trade and intercepting illegal wildlife trade. Given

current budgetary constraints and downsizing efforts within the federal government, additional increases in program funding are unlikely to occur. The information on program activities that GAO reviewed raises questions about the program's efficiency and effectiveness, including the allocation of resources within the program. Although FWS recently established goals for the program, they are based solely on established output levels—a percentage of shipments processed that are inspected—and do little to measure program performance. These goals, even if reached, will not ensure that the wildlife inspection program is moving closer to achieving its mission. Furthermore, the lack of complete, accurate, and timely data on the inspection program precludes FWS management from making informed decisions about the need for and allocation of resources within the inspection program.

The passage of the North American Free Trade Agreement is likely to increase wildlife trade among the three countries who are party to the agreement—the United States, Canada, and Mexico. The expected increase in trade will increase the workload of the FWS inspectors, who are already stretched thin along the U.S.-Mexico and U.S.-Canada borders, according to those GAO spoke with and studies GAO reviewed.

Wildlife inspectors responding to a GAO questionnaire, federal agency officials, and conservation and trade organizations that GAO contacted identified both advantages and disadvantages to transferring FWS' wildlife inspection program to the Customs Service. If such a transfer is ever formally proposed, each of the advantages and disadvantages of moving the wildlife inspection program would have to be carefully considered by policymakers.

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## Principal Findings

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### Current Program Is Limited in Its Ability to Accomplish Inspection Mission

One of the means by which FWS monitors wildlife trade and intercepts illegal imports and exports of wildlife is by conducting physical inspections of shipments that either have been declared to contain (presented to FWS for clearance) or are thought to contain wildlife or wildlife parts and products. However, most wildlife shipments are not physically inspected, and it is likely that many illegal shipments are evading detection. Although it is impossible to determine the extent of illegal wildlife trade, FWS estimates that it is detecting less than 10 percent

of the violations associated with declared shipments and a much lower percentage of undeclared shipments. Furthermore, FWS' data on program activities show significant variances in such things as the number of shipments processed, the percentage of shipments inspected at each port of entry, and the number of inspections performed per wildlife inspector. These variances raise questions about the level of staff and accompanying resources allocated to each of the ports of entry.

Despite recent increases in funding for the wildlife inspection program, FWS officials attribute the program's limited ability to accomplish its inspection mission to a need to hire additional inspectors and provide them with more resources, such as safety equipment (for example, breathing filters, eye protection, and gloves) and administrative support. Furthermore, the FWS Law Enforcement Management Information System (LEMIS) currently does not provide accurate or timely data on such things as the (1) level of and trends in wildlife trade, (2) number of shipments processed and inspected at each port of entry and by each inspector, (3) violations detected and the fines and penalties assessed for these violations, and (4) traders who repeatedly violate wildlife laws and treaties—data that inspectors need to do their work and that management needs to make informed decisions on the program's direction and resource needs. FWS recognizes that the quality of the LEMIS data relating to the wildlife inspection program needs improvement and has plans to improve the data's timeliness and accuracy.

FWS has recently established what it considers to be attainable goals for the program, but these goals are based on an average of the percentage of shipments that FWS inspectors have inspected over the past several years. The goals do not include such things as the extensiveness of the inspections performed or the number of illegal shipments that are intercepted and the ultimate disposition of the interceptions.

Because of higher priorities and staffing constraints within the Department of the Interior's Office of the Solicitor and the Department of Justice's U.S. Attorney Offices, many violations detected by FWS result only in the forfeiture of the seized goods. Penalties or fines and probation or jail are infrequently imposed on violators. According to FWS officials, the lack of penalties and fines and other punitive measures assessed for violations detected by the wildlife inspection program does little to instill in potential violators the need to voluntarily comply with the laws and treaties governing wildlife trade.

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## Trade Agreement Expected to Increase Wildlife Trade and Inspectors' Workload

The North American Free Trade Agreement will likely result in an increase in the volume of cross-border traffic in most types of trade, including wildlife. Because of the limited number of wildlife inspectors assigned to border ports, it has been difficult for FWS to adequately monitor the current level of trade crossing the U.S. borders with Canada and Mexico. Wildlife inspectors responding to a GAO questionnaire, federal agency officials, and conservation organizations that GAO contacted believe that the increased traffic expected as a result of the trade agreement will add to FWS' workload and make the detection of illegal trade even more difficult. Although regional officials that GAO contacted also identified ports of entry not along the Mexican border that they believe will experience increased workloads, FWS believes that the agreement's greatest impact will be along the U.S.-Mexico border and thus far has requested additional funding to address only the trade agreement's impact along that border.

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## Views on Possible Transfer

GAO was asked to determine the advantages and disadvantages that might accrue from a transfer of the program from FWS to the Customs Service. Those GAO spoke with about such a transfer provided their views on the possible advantages and disadvantages. In terms of advantages, some thought that Customs' larger, more dispersed inspection force and its automated system for assessing shipments and determining which ones to inspect would enable Customs to provide greater wildlife coverage than does FWS. In terms of disadvantages, some of those GAO spoke with were concerned that, among other things, wildlife protection would not receive emphasis within Customs and that Customs inspectors lack wildlife identification expertise.

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## Recommendations

GAO is making a number of recommendations to ensure that FWS' wildlife inspection program is better able to accomplish its mission and that its current resources are used more efficiently and effectively. For example, GAO recommends that the Secretary of the Interior direct the Director, FWS, to develop outcome-oriented, performance-related goals that are indicative of an effective inspection program and to give priority to completing its plans to improve the law enforcement management information system. GAO believes that without outcome-oriented, performance-related goals and an accurate management information system to report progress toward achieving them, FWS management and the Congress are hindered in making informed decisions about how well the inspection program is accomplishing its mission and about the level of staff and resources needed by the program. GAO also recommends that FWS

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conduct a comprehensive examination of the operations of each of the designated and the nondesignated ports of entry where wildlife trade is known to occur to determine if and where adjustments in the allocation of resources can be made. Additional recommendations made by GAO may be found in chapter 5.

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## Agency Comments

GAO received written comments on a draft of this report from the Department of the Interior. Interior generally agreed with GAO's recommendations to improve LEMIS and to establish performance-oriented goals. Although Interior disagreed with GAO's recommendation involving possible adjustments in the allocation of resources among the various ports of entry, it did state that workload factors have been used to justify increased resources at several ports of entry. Interior pointed out that not only must a minimum staffing level be maintained at designated ports of entry in order to provide uninterrupted service, but that political and economic factors must also be considered in its staffing decisions. GAO agrees. More complete discussions of Interior's comments and GAO's evaluation of them may be found in chapter 5 and appendix III.

GAO discussed the contents of this report with Customs Service officials, who said that the report clearly states the issues surrounding the wildlife inspection program—particularly in connection with a possible transfer of the program. A more complete discussion of the Customs officials' comments may be found at the end of chapter 5.

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**Abbreviations**

|       |   |
|-------|---|
| APHIS | Animal and Plant Health Inspection Service                                      |
| CITES | Convention on International Trade in Endangered Species of Wild Fauna and Flora |
| FWS   | U.S. Fish and Wildlife Service  |
| GAO   | General Accounting Office   |
| LEMIS | Law Enforcement Management Information System                                   |
| NAFTA | North American Free Trade Agreement   |

# Introduction

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The growing demand throughout the world for wildlife and wildlife parts and products has created a market in which commercial exploitation has threatened certain wildlife populations. The oriental medicine trade, for example, has created an illicit market in bear gall bladders, rhinoceros horns, and parts of other threatened and endangered species.<sup>1</sup> The United States is the world's largest wildlife trading country, importing an average of \$773 million and exporting about \$256 million in such trade each year since 1989. Although the full extent of illegal trade is not known, the value of illegal wildlife trade into and out of the United States is estimated to be between \$100 million and \$250 million annually.

The mission of the Department of the Interior's Fish and Wildlife Service (FWS) is to conserve and enhance fish and wildlife populations and their habitats for the continuing benefit of the American people. Enforcing and administering laws and treaties governing the importation and exportation of fish and wildlife species, the animals' parts, and products made from the animals or their parts is an important and necessary means by which FWS carries out its mission. The FWS Division of Law Enforcement, through its wildlife inspection program established in 1975, helps ensure that wildlife shipments entering or leaving the United States comply with wildlife trade laws and treaties.

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## Organizational Structure of FWS' Wildlife Inspection Program

The FWS Division of Law Enforcement, headquartered in Arlington, Virginia, provides general direction and develops policy for the seven FWS regions that oversee the wildlife inspection program. Each regional office is administered by a Regional Director, who is responsible for all of FWS' activities within an assigned geographical area and who manages the inspection program with the help of an Assistant Regional Director for Law Enforcement.

Trade in wildlife and wildlife parts and products generally involves shipments that consist of packages, crates, or other containers that are (1) transported by air, sea, and land carriers; (2) carried by individuals; or (3) delivered through the mail. To carry out its responsibilities to monitor trade in wildlife and intercept illegal shipments of federally protected wildlife, the Division of Law Enforcement maintains a force of 74 wildlife inspectors, whose duties include (1) examining documentation that accompanies shipments, (2) physically inspecting the contents of shipments, (3) properly handling seized property, (4) occasionally

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<sup>1</sup>Endangered species are those in danger of extinction throughout all or a significant portion of their ranges. Threatened species are those likely to become endangered within the foreseeable future throughout all or a significant portion of their ranges.

handling certain aspects of the violation investigation process, and (5) fulfilling administrative duties associated with the inspection and clearance of wildlife imports and exports.

FWS inspectors are stationed at 11 designated ports of entry and at 14 of the over 300 nondesignated (border or special) ports located throughout the United States and its territories where wildlife shipments occur. By designating certain ports of entry for the importation and exportation of wildlife, FWS has attempted to concentrate wildlife shipments at a few locations to enable more efficient and effective service. The majority of wildlife shipments are processed through the 11 designated ports. Wildlife shipments processed through any of the nondesignated ports must meet certain criteria or be accompanied by a special FWS permit. FWS' data show that nationwide, an average of almost 77,000 shipments were processed annually during the past 5 fiscal years.

The FWS regions and the location of FWS wildlife inspectors at both designated and nondesignated ports are shown in figure 1.1.

Figure 1.1: Map of the Seven FWS Regions and the Locations of FWS Wildlife Inspectors



Source: Adapted by GAO from FWS originals.

The Division of Law Enforcement also employs a force of about 225 special agents who are criminal investigators responsible for protecting domestic and international fish, wildlife, and plant resources. They maintain liaison with all mutually interested federal, state, and local enforcement authorities and investigate suspected violations of federal wildlife laws. As part of their broad responsibilities, these agents work closely with wildlife inspectors in enforcing and administering federal laws and international treaties governing the importation and exportation of wildlife and wildlife parts and products. The agents are located in field offices throughout each FWS region.

In addition to its field inspectors and special agents, the Division of Law Enforcement maintains a desk officer for inspections in its Branch of Investigations. This desk officer is responsible for, among other things, (1) monitoring international wildlife trade to determine trends and (2) representing FWS in interagency negotiations and discussions to develop strategies for coordinated enforcement of FWS-administered laws and regulations.

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## Funding of Wildlife Inspection Program

Funding for FWS' wildlife inspection program is derived from two primary sources—annual appropriations and license and inspection fees collected from wildlife importers and exporters. Import-export licenses, which currently cost \$125 annually, generated over \$270,000 in fiscal year 1993. Persons who import or export less than \$25,000 in wildlife annually, common carriers and museums that import or export wildlife for research or educational purposes, and certain others are exempt from the licensing requirements. The approximately 2,165 holders of import-export licenses must also pay a \$25 inspection fee for each shipment that is imported or exported at a designated port of entry. These fees generated about \$1.98 million in fiscal year 1993.

Appropriations and user fees for the wildlife inspection program for fiscal years 1989 through 1993 are shown in table 1.1. As can be seen, in constant dollars over the 5-year period, appropriations have risen over 235 percent—partially as a result of moneys provided by the Congress for specific purposes, such as establishing designated ports in Portland, Oregon, and Baltimore, Maryland, and reestablishing a full-time wildlife inspector position in Philadelphia, Pennsylvania. User fees have remained relatively stable during this period.

**Table 1.1: Appropriations and User Fees for FWS' Wildlife Inspection Program, Fiscal Years 1989-93**

| 1993 Constant Dollars (in millions)                 |                        |        |        |        |        |
|---|------------------------|--------|--------|--------|--------|
| Source  | Funding by fiscal year |        |        |        |        |
|   | 1989                   | 1990   | 1991   | 1992   | 1993   |
| Appropriations                                      | \$ .84                 | \$ .89 | \$1.50 | \$2.18 | \$2.81 |
| User fees   | 2.63                   | 2.54   | 2.11   | 2.09   | 2.25   |
| Less: Denver Finance Center assessment <sup>a</sup> | (.28)                  | (.30)  | (.22)  | (.18)  | (.15)  |
| Amount available                                    | \$3.19                 | \$3.13 | \$3.39 | \$4.09 | \$4.91 |

<sup>a</sup>Each year, Interior's Denver Finance Center assesses the program a nominal amount for administrative overhead.

## Cooperative Federal Efforts to Inspect Wildlife Shipments

FWS relies on the cooperation of other federal agencies in fulfilling its mission of monitoring wildlife trade. The Department of the Treasury's Customs Service is the primary agency responsible for the inspection and clearance of goods imported into the United States. In this capacity, the Customs Service is the first line of defense against illegal wildlife shipments. Before it clears a wildlife shipment at a designated port where an FWS wildlife inspector is present, Customs refers the shipment to FWS for inspection and clearance. At ports that do not have FWS inspectors, Customs inspectors can clear wildlife shipments or take other appropriate action.

FWS also works closely with and coordinates its activities with other federal agencies that have jurisdiction at ports of entry. These agencies include the Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), which is primarily responsible for inspecting shipments of plants and animals entering or leaving the United States and preventing the introduction of pests and plant and animal diseases into the United States; the Department of Commerce's National Marine Fisheries Service, which is responsible for protecting certain marine mammals under the Marine Mammal Protection Act and other laws regulating the importation of marine wildlife; the Department of Justice's Immigration and Naturalization Service, which is primarily responsible for enforcing the immigration laws of the United States; and the Department of Transportation's Coast Guard, which works with other agencies to (1) enforce the laws that pertain to the protection of living and nonliving resources and (2) suppress smuggling and illicit drug trafficking on the high seas.

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FWS relies on the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544), and the Lacey Act, as amended (18 U.S.C. 42; 16 U.S.C. 3371-3378),<sup>2</sup> as the primary domestic legislation to control wildlife imports and exports. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is the major international agreement for the control of trade in wildlife and plants. In the United States, CITES is implemented through the Endangered Species Act. The United States also has treaties with four countries for the protection of migratory birds. The Migratory Bird Treaty Act, as amended (16 U.S.C. 703-712), which implemented these treaties, prohibits the importation of migratory birds captured or killed illegally in their country of origin. (See app. I for a brief description of these and related laws.)

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## GAO's 1991 Report Made Several Recommendations to Strengthen Enforcement of Wildlife Protection Laws and Treaties

As discussed earlier in this chapter, FWS special agents work very closely with the wildlife inspectors to enforce and administer federal laws and treaties governing the importation and exportation of wildlife and wildlife parts and products. In 1991, we reported on law enforcement activities conducted in six FWS regions by special agents.<sup>3</sup> Our report stated that because the Division of Law Enforcement did not have reliable information on the effectiveness of its special agents' enforcement efforts or the magnitude of suspected crimes against wildlife that were not being investigated, it had not fared well in the allocation of substantial increases in FWS' overall staffing and funding. As a result, the Division's special agents, who are responsible for investigating cases involving (1) large-scale selling or commercialization of wildlife and wildlife parts, (2) crimes against threatened or endangered species, (3) illegal importation of wildlife for commercial purposes, and (4) illegal taking of migratory birds, were unable—because of a lack of sufficient resources—to perform their basic responsibilities.

To be better able to periodically assess the extent of crime against wildlife and justify its funding and staffing needs and ensure that its special agents are able to perform their basic responsibilities, we recommended that FWS record (1) all instances of suspected violations coming to its attention, including those that may not be investigated; (2) the agency's handling of suspected violations; and (3) the outcomes of the investigations. We also

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<sup>2</sup>The Lacey Act prohibits the import, export, transportation, sale, receipt, acquisition, or purchase of fish, wildlife, or plants that are taken, possessed, transported, or sold in violation of any federal, state, tribal, or foreign law.

<sup>3</sup>Wildlife Protection: Enforcement of Federal Laws Could Be Strengthened (GAO/RCED-91-44, Apr. 26, 1991).

recommended that FWS then use this information to (1) periodically assess the extent of suspected crimes against wildlife, (2) provide realistic estimates of staff and funds needed to adequately address the problem, and (3) include the estimates in annual budget requests. Although the agency agreed that it needed to improve its documentation of crimes against wildlife, FWS disagreed that better documentation of reported violations would provide meaningful data to justify increased funding or staffing for law enforcement.

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## Objectives, Scope, and Methodology

Because of the documented growth of illegal commercial trade in wildlife and wildlife parts and products and the similarities in the work locations of FWS and Customs Service inspectors, the Chairman of the House Committee on Merchant Marine and Fisheries and Representative Richard H. Lehman requested that we determine the (1) effectiveness of FWS' wildlife inspection program, (2) potential impact of the North American Free Trade Agreement (NAFTA) on wildlife trade and the inspection of wildlife shipments, and (3) advantages and disadvantages of moving the wildlife inspection program from FWS to the Customs Service.

We visited the designated ports of entry of Los Angeles, California, and Miami, Florida, and the nondesignated ports of entry of San Diego, California, and El Paso, Texas. Los Angeles and Miami are high-volume, worldwide import and export centers, and San Diego and El Paso are centers of import and export trade between the United States and Mexico.

Our review focused on the field activities of FWS wildlife inspectors. We reviewed documentation on the activities of and the resources devoted to the wildlife inspection program for fiscal years 1989 through 1993, including information from the FWS Law Enforcement Management Information System (LEMIS). Although the information in LEMIS on the wildlife inspection program's activities is the best information available, FWS officials told us that it is often inaccurate and incomplete and, therefore, may understate the total volume of imports and exports processed by FWS' wildlife inspection program. We also obtained information on the program's ability to deter illegal wildlife trade from FWS headquarters, its seven regional offices, and wildlife conservation organizations, including the Wildlife Management Institute, the National Audubon Society, the World Wildlife Fund, and the National Fish and Wildlife Foundation.

To determine the potential impact of NAFTA on wildlife trade and the inspection of wildlife shipments, we reviewed documentation and available studies on the agreement's requirements and possible outcomes. We also spoke with officials from FWS, APHIS, and the Centers for Disease Control's Public Health Service as well as wildlife conservation groups about (1) the agreement's impacts on the numbers and types of wildlife shipments that might be imported or exported and (2) their plans to deal with such impacts.

To determine the advantages and disadvantages of moving the wildlife inspection program from FWS to the Customs Service, we interviewed FWS headquarters and regional officials and wildlife inspectors; Customs Service officials located at headquarters and the above designated and nondesignated ports; and APHIS and Public Health Service officials familiar with the program. We also obtained views on the advantages and disadvantages of such a transfer from wildlife conservation and trade organizations.

As a part of our review, we administered a questionnaire to 72 of the 74 FWS wildlife inspectors and the wildlife desk officer assigned to the program at the end of fiscal year 1993 to obtain their perceptions of the program, the impact of NAFTA on their work, and the idea of moving the wildlife inspection program from FWS to Customs. One inspector left FWS prior to the mailing of our questionnaire, and we did not send a questionnaire to a wildlife inspector trainee who was hired in late fiscal year 1993. Sixty-three of the wildlife inspectors responded to our questionnaire, a copy of which—including a compilation of the wildlife inspectors' responses—is provided in appendix II. For the same purpose, we also contacted 20 FWS special agents who were identified by senior resident agents (supervisors) as having conducted investigations resulting from violations detected by wildlife inspectors.

Our review was conducted between February 1993 and November 1994 in accordance with generally accepted government auditing standards. We obtained written comments on a draft of this report from the Department of the Interior. These comments are summarized and evaluated in chapter 5 and reproduced in appendix III. We also discussed the contents of this report with officials in the Department of the Treasury's Customs Service who provided several technical clarifications, which have been incorporated into the report.

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# FWS' Wildlife Inspection Program Has Limited Ability to Accomplish Its Mission

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At a time of complex laws and regulations controlling wildlife trade and the possibility of increased shipments of imported and exported wildlife as nations evolve into a world economy, FWS is limited in its ability to monitor trade in wildlife and to intercept illegal imports and exports of wildlife. Under the current program, inspection rates at the FWS ports of entry vary considerably; a majority of wildlife shipments receive no physical inspection. As a result, many illegal imports or exports of wildlife may evade detection.

Despite recent increases in funding for the wildlife inspection program, FWS officials report that many ports are without adequate wildlife inspection coverage, and inspectors at some locations cite a need for safety equipment and other resources, such as a better information system, reference books, and computer and related equipment, to more effectively perform their jobs. Wildlife inspectors are often kept from conducting physical inspections of wildlife shipments because administrative tasks limit the time they have available to conduct inspections. In addition, LEMIS does not provide accurate, timely information about the inspection program that would aid wildlife inspectors in carrying out their responsibilities and enable FWS officials to make informed decisions about any staffing or other changes needed at specific ports of entry.

Furthermore, a lack of prosecutions, coupled with a lack of significant penalties and fines imposed for violations that are detected by the wildlife inspection program, do little to encourage compliance with wildlife trade laws and treaties. Because of higher priorities and staffing constraints within the Department of the Interior's Office of the Solicitor and the Department of Justice's U.S. Attorney Offices—the offices responsible for prosecuting wildlife trade violations—the most frequent punitive measure involves the forfeiture of the illegal wildlife the violators were attempting to move into or out of the United States. These violators tend to view such forfeitures simply as a cost of doing business.

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## Probability Is High That Illegal Wildlife Shipments Evade Detection

One of the ways FWS attempts to monitor the trade in wildlife and intercept illegal imports and exports of wildlife is by conducting physical inspections. However, most wildlife shipments are not physically inspected, and it is likely that many illegal wildlife shipments are evading detection.

Although the full extent of the illegal trade in wildlife imports and exports is not known, such trade appears to be extensive as judged by various studies and other assessments. For example, in 1992, TRAFFIC USA<sup>1</sup> estimated that global wildlife trade (excluding timber and fisheries products) was valued at a minimum of \$5 billion to \$8 billion per year and that as much as \$2 billion of this trade may have been illegal. FWS law enforcement officials we contacted during our review pointed out that it is impossible to determine the extent of illegal wildlife trade that is occurring. However, they provided a rough estimate that FWS is detecting less than 10 percent of the violations associated with declared shipments (those presented to FWS for clearance) and that the percentage is much lower for undeclared shipments.

Many FWS wildlife inspectors share these views. For example, 44 (about 70 percent) of the 63 inspectors who responded to our questionnaire believed that an illegal shipment would be able to escape detection over 50 percent of the time. The inspectors identified several means, including containerized shipments, passenger traffic at airports, and international mail, by which illegal shipments of wildlife and wildlife parts and products can be concealed and go undetected because of inadequate inspection coverage.

Law enforcement officials from the seven FWS regional offices responsible for managing the wildlife inspection program agreed that FWS is detecting very little illegal wildlife trade. For example, one FWS supervisory special agent estimated that wildlife inspectors are detecting only about 1 to 3 percent of the illegal wildlife shipments carried by passengers and 1 to 10 percent of illegally imported or exported wildlife in declared cargo shipments. Undeclared illegal shipments of wildlife have an even higher probability of going undetected, according to FWS officials.

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## Most Wildlife Shipments Are Not Physically Inspected

Most wildlife shipments are not physically inspected, which is a problem that has been recognized by FWS and others for years. For example, the U.S. Fish and Wildlife Service Division of Law Enforcement Briefing Materials, 1991 Edition stated that FWS is able to inspect only a minute percentage of the containerized shipments that enter this country annually. In February 1992, the Director, TRAFFIC USA, testified before a congressional subcommittee that fewer than 5 percent of all wildlife shipments are physically inspected, leaving most wildlife imports and

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<sup>1</sup>TRAFFIC USA is a wildlife trade monitoring program of the World Wildlife Fund, an organization dedicated to protecting wildlife and wildlife habitats and promoting the wise use of natural resources throughout the world.

exports completely unchecked. Our analysis indicates that the percentage of wildlife shipments that FWS inspected during the 5-fiscal-year period from 1989 through 1993 averaged about 23 percent.

As a monitoring and enforcement tool, physical inspections are important. Their purpose is to determine if the species and quantity of wildlife contained in a shipment are the same as those specified on its declaration documents. The wildlife inspectors base their decisions on how many shipments, and how much of any given shipment, to inspect on a variety of factors that include the

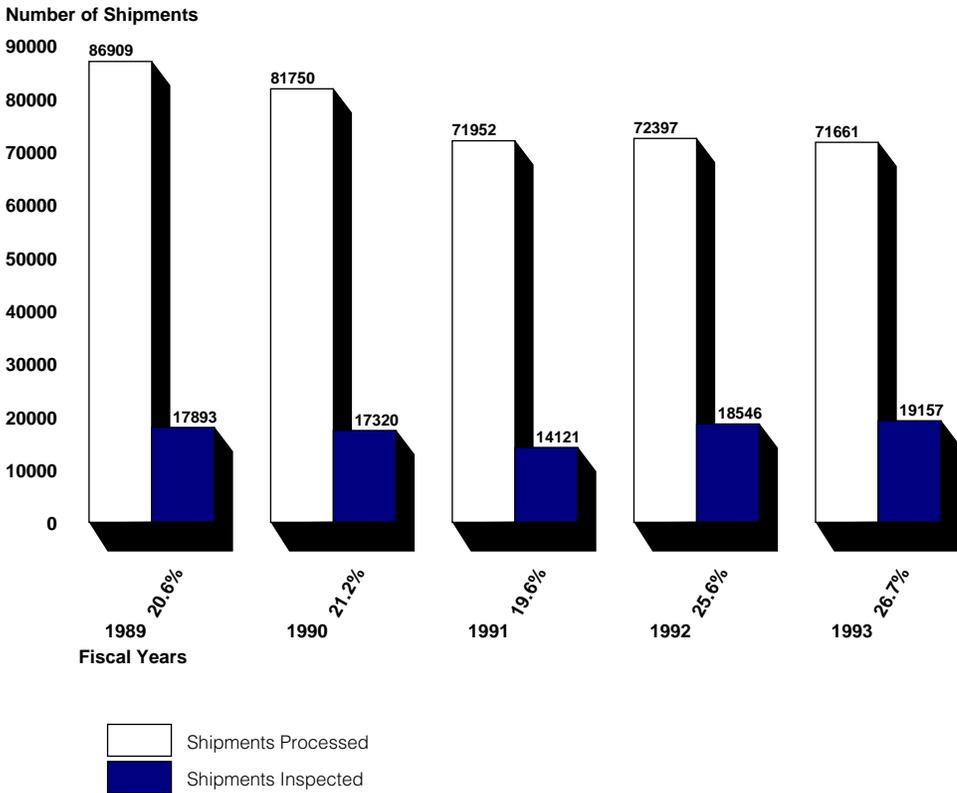
- amount of time they have available;
- number of shipments awaiting inspection;
- contents of the shipments—for example, live wildlife;
- violation histories relative to different types of shipments;
- violation histories of importers-exporters; and
- countries from or to which shipments are being made.

Before fiscal year 1994, FWS' wildlife inspection program had no established inspection goals. However, during the course of our review, the Division of Law Enforcement set what it considered to be attainable inspection goals for the program. These goals require that beginning in fiscal year 1994, FWS should physically inspect at least 25 percent of all shipments presented for import or export at the 11 designated ports of entry, and at least 50 percent of all shipments at nondesignated ports of entry where it has assigned wildlife inspectors. The difference in the goals for the two types of ports is primarily the result of the higher volume of shipments at designated versus nondesignated ports. According to the Deputy Chief of the Division of Law Enforcement, these goals are based on an average of the percentage of shipments that have been inspected nationwide over the past several years.

Against this backdrop, figure 2.1 shows the total numbers of wildlife shipments processed and physically inspected by FWS over the 5-fiscal-year period from 1989 through 1993, along with the percentage of shipments inspected. The information shown in figure 2.1 and the other figures presented in this section are based on import-export data from LEMIS. As pointed out in chapter 1, the information in LEMIS on wildlife inspection activities is, according to FWS officials, often not accurate or timely and, therefore, more than likely understates the total number of imports and exports processed and physically inspected by FWS wildlife inspectors.

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Figure 2.1: Number of Shipments Processed and Physical Inspections Performed by FWS, Fiscal Years 1989-93



Note: The percentages under the shaded bars show the portion of shipments that were physically inspected.

Source: The FWS Division of Law Enforcement.

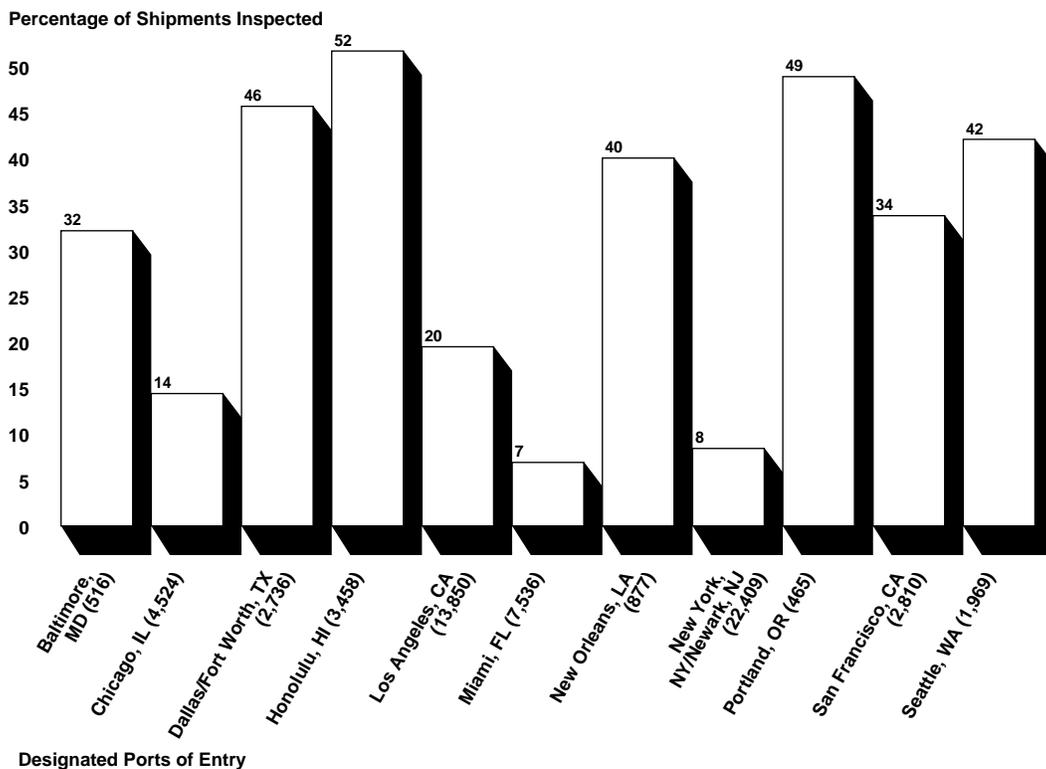
The number of shipments processed during the 5-year period averaged about 77,000, with a range of 86,909 in fiscal year 1989 to 71,661 in fiscal year 1993. The number of shipments processed during the past 3 fiscal years has been fairly consistent, hovering close to 72,000. The overall rate of conducting physical inspections of shipments ranged from almost 20 percent in fiscal year 1991 to about 27 percent in fiscal year 1993. For the 5-year period, the inspection rate was about 23 percent. Reports on FWS' wildlife inspection activities disclose, however, that the number of

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shipments that were physically inspected at each designated and nondesignated port of entry during the period varied considerably.

Figure 2.2 shows the percentage of shipments that were physically inspected over the 5-fiscal-year period at each of the 11 ports of entry designated by FWS.<sup>2</sup>

**Figure 2.2: Percentage of Shipments That Were Physically Inspected at Designated Ports of Entry, 5-Year Average, Fiscal Years 1989-93**



Note: The average number of shipments processed by each port during this 5-year period is shown in parentheses following the port name.

Source: The FWS Division of Law Enforcement.

<sup>2</sup>Portland became a designated port in fiscal year 1990. The figures shown for Portland represent the 4-year average for fiscal years 1990 through 1993.

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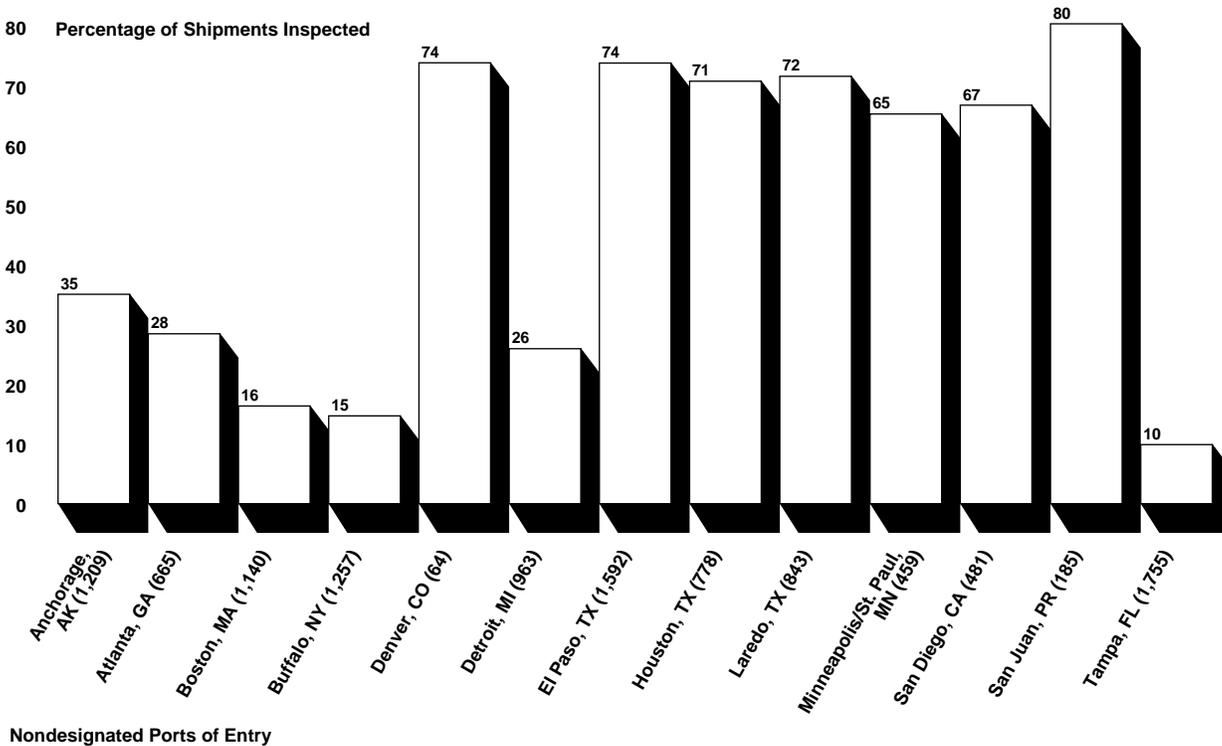
The figure shows, for example, that 7 percent of the shipments processed in Miami, Florida, were inspected, in contrast to a 52-percent inspection rate in Honolulu, Hawaii. As the figure shows, the ports with the higher inspection rates are generally those that process the least number of shipments, and the ports with the lower inspection rates are generally those that process the most. Overall, the inspection rate for the 11 designated ports of entry was about 18 percent.

Figure 2.3 shows the percentage of shipments that were physically inspected during the 5-fiscal-year period at 13 of the nondesignated ports of entry where FWS wildlife inspectors were assigned during the period.<sup>3</sup>

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<sup>3</sup>Because the nondesignated port of Guam did not have inspector coverage for most of the 5-fiscal-year period, the numbers of shipments processed and inspected at the Guam port of entry are not shown.

Figure 2.3: Percentage of Shipments That Were Physically Inspected at Nondesignated Ports of Entry With Inspector Coverage, 5-Year Average, Fiscal Years 1989-93



Note: The average number of shipments processed by each port during this 5-year period is shown in parentheses following the port name.

Source: The FWS Division of Law Enforcement.

The rates of inspections at nondesignated ports vary even more over the same 5-fiscal-year period than did the rates at designated ports. For example, almost 10 percent of the shipments processed in Tampa, Florida, were physically inspected, while just over 80 percent of the shipments processed in San Juan, Puerto Rico, were inspected. As was the case with the designated ports, figure 2.3 shows that the nondesignated ports with the higher inspection rates are generally those with the least number of shipments—the nondesignated ports with the lower inspection rates are generally the ones that are the busiest. Overall, the inspection rate for the 13 nondesignated ports with assigned inspectors approached 40 percent.

Not only do the number of shipments processed and the percentage of shipments inspected vary from port to port, the number of inspections performed per wildlife inspector varies as well. For example, the 5-fiscal-year average of the number of inspections performed per inspector at designated ports ranged from a low of 76 in Miami, Florida, to a high of 616 in Honolulu, Hawaii. For nondesignated ports, the average number of inspections performed per inspector per year ranged from a low of 30 in Denver, Colorado, to a high of 778 in El Paso, Texas.

During the 5-fiscal-year period we examined, the inspection rates at over half of both the designated and nondesignated ports exceeded the recently established inspection rate goals. The variances in the inspection rates, the number of inspections performed per inspector, and the fact that some ports that processed fewer shipments exceeded the goals by significant margins suggest the possibility of an uneven allocation of resources within the program. When asked why such variances exist, the Deputy Chief of the Division of Law Enforcement could not identify the specific reasons for the variances, but he did tell us that it is sometimes simply a matter of the various ports giving inspections differing emphasis and priority. Furthermore, FWS regional officials told us that in addition to the inspection rates, they consider other factors in determining a port's performance, such as the number and type of shipments processed, the extensiveness of the inspections that are performed, the number of seizures, and the effectiveness of relationships established with other inspection agencies.

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## Limited Resources Identified as Adversely Affecting FWS' Inspection Efforts

According to a number of sources, FWS' wildlife inspection program is adversely affected by the limited number of inspectors and other resources that FWS is able to devote to the program. The problem stems from the fact that the wildlife inspection staff of 74 cannot adequately process and inspect the tens of thousands of wildlife shipments that flow through the ports annually. This situation has been discussed in a number of reports over the past several years. Reports issued by the FWS Law Enforcement Advisory Commission<sup>4</sup> and the FWS Law Enforcement Functional Analysis Team<sup>5</sup> in 1990 and 1991, respectively, each identified

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<sup>4</sup>In February 1990, FWS convened a Law Enforcement Advisory Commission, composed of members from the Department of Agriculture's Forest Service, the Department of Justice, the Department of the Interior and the National Park Service, and the Department of the Treasury's Customs Service and Federal Law Enforcement Training Center, to conduct an evaluation of the FWS Division of Law Enforcement. (United States Fish and Wildlife Service Law Enforcement Advisory Commission, Report of Findings and Recommendations, June 1990.)

<sup>5</sup>United States Fish and Wildlife Service, Law Enforcement Functional Analysis, November 1, 1991.

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shortfalls in the staffing and funding devoted to the FWS' wildlife inspection program as adversely affecting the agency's ability to accomplish its overall inspection mission. The National Fish and Wildlife Foundation,<sup>6</sup> in reports on FWS' law enforcement efforts in 1988 and again in 1993, also identified inadequate program staffing as a problem. In addition, the Director, TRAFFIC USA, testified in February 1992 that the existing number of special agents and wildlife inspectors was wholly insufficient to effectively enforce U.S. wildlife laws and CITES requirements.

As stated in chapter 1, user fees collected by FWS' wildlife inspection program have remained relatively stable during fiscal years 1989 through 1993. Appropriations, on the other hand, have increased more than 235 percent during this period—rising in 1993 constant dollars from \$.84 million to \$2.81 million. A large portion of the increases in appropriations, however, was used to establish ports in Portland, Oregon, and Baltimore, Maryland; to reestablish a full-time inspector position in Philadelphia, Pennsylvania; and to increase the inspection force at the port of Los Angeles, California. FWS officials told us that the funding increase that was left did not keep pace with increases in the program's salary and operating costs and that the inspection program continues to need additional staffing, funding, and other resources to be more effective.

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### Few Inspectors Added Despite Identified Staffing Shortfalls

Although reports such as the ones just discussed have pointed out shortfalls in the staffing levels of the FWS inspection force over the past several years, the number of FWS inspectors has remained relatively constant. For example, in 1991 the Law Enforcement Functional Analysis Team identified a need for 30 additional inspectors and recommended a total inspection force of 100. However, despite increased funding for the program, only eight inspectors have been added to the wildlife inspection staff since 1989—increasing the number of inspectors from 66 in fiscal year 1989 to 74 in fiscal year 1993. Law enforcement officials we contacted at each of the seven FWS regions estimated that they collectively needed 43 additional inspectors to staff the ports of entry, resulting in a total inspection force of 117. Table 2.1 shows where FWS inspectors are currently located and identifies where regional officials believe they need additional inspectors. The ports of entry identified by the regional officials are generally ports (1) that FWS expects to show an increase in wildlife trade, (2) that have not met the recently established inspection goals,

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<sup>6</sup>The National Fish and Wildlife Foundation is a nonprofit organization dedicated to the conservation of natural resources. It was created by the Congress in 1984. The Foundation achieves its goals of habitat protection and conservation by forging partnerships between the public and private sectors and by supporting conservation activities that pinpoint the root causes of environmental problems.

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(3) that do not meet an FWS' staffing criterion that calls for three inspectors per designated port, or (4) that currently have no assigned wildlife inspector.

**Table 2.1: Number of FWS Inspectors in Fiscal Year 1993 and FWS' Estimates of Additional Inspectors Needed**

| <b>Ports of entry</b>                                      | <b>Number of wildlife inspectors currently assigned</b> | <b>Number of additional wildlife inspectors needed</b> |
|--|---|--|
| Agana, Guam  | 1   | 1  |
| Anchorage, Alaska  | 1   | 2  |
| Atlanta, Georgia   | 1   | 2  |
| Baltimore, Maryland  | 1   | 2  |
| Boston, Massachusetts                                      | 1   | 2  |
| Buffalo, New York  | 2   | 2  |
| Chicago, Illinois  | 6   | 1  |
| Dallas/Fort Worth, Texas                                   | 4   | 0  |
| Denver, Colorado   | 1   | 0  |
| Detroit, Michigan  | 1   | 1  |
| El Paso, Texas   | 2   | 2  |
| Honolulu, Hawaii   | 3   | 2  |
| Houston, Texas   | 2   | 2  |
| Laredo, Texas  | 1   | 2  |
| Los Angeles, California                                    | 12  | 1  |
| Miami, Florida   | 6   | 5  |
| Minneapolis/St. Paul, Minnesota                            | 1   | 0  |
| New York City, New York/<br>Newark, New Jersey             | 15  | 3  |
| New Orleans, Louisiana                                     | 1   | 1  |
| Portland, Oregon   | 3   | 0  |
| San Diego, California                                      | 1   | 2  |
| San Juan, Puerto Rico                                      | 1   | 0  |
| San Francisco, California                                  | 3   | 0  |
| Seattle, Washington  | 3   | 0  |
| Tampa, Florida   | 1   | 1  |
| Other ports (not currently staffed by wildlife inspectors) | 0   | 9  |
| <b>Total</b>   | <b>74</b>   | <b>43</b>  |

Source: FWS regional law enforcement officials.

As pointed out in the various reports cited, the shortfalls in staffing affect FWS' ability to conduct wildlife shipment inspections. This effect is illustrated in at least one instance when FWS increased its inspection staff at the Los Angeles, California, port of entry from 5 in fiscal year 1990 to 12 in fiscal year 1993. As a result of this increase, the number and percentage of inspections occurring at the Los Angeles port more than tripled during this period—increasing from 1,528, or almost 11 percent of the shipments processed in fiscal year 1990, to 4,974, or about 34 percent of the shipments processed in fiscal year 1993.

FWS' limited inspection workforce and budgetary restrictions on overtime mean that FWS ports of entry are frequently without wildlife inspection coverage. For example, FWS inspectors at the New York City, New York/Newark, New Jersey, port of entry, through which 29 percent of the nation's known wildlife shipments pass, do not work late evenings, nights, or on weekends, unless a commercial broker reimburses FWS for the inspectors' time. In addition, because of the limited number of staff, the majority of the nondesignated FWS ports do not have wildlife inspectors assigned. Eight of the ports identified by FWS regional officials as needing staff are nondesignated ports that currently have no inspectors. Even those nondesignated ports that do have assigned inspectors have very limited staff—usually one inspector—which leaves these ports with no wildlife inspection coverage when the inspectors are on leave, in training, or otherwise not on the job. When FWS inspectors are not present, FWS must rely on staff from Customs or another federal agency to clear any wildlife shipments received. Although FWS does receive such assistance, staff in these agencies have their own responsibilities and may often lack the expertise and/or inclination to vigorously pursue wildlife trade violations.

Almost half of the wildlife inspectors responding to our questionnaire believe that without an FWS presence, illegal wildlife shipments are more likely to go undetected. Officials from the Customs Service and other federal agencies acknowledge that an FWS presence influences the degree to which they scrutinize, detain, and report suspicious wildlife shipments. This influence is illustrated by FWS' experience at the San Diego, California, port of entry. Even though they cannot document the actual numbers of violations reported to them by other federal agencies before an FWS inspector was assigned to the San Diego port in 1986, FWS regional officials responsible for the port estimated the number to have been about 30 per year. Since assigning an FWS inspector to that port, the number of

violations reported by FWS, including those detected by other federal agencies, has jumped to more than 300 per year, or tenfold.

In fiscal year 1994, FWS—as a part of the federal government's downsizing efforts—reduced by 21 the number of full-time-equivalent positions allocated to the Division of Law Enforcement. The Deputy Chief of the Division told us during our field work that because staffing decisions have generally been delegated to the FWS regional offices, he did not know the effect, if any, this reduction might have on the size of the wildlife inspection force.

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## Other Resource Needs Identified

FWS has not, in all cases, provided its inspection staff with the basic equipment and other resources needed to effectively perform their jobs. In fiscal years 1993 and 1994, FWS funded the inspection program at a rate of \$55,000 per inspector, an amount that was to pay each inspector's salary and operating costs. According to figures provided to us by FWS regional officials, however, salary and benefit costs consume most of the funding provided and leave little to pay for such things as safety equipment (used when inspecting shipments of live wildlife), reference books, computers and related equipment, travel and transportation, office space, and uniforms. One port of entry reported to us that it is provided only \$2,000 annually per inspector by its region to pay for such things as those listed above, and it estimated that double that amount was needed. Of the 63 inspectors responding to our questionnaire, 41 (65 percent) said that they did not have adequate resources with which to effectively do their work, and they identified safety equipment, reference books, administrative staff, and an improved management information system as the resources they most needed.

Because of the way that some regions account for their costs, the Division of Law Enforcement has been unable to determine the level of funding needed by the wildlife inspection program. Regional officials we contacted during our review, however, provided us with estimates of the amount needed annually per inspector for both salary and operating costs; these estimates ranged from \$60,000 to \$80,000, depending on the region.

## Wildlife Inspectors Identify the Need for Safety Equipment and Reference Books

Too little safety equipment and too few reference books have affected the ability of some FWS inspectors to perform inspections. Safety equipment is particularly needed when inspectors are to inspect live wildlife, which receive the highest priority for physical inspections. Live wildlife are sometimes carriers of transmittable diseases and/or capable of physically

harming inspectors. Therefore, inspectors are instructed to handle live wildlife with care by avoiding direct physical contact, when possible, and by using safety equipment, such as breathing filters, eye protection, and gloves, when the handling of live wildlife is necessary. However, 22 (35 percent) of the 63 inspectors who responded to our questionnaire identified safety equipment as one of the resources they need, but do not have, to effectively perform their jobs. Wildlife inspectors we spoke with told us that such equipment is often not available for them to use and that they therefore often allow live wildlife shipments to pass through ill-equipped ports of entry without inspections by FWS. For example, according to the Assistant Regional Director for Law Enforcement in FWS Region 4, wildlife inspectors at the port of Miami, Florida, did not perform physical inspections of nonhuman primates—animals known to carry pathogens such as ebola and tuberculosis, which are dangerous to humans—because the safety equipment necessary to inspect the animals was not available. However, according to the preliminary results of an evaluation of the risks associated with such inspections, the region recently acquired the necessary safety equipment and began conducting physical inspections of such shipments in November 1994.

To be able to identify whether a species is endangered or threatened is often crucial to a determination of the legality of a given shipment. However, 24 (38 percent) of the 63 respondents cited wildlife identification reference books as a resource that they need, but do not have, to effectively perform some inspections.

### Inspectors Identify the Need for Administrative and Support Personnel

Thirty-eight percent of the inspectors responding to our questionnaire also identified the need for administrative and support personnel to help them with their work. Regional officials told us that because of too few administrative and support personnel at many ports of entry, inspectors must perform administrative duties that keep them from physically inspecting more shipments. In fact, of the 63 respondents to our questionnaire, only 13 (21 percent) reported that they spend more than 50 percent of their time doing physical inspections; much of their remaining time is spent performing administrative duties, such as entering shipment data into LEMIS.

These results are supported by the findings of an FWS wildlife inspector assigned to the port of Miami, who analyzed his work experience over a period of 4 months. The inspector found that 49 percent of his time was spent on administrative and telephone duties, making these duties the largest consumer of his time. Another 23 percent of his time was spent

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System Identified

reviewing declarations and the associated paperwork, stamping FWS and Customs paperwork, and filing completed wildlife shipment entries. In contrast, the processing of seizures of illegal wildlife and physical inspections consumed only 6 percent and 4 percent of his time, respectively.

In our 1991 report on the law enforcement activities of FWS special agents, we stated that the Division of Law Enforcement was at a disadvantage in the yearly competition within FWS for funding and staffing because it did not have the information it needed to develop good estimates of the magnitude of the problems faced by its special agents or the resources needed to address these problems. Our review of the wildlife inspection program—another component of the Division of Law Enforcement—shows that the lack of timely and accurate information continues to be a problem and that an improved management information system is needed that would enable (1) wildlife inspectors to more effectively perform their jobs and (2) FWS management to make more informed judgments about the program's performance and resource needs.

Of the inspectors responding to our questionnaire, 26 (41 percent) identified an improved management information system as a resource they need to effectively perform their jobs. FWS regional officials and inspectors alike told us that the existing system, LEMIS, does not provide timely and reliable information on the level of wildlife trade, violations detected, and the fines and penalties assessed for these violations. We were told that because of the inspectors' workload, the entry of wildlife shipment and inspection data into LEMIS is often not timely or accurate, leading most likely to an understatement of the data that are in the system. Inspectors sometimes do not enter information into LEMIS for as long as 6 months after they process a shipment, and FWS does little or no quality check of the information entered in the system to ensure its accuracy.

Many regional officials told us that LEMIS does not provide them with the information necessary to manage or evaluate the wildlife inspection program in terms of (1) wildlife trade trends; (2) traders who repeatedly violate wildlife laws and treaties; or (3) importers-exporters who "shop" the different ports, using those ports that they believe will give their shipments less scrutiny. According to some of these officials, the only reports readily available from LEMIS are monthly case management reports, which summarize and track suspected violation cases under investigation. Reports containing other information must be requested from headquarters and sometimes take months to receive.

FWS recognizes that the quality of the LEMIS data on the wildlife inspection program needs improvement and has plans to improve the data's timeliness and accuracy. For example, the Division of Law Enforcement is developing a central computer data entry office that will relieve wildlife inspectors from the duties of entering shipment data into LEMIS. They are also instituting several quality control measures, such as periodically comparing the data entered into LEMIS with the information contained on declarations, which are designed to ensure the accuracy of the information entered into the system.

### Proposed Increases in User Fees Could Provide Additional Funding for the Program

FWS has recently proposed revisions to its user-fee policies and rates that would provide additional funding for the program. According to FWS' Final Report on Import/Export User Fees, which was issued in January 1993, these revisions, if implemented, would double the amount of fees currently generated by the wildlife inspection program and allow FWS to recover the full costs of services for all commercial import-export activities provided. The report acknowledged that more than half of the costs of the wildlife inspection program was funded from congressional appropriations. The report stated that the proposed increases in user fees would free the appropriated funds for activities such as increasing the number of special agents and wildlife inspectors and creating a central computer data entry office to enter wildlife import-export data into LEMIS. The Deputy Chief of the Division of Law Enforcement agreed that the funds from increasing user fees could be used to provide some resources needed by the wildlife inspection program, but he stated that FWS' current staffing ceilings would prevent such funds from being used to increase the size of the inspection force.

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### Few Penalties and Fines Assessed for Violations Detected by Wildlife Inspectors

FWS officials have expressed concern about the lack of penalties and fines that are being assessed for violations detected by the wildlife inspection program. According to those we spoke with, this lack not only does little to instill in potential violators the need to voluntarily comply with the laws and treaties governing wildlife trade, but also fosters cynicism and low morale among the inspectors. They attributed the situation primarily to higher priorities and staffing constraints within the Department of the Interior's Office of the Solicitor and the Department of Justice's U.S. Attorney Offices, who are responsible for prosecuting wildlife trade violations. As a result, many violations detected by the program have resulted only in the abandonment or forfeiture of the wildlife and wildlife parts and products that were being illegally shipped. Some violators continue in business even after being found guilty. Even though federal

statutes and implementing regulations provide that the importer-exporter licenses of those who violate wildlife laws and treaties can be suspended or, in the case of willful violations, revoked, such actions are rare.

Violations detected by the wildlife inspectors are handled in several different ways. For minor violations, FWS may offer the importer or exporter the opportunity to voluntarily abandon the illegal wildlife that was being shipped. If accepted, FWS documents and closes the violation as an "abandonment case." However, when FWS considers the violation to be more significant, it charges the individual with the violation and refers the case either to the Department of the Interior's Office of the Solicitor for civil forfeiture and/or monetary penalty or to one of the Department of Justice's U.S. Attorney Offices for criminal prosecution that could result in a fine and/or jail.

FWS does not maintain a record of the nature and disposition of all violations of wildlife trade laws and treaties detected by its wildlife inspection program. However, we were able to obtain information relative to Endangered Species Act violations, which we were told make up a large percentage of the total violations detected by the inspection program. Our analysis of this information shows that of 1,760 individuals and companies charged with 2,896 endangered species violations that regional solicitors or the courts handled during fiscal years 1989 through 1993, only about 25 percent of the violators received penalties and/or fines for their infractions and a much lesser percentage received probation or jail. Over half of the violators simply had to forfeit the illegal wildlife they were attempting to ship into or out of the United States, while still another 20 percent had their cases dismissed by regional solicitors or the courts.

Even repeat violators of the Endangered Species Act seldom received substantial fines or penalties or had other measures levied against them. For example, from fiscal year 1989 through 1993, FWS caught one importer 14 times attempting to illegally ship wildlife. However, the importer received no penalties or fines for the infractions; all the cases either resulted in the forfeiture of the illegal wildlife or were dismissed by the solicitor. Some FWS officials told us that even when penalties and fines are assessed, they are often reduced through legal maneuvers to the point where many importers-exporters view them simply as "a cost of doing business."

Although FWS officials can point to several successful detections of attempts to smuggle endangered or threatened species into or out of the

United States, the officials also admit that most violators are not punished very harshly and most are allowed to remain in business despite their infractions. Although not all violations warrant such action, only one region could identify for us instances in which it had revoked or suspended import-export licenses as a result of violations. FWS officials pointed out that even if they revoke or suspend a license, oftentimes the violator will arrange to use the license of another company or individual, or will operate without one. One situation we became aware of in Florida involved a commercial importer who was convicted of illegally transporting a protected, endangered nonhuman primate. During our review, we were told that the individual was still involved in importation activities, operating under a license in his wife's name. When we asked FWS law enforcement officials why this was allowed, they said that they were gathering the additional evidence needed to show that the individual was improperly involved in importation activities using this license. In mid-1994, FWS refused to renew the license on the basis of the additional evidence it had gathered.

FWS officials told us that the degree to which solicitors and U.S. attorneys consider and prosecute the wildlife trade cases referred to them varies. Regional solicitors we contacted attributed the lack of penalties assessed for wildlife trade violations to a variety of reasons, including (1) the longer amount of time required to process a civil penalty versus a forfeiture only, (2) a lack of staff, (3) a lack of strong evidence, (4) higher priorities, or (5) the uncollectibility of any penalties that would be assessed. Those FWS officials who believed wildlife trade cases received little consideration and attention by the offices of U.S. Attorneys attributed these situations to either wildlife crime being a low priority or the limited staff available in these offices for such cases.

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# NAFTA Expected to Increase Trade and Wildlife Inspectors' Workload

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The North American Free Trade Agreement, better known as NAFTA, is an agreement between the governments of the United States, Mexico, and Canada that is designed, in part, to eliminate the barriers to trade in, and facilitate the cross-border movement of, goods and services among the three countries and their territories. It was approved by the Congress on December 8, 1993 (P.L. 103-182). The consensus of those with whom we spoke and the studies we reviewed on NAFTA is that the trade agreement will result in an increase in the volume of cross-border traffic in most types of trade, including wildlife. According to an assessment of NAFTA by FWS, little recognition was given to the impact of the agreement on fish and wildlife. The three governments, however, did agree to uphold the provisions of CITES, which is the major international agreement for the control of trade in wildlife and plants. (See app. I.)

Many of those we spoke with believe that the limited FWS inspection staff is already taxed in terms of its ability to monitor the trade in wildlife and wildlife parts and products that is occurring along the United States' lengthy borders with Mexico and Canada and that NAFTA will likely exacerbate this problem. FWS has included estimates in its fiscal year 1995 budget request for increased funding to address NAFTA issues; however, these estimates address only the impact of NAFTA along the U.S.-Mexico border. They do not address the impact of NAFTA on the other FWS ports of entry, including those along the U.S.-Canada border.

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## NAFTA Likely to Increase Wildlife Trade and Exacerbate Existing Inspection Problems

The United States is the world's largest wildlife trading country, and its neighbors, Mexico and Canada, are two of its partners in wildlife trade. According to TRAFFIC USA, declared wildlife trade between the United States and Mexico reached almost \$19 million in 1990. Among the items the United States imported were exotic skins and leather products, furs, animal curios (for example, stuffed specimens, claws, teeth, feathers), live animals and specimens, coral and shells, and live plants. Exports from the United States to Mexico included exotic skins and leather products, furs, trophies, and tropical fish. Declared wildlife trade between the United States and Canada exceeded \$133 million in 1990. Although fur and fur products dominated such trade, significant quantities of live birds, reptiles, and fish; hunting trophies; exotic leathers and leather products; and live plants were also traded.

Undeclared wildlife trade between the United States and both Mexico and Canada is also occurring. Despite FWS' efforts to educate the public on what they can and cannot bring into or take out of the United States,

tourists, hunters, and others continue to be involved in numerous attempts to carry illegal wildlife and wildlife parts and products across U.S. borders. Border port statistics show that many wildlife shipments are being made that have not been cleared for entry into or exit out of the United States.

Because the FWS inspection force is limited, it is difficult for the agency to adequately monitor all of the trade crossing the U.S. borders with Mexico and Canada. In fact, FWS has inspectors stationed at only 7 of the 31 border ports. Of the 46 inspectors who identified areas needing inspection coverage in their responses to our questionnaire, 30 (65 percent) named ports along the Mexican and/or Canadian borders. Furthermore, most of the ports that do have inspection coverage are staffed by a relatively small inspection force, as illustrated by the following examples.

- The San Diego, California, port of entry's area of jurisdiction includes land border stations at San Ysidro, Otay Mesa, Tecate, Calexico, and Andrade, along the entire California-Mexico border. This is an area covered by a Customs Service workforce that consisted of 473 inspectors and 60 canine enforcement officers as of May 1993. Until recently, one FWS wildlife inspector covered the same area. In fiscal year 1992, almost 570,000 trucks along with 27.3 million private vehicles and 21.3 million pedestrians were cleared through the San Diego area. When the FWS inspector is on leave, in training, or otherwise not at the port, the port and its various border stations have no FWS inspection coverage, and FWS must rely on Customs to clear wildlife shipments and to detect and detain any that may be illegal.
- The El Paso, Texas, port of entry's area of jurisdiction also includes a number of land border stations. This is an area covered by a Customs Service force that, as of June 1993, consisted of 258 inspectors and administrative personnel and 34 canine officers. Also stationed at the various El Paso border stations were 24 inspectors from APHIS. Two FWS wildlife inspectors cover this same area. In fiscal year 1992, over 575,000 commercial vehicles, including trains, were cleared through the El Paso area along with 66.5 million passenger vehicles, including buses, and 7.6 million pedestrians. As is the case in San Diego, when the two FWS inspectors at El Paso are not at the port, FWS must rely on Customs to clear wildlife shipments and to detect and detain any that may be illegal.

Although it is difficult to accurately assess the impact of NAFTA, at least two studies point toward likely increases in the flow of goods, including wildlife and wildlife parts and products, between the United States and both Mexico and Canada. For example, in a 1991 report entitled A North

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American Free Trade Agreement: The Impacts on Wildlife Trade, TRAFFIC USA concluded, among other things, that

- NAFTA is likely to increase wildlife trade;
- NAFTA will likely increase pressure to exploit North American wildlife resources;
- NAFTA will increase wildlife trade monitoring and enforcement needs; and
- the U.S. government currently has no specific plans to increase its wildlife enforcement capability along the U.S.-Mexico border, despite the potential increase in wildlife trade under NAFTA.

In a 1993 assessment of NAFTA entitled U.S. Fish and Wildlife Service Implementation of the North American Free Trade Agreement with Mexico, FWS concluded that the flow of goods between the United States and Mexico will increase under NAFTA and that the active illegal wildlife trade that already exists between the two countries will only increase as NAFTA is implemented. FWS also concluded that there are many areas of concern for the management of fish and wildlife resources and their habitats between the United States and Mexico and that, regardless of the effects of NAFTA, “there is a clear indication of the need to place greater emphasis and commitment of resources to address present responsibilities.”

Many of the conservation groups we contacted and 68 percent of the wildlife inspectors responding to our questionnaire echoed these thoughts. The consensus was that NAFTA will increase the volume of wildlife trade and make the detection of illegal trade even more difficult.

Even though the value of the wildlife traded between the United States and Canada is seven times greater than it is between the United States and Mexico, FWS officials believe that NAFTA’s impact on wildlife trade will be most pronounced along the U.S.-Mexico border. The officials believe that the opportunity for growth in wildlife trade is greater between the United States and Mexico than between the United States and Canada. They also recognize that while U.S.-Canada trade consists of primarily well-regulated commercial trade in furs and fur products, U.S.-Mexico trade is more problematic in terms of the wildlife species that are traded along the highly permeable U.S.-Mexico border.

An FWS official told us that in mid-1993 FWS asked its regions, other than Region 2, to provide assessments of the impact of NAFTA on their operations. FWS did not ask Region 2 because it had already developed an

assessment of NAFTA that FWS used as a basis for its 1993 assessment. According to the FWS official, none of the regions' assessments had changed FWS' thinking that the most significant impact of NAFTA on wildlife trade would occur along the U.S.-Mexico border.

## Funding Requested to Address NAFTA's Impact

On the basis of its 1993 assessment of NAFTA, FWS included a request for a little over \$10.8 million in funding in its fiscal year 1995 budget to address NAFTA's impact on wildlife and its associated habitat along the U.S.-Mexico border. Of that amount, approximately \$1.9 million would be designated for increased law enforcement, including the wildlife inspection program. Projected increases in staffing of wildlife inspectors at U.S.-Mexico border ports are shown in table 3.1.

**Table 3.1: Projected Staff Increases at U.S.-Mexico Border Ports to Address NAFTA's Impact**

| <b>Border ports</b> | <b>Current number of wildlife inspectors</b> | <b>Additional inspectors projected due to NAFTA</b> |
|---------------------|--|---|
| Arizona:            |  |   |
| Nogales             | 0  | 1   |
| San Luis-Yuma       | 0  | 1   |
| California:         |  |   |
| San Diego           | 2  | 2   |
| Texas:              |  |   |
| Del Rio             | 0  | 1   |
| El Paso             | 2  | 2   |
| Houston             | 2  | 2   |
| McAllen-Brownsville | 0  | 1   |
| Laredo              | 1  | 2   |
| <b>Total</b>        | <b>7</b>                                     | <b>12</b>   |

Although FWS expects NAFTA's greatest impact to be along the U.S.-Mexico border and has requested funds to address that impact, FWS regional officials and inspectors we contacted during our review told us that NAFTA will also affect other ports, including those along the U.S.-Canada border and/or those involved in flights between the United States and Canada or Mexico. For example, Region 5 officials estimated that they need three additional wildlife inspectors in New York—one at Champlain and two at Buffalo—to handle normal wildlife traffic and the increase in trade expected from NAFTA. Law enforcement officials in Chicago, Illinois; Miami, Florida; New Orleans, Louisiana; and Atlanta, Georgia, also believe that NAFTA will increase the number of imports and exports processed at those ports. Despite these anticipated needs, FWS had no plans at the time

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**Chapter 3**  
**NAFTA Expected to Increase Trade and**  
**Wildlife Inspectors' Workload**

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of our review to increase either funding or staffing at any ports of entry other than those shown above—all of which, with the exception of Houston, are along the U.S.-Mexico border.

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# Views on Possible Transfer of Wildlife Inspection Program

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We were requested to obtain the views of various officials on the possible transfer of the wildlife inspection program from FWS to the Customs Service. The basis for considering such a move involves either the perception or recognition that (1) the program is currently not working as well as it should and (2) the work of the FWS and Customs inspectors often involves the same ports of entry.

We spoke with officials of FWS, the Customs Service, APHIS, the Public Health Service, and various wildlife conservation and trade organizations to obtain their views about the advantages and disadvantages of moving the wildlife inspection program from FWS to Customs. Several officials told us that the advantages of such a transfer would accrue primarily from Customs' greater inspection resources—about 6,600 Customs inspectors nationwide compared with 74 FWS wildlife inspectors in a relatively few locations. However, others were concerned that the importance of the wildlife inspection program would be lost in such a transfer. In addition, the FWS wildlife inspectors, whose jobs and lives would be most affected by a transfer, generally were not in favor of it.

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## Advantages of a Transfer to Customs

If the wildlife inspection program were to be moved from FWS, the Customs Service—as the country's first line of defense against illegal wildlife shipments—would be the logical agency in which to place it. FWS, because of its small inspection force, already relies upon cooperation with Customs in its efforts to accomplish its inspection mission. A number of officials from FWS, Customs, APHIS, and wildlife conservation and trade organizations that we spoke with cited two principal advantages that would result from a transfer of the wildlife inspection program from FWS to Customs. They believed that Customs' larger, more dispersed inspection force and the automated system it has for assessing shipments and determining which ones to inspect would enable Customs to provide greater wildlife inspection coverage than does FWS.

The 6,600 Customs inspectors are located at 300 ports of entry scattered throughout the United States and Puerto Rico. Several of the FWS and Customs officials we spoke with believe that Customs, with this larger, more widely dispersed inspection force, could provide greater wildlife inspection coverage than FWS with its 74 inspectors located at only 25 ports of entry.

In conjunction with this much larger inspection force, according to a number of those we spoke with, Customs' automated system to assess

various shipments and determine which shipments to inspect and which ones to clear without inspections is better than FWS' system, which relies on its inspectors to decide which shipments to physically inspect. Several of these officials noted that it is well known within the commercial trade sector that the inspection of various commodity shipments is more stringent at some ports of entry than at others. According to FWS officials, this knowledge prompts some shippers to engage in the practice of "port shopping," whereby they route their shipments through those ports that have a reputation for allowing certain commodities to flow through them more freely. This practice is a particularly useful tool for shippers who have been detected violating wildlife laws and treaties. Because these shippers fear scrutiny at those ports where they have been identified as violators, they route their shipments elsewhere in the hope that less familiar FWS inspectors will allow their shipments to more easily pass through. FWS currently has no formal or efficient means to check for such occurrences. Although FWS had planned at one time to upgrade its management information system, thus enabling its inspection force to more clearly and readily identify the licenses of shippers with previous violations or restrictions, it has not yet done so. If the wildlife inspection program were to be transferred to Customs, these officials expect that Customs' automated system for assessing shipments for inspections and the much larger presence of Customs inspectors at each port of entry would help reduce the practice of port shopping.

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## Disadvantages of a Transfer to Customs

In terms of the disadvantages that would come from a transfer of the inspection program, some officials from FWS, Customs, APHIS, the Public Health Service, and wildlife conservation and trade organizations, as well as some wildlife inspectors, were concerned that (1) Customs would not emphasize wildlife protection; (2) Customs inspectors lack wildlife identification expertise; (3) difficulties might arise in coordinating Customs' inspection efforts with FWS' efforts to protect wildlife, including the implementation of CITES—functions that would most likely remain at FWS; and (4) some costs would be incurred. The results from the discussions we held and the views of the inspectors responding to our questionnaire are included in the sections that follow.

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Customs' Greater  
Resources Would Not  
Necessarily Guarantee  
Increased Focus on  
Wildlife Protection

Although it is recognized that Customs has a larger inspection force than does FWS, among the concerns cited by those we contacted about transferring the wildlife inspection program to Customs was that Customs was not inclined to, nor would it ever, place much emphasis on wildlife trade or protection. Customs is responsible for protecting U.S. borders from imports that do not comply with trade laws and policies and from illegal smuggling activities, such as drug trafficking and money laundering. Its enforcement mission has grown increasingly more challenging over the years as the volume and value of imports has increased significantly, translating into a substantial increase in Customs' workload. Two of our reports have dealt with the complex, challenging nature of Customs' enforcement responsibilities and the problems Customs was experiencing in carrying out these responsibilities.<sup>1</sup> For example, in our September 1992 report, we stated that the Customs Service could not adequately ensure that it was meeting its responsibilities to combat unfair foreign trade practices or protect the public from unsafe goods and that Customs was finding only a small percentage of the estimated violations in imported cargo. Our June 1994 report stated that Customs was operating in an extremely challenging environment, with a diverse mission that includes collecting duties, taxes, and fees on imports; enforcing laws intended to prevent unfair trade practices; and protecting public health by interdicting narcotics and other hazardous goods before they enter the country.

Wildlife trade has not been a priority at Customs, according to Customs officials. Furthermore, results from the questionnaire we sent to all FWS inspectors disclosed that one of the primary reasons that shipments containing wildlife violations are currently slipping into and out of the United States is that, in the absence of FWS inspectors at given ports of entry at given times, inspectors from other agencies rank the detection of wildlife violations very low in comparison with their own inspection responsibilities. Even if the wildlife inspection function were transferred from FWS to Customs, some of the officials we spoke with believed that, because of Customs' existing responsibilities and its heavy workload, the attention and emphasis Customs would be able to give to wildlife trade would never be very high.

Officials at Customs headquarters were among those who held this belief. They did not look favorably on the idea of shifting the wildlife inspection program to their agency. The officials told us that Customs already has more work than it can accomplish and that a transfer of the wildlife

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<sup>1</sup>Customs Service: Trade Enforcement Activities Impaired by Management Problems (GAO/GGD-92-123, Sept. 24, 1992) and Financial Audit: Examination of Customs' Fiscal Year 1993 Financial Statements (GAO/AIMD-94-119, June 15, 1994).

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inspection program, without some kind of an increase in Customs' funding and staffing, would add to their burdens. Customs officials acknowledged that wildlife trade would not receive the emphasis in Customs that it is given in FWS.

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### Customs Service Inspectors Lack Wildlife Identification Expertise

Some of those we spoke with cited the Customs Service inspectors' lack of wildlife "expertise" as a major drawback when considering transferring the wildlife inspection function from FWS to Customs. Although Customs inspectors can do basic wildlife identification, most of them lack the expertise that is necessary to make final species identification.

Customs inspectors currently receive very limited training in the identification of illegal shipments of wildlife and wildlife parts and products. For the most part, the Customs inspectors' orientation training devotes only about 2 hours to wildlife identification. Additional training is provided by FWS inspectors to Customs at certain locations, but only on a limited basis.

Currently, while many Customs Service inspectors do possess college degrees, the degrees are not, according to Customs officials, in biology and related disciplines. FWS inspectors, on the other hand, do possess such degrees. For example, of the 63 FWS inspectors who responded to our questionnaire, 45 (71 percent) held bachelors or masters degrees, and many of them were in the fields of biology, wildlife sciences, and conservation.

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### Coordination With Other FWS Units Responsible for Wildlife Protection Might Suffer

FWS wildlife inspectors and special agents currently work together to enforce wildlife laws and treaties. For example, once an inspector detects an illegal wildlife shipment, the responsibility for investigating the violation is turned over to a special agent. Many officials believe that this closeness between the inspectors and special agents would be adversely affected if the wildlife inspection function, without the special agents, were transferred to Customs. We contacted 20 FWS special agents to get their reactions to a possible shift of the inspection function to Customs. A number of these agents told us that Customs' mission is very different from FWS' mission and that wildlife trade would not be a priority within Customs. Furthermore, some of the agents told us that a transfer would likely lengthen the time it takes for them to perform an investigation and that greater coordination would be required between FWS and Customs. Others stated that they would probably be asked to conduct fewer

investigations because Customs would likely want to use its own investigators, who, as some of the FWS agents pointed out, are not as versed in wildlife laws and treaties as they are.

The FWS wildlife inspectors also work closely with the FWS Office of Management Authority, which is responsible for implementing CITES. This Office generally considers more than 4,700 applications each year for permits to engage in otherwise prohibited activities, such as the killing, taking, transporting, or trading of CITES-protected wildlife species. FWS inspectors ensure that all wildlife shipments entering the United States are accompanied by appropriate permits and are not in violation of CITES or various wildlife laws. FWS and Customs officials we spoke with believed that a transfer of the wildlife inspection function could complicate the coordination of activities between the wildlife inspectors and this Office, simply because two separate, distinct agencies could be involved rather than one.

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### **Some Costs and Other Outcomes Would Result From a Transfer of the Inspection Program**

Although we are unaware of any cost-benefit analysis that has been done for a transfer of the wildlife inspection program, Customs headquarters officials we spoke with mentioned that some costs would be incurred from such a move. According to these officials, obvious costs would be incurred in preparing new work space for the inspectors and moving them and their associated equipment, furniture, and other items from their current locations to new ones. Costs would likely be incurred for various administrative activities associated with or resulting from the move, including those involved with planning, integrating accounting and management information systems, processing personnel matters, and printing. Costs associated with the cross-training of FWS and Customs inspectors would also be incurred. Additionally, if such a transfer took place, Customs headquarters officials told us that other less quantifiable outcomes would likely ensue, including (1) the disruption, instability, and loss of continuity in the wildlife inspection program during, and for a while after, the transfer; (2) a need to replace FWS inspectors who chose not to transfer; (3) uncertainty within the regulated import-export community; (4) delays in issuing regulations and operational guidance; and (5) a need to establish proper communication channels within Customs and between Customs and other federal inspection agencies for Customs' new wildlife inspection responsibility.

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## FWS Inspectors Do Not Favor a Move of the Wildlife Inspection Program

The questionnaire we sent to FWS wildlife inspectors and the wildlife desk officer included several questions on a possible move of the wildlife inspection program from FWS to Customs. Those responding to the questionnaire generally were not in favor of having the program and, in all likelihood, their jobs moved to Customs.

We asked the inspectors if they thought the protection of wildlife would be enhanced if the inspection function were moved to Customs. Under a scenario in which all the FWS inspectors would be moved to Customs as a specialized, segregated unit, 16 of the 63 respondents (25 percent) strongly or somewhat agreed that wildlife protection would be enhanced, 35 (56 percent) somewhat or strongly disagreed, 8 (13 percent) neither agreed or disagreed, and 4 (6 percent) indicated that they had no basis to judge such a question. Under a scenario in which all the FWS inspectors would be moved to and absorbed into Customs without any emphasis on wildlife protection, only 2 respondents (3 percent) strongly or somewhat agreed that wildlife protection would be enhanced, 55 (87 percent) somewhat or strongly disagreed, 4 (6 percent) neither agreed nor disagreed, and 2 (3 percent) indicated that they had no basis to judge such a question. The results of the questionnaire indicated that a transfer of the inspection function would negatively affect the FWS inspectors' morale. Also, the majority of the inspectors believed that their education and work experience is valued more at FWS than it would be at Customs.

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# Conclusions and Recommendations

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FWS' wildlife inspection program was established almost 20 years ago to accomplish the dual mission of monitoring trade in wildlife and intercepting illegal imports and exports of wildlife. On the basis of our review, we believe that FWS has had difficulty in accomplishing either aspect of this mission.

Under the current program, the number of shipments processed and the rate of inspections performed at FWS ports of entry vary considerably, and most wildlife shipments receive no physical inspection. As a result, many undetected illegal shipments of wildlife are thought to be occurring. Although it is impossible to precisely determine how much illegal trade in wildlife and wildlife parts and products is occurring or FWS' impact on it, estimates are that FWS is detecting less than 10 percent of the violations associated with declared wildlife shipments (those presented to it for clearance) and a much lower percentage of the violations associated with undeclared shipments. The approval of NAFTA within the past year is likely to increase the volume of cross-border traffic among the United States, Mexico, and Canada, thus decreasing even further the chance of violations being detected. Moreover, many violations currently detected by the program result only in the abandonment or forfeiture of the wildlife or wildlife parts or products being illegally shipped, which does little to encourage compliance with wildlife trade laws and treaties.

Despite recent increases in the wildlife inspection program's appropriations, FWS and others largely attribute the program's limited ability to accomplish its inspection mission to a need to hire more inspectors, as well as more administrative and support personnel, and to provide the inspectors with more resources, such as a better information system, safety equipment, reference books, computer and related equipment, travel and transportation, office space, and uniforms. However, given current budgetary constraints and downsizing efforts within the federal government, increased funding for the wildlife inspection program at any level of significance, in all likelihood, will not occur. Although recently proposed revisions in FWS' user fees would provide additional funding for the program, current FWS staffing ceilings would prevent any of this increased funding from being used to increase the size of the inspection force. Furthermore, program data that reflect significant variances in inspection rates at the ports of entry and in the number of inspections performed by individual inspectors raise questions about the allocation of resources within the program.

Before fiscal year 1994, FWS had not established any goals for its wildlife inspection program. The ones that were established in fiscal year 1994, while perhaps representing a start, do little to measure program performance or define what an effective inspection program should look like. Rather than establishing goals that are outcome-oriented and performance-related, FWS established inspection goals that it believed it could attain—physically inspecting at least 25 percent of all shipments presented for import or export at its 11 designated ports of entry and at least 50 percent of all such shipments at nondesignated ports of entry where it has assigned wildlife inspectors. These goals, however, do not take into account such things as the (1) types of shipments that are being processed, (2) extensiveness of the inspections performed, and (3) number of illegal shipments that are intercepted. Moreover, it must also be recognized that, in its efforts to achieve its inspection mission, FWS relies on the cooperation of other federal agencies, including Customs and APHIS, which assist in the detection of illegal wildlife shipments, and the Department of the Interior’s Office of the Solicitor and the Department of Justice, which handle the prosecution of the cases resulting from violations detected by the wildlife inspection program. As such, the achievement of any of FWS’ goals hinge, in part, on the degree of cooperation that FWS receives from these other agencies. Furthermore, any determinations as to whether the goals established are being achieved will have to be made using LEMIS data that are known to be inaccurate and incomplete—shortcomings that FWS recognizes and has plans to address. Without outcome-oriented, performance-related goals and an accurate management information system to report progress toward achieving them, FWS management and the Congress are hindered in making informed decisions about how well the inspection program is accomplishing its mission and about the level of staff and other resources needed by the program.

We believe that it may take some time for FWS to develop outcome-oriented, performance-related goals and an accurate information system with which it can measure progress toward achieving such goals. In the meantime, variances that currently exist in such things as the number of shipments processed, number of inspectors assigned to the specific designated and nondesignated ports of entry, number of shipments inspected, and number of inspections performed per inspector at the various ports of entry suggest that FWS is not making the most efficient and effective use of its limited resources. A comprehensive examination by FWS of the size of the inspection staff and the level of

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accompanying resources that should be devoted to each port would help the agency to more clearly define an effective wildlife inspection program.

FWS' difficulties in accomplishing its inspection mission have caused some to suggest that other alternatives be explored, such as transferring the program to Customs, an agency with a larger, more widely dispersed inspection force. Those whom we contacted to obtain their views on this suggestion identified both advantages and disadvantages to such a move. For example, although the primary advantage of such a transfer is Customs' larger inspection force, many of those we spoke with believed that because of Customs' already heavy workload, a transfer could, in fact, diminish the attention now afforded wildlife shipments. If such a transfer is ever formally proposed, each of the advantages and disadvantages of moving the wildlife inspection program would have to be carefully considered by policymakers.

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## Recommendations to the Secretary of the Interior

To ensure that the wildlife inspection program is better able to accomplish its mission and that its current resources are more efficiently and effectively used, we recommend that the Secretary of the Interior direct the Director of FWS to:

- Develop outcome-oriented, performance-related goals that are indicative of an effective inspection program and take into account not only the number of shipments processed and inspected, but also such things as the extensiveness of the inspections performed and the results of those inspections.
- Give priority to the completion of FWS' current plans to improve the timeliness, accuracy, and completeness of the information contained in LEMIS, including the information relating to (1) the levels and trends in wildlife trade; (2) port of entry inspection rates and inspector productivity; (3) results of inspections, including fines and penalties assessed; and (4) repeat wildlife trade violators.
- Conduct a comprehensive examination of the operations of each of the designated and the nondesignated ports of entry and the size and level of accompanying resources currently allocated to each of these ports, looking for ways in which the allocation of resources might be adjusted to respond to current needs at the specific ports and to improve the program's overall efficiency and effectiveness.
- Identify the principal reasons for the lack of more frequent and effective pursuit of wildlife inspection program violations and, in conjunction with the Department of the Interior's Office of the Solicitor and the Department

of Justice, determine what measures can be taken, within existing resources and funding constraints, to make law enforcement efforts more efficient and effective.

- Proceed with plans to increase the user fees charged by the wildlife inspection program and apply the increased funding to those areas where resource needs have been identified.

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## Agency Comments and Our Evaluation

The Department of the Interior generally agreed with our recommendations to improve LEMIS, to proceed with plans to increase the fees charged for inspection services, and to develop outcome-oriented, performance-related goals that are indicative of an effective inspection program.

Interior disagreed with our recommendation to examine the operations of the various ports of entry and look for ways in which the allocation of resources might be adjusted to respond to the current needs at the ports and to improve the program's overall efficiency and effectiveness. It did indicate, however, that workload factors have been used to justify increased resources at several ports of entry (namely, Los Angeles, Chicago, and U.S.-Mexico border ports) and that they would continue to be considered. Interior pointed out that any decision to reallocate existing resources must also factor in political and economic considerations and the fact that FWS has determined that it must maintain a minimum staffing presence at its designated ports to provide uninterrupted service. We agree that such factors should be a part of any reallocation considerations. Our analysis indicates, however, that the variances among the different ports of entry in terms of such things as the number of (1) inspectors assigned, (2) shipments processed, and (3) shipments inspected are significant enough to warrant additional scrutiny by FWS of its allocation of resources to the wildlife inspection program.

Interior also disagreed with a recommendation in our draft report to conduct a study of the penalties and fines assessed as a result of violations detected by the wildlife inspection program, and then meet with the Office of the Solicitor and the Department of Justice to identify ways in which the parties might work better together in catching and prosecuting those who violate wildlife trade laws and treaties. Interior stated that it was not apparent how a study of the penalties and fines is relevant to identifying ways in which the enforcement and prosecution parties can work better together.

In our opinion, the number and dollar amounts of the penalties and fines assessed as a result of FWS' wildlife inspection program is an important gauge of the effectiveness of the program. While it is unrealistic to expect every violation to result in a penalty or fine, we believe that FWS management should be concerned by the fact that few penalties and fines are currently being assessed for violations detected by the wildlife inspection program and that this lack of penalties and fines provides little or no deterrent to those who would otherwise be inclined to violate wildlife laws and treaties. Given the limited resources that FWS devotes to the wildlife inspection program, it is our opinion that FWS should attempt to get the most out of those resources. One such way would be for FWS—armed with basic data on the numbers of inspections conducted, violations detected, and penalties and fines assessed for these violations—to initiate discussions with the Office of the Solicitor and the Department of Justice that would seek to ensure a more efficient and effective wildlife inspection program. We have revised our recommendation to more specifically state the action that we believe is needed.

Interior provided several technical clarifications, which we incorporated into the report as appropriate. Interior's comments in their entirety and our responses are presented in appendix III.

In addition to the written comments received from Interior, we discussed the contents of this report with officials in the Department of the Treasury's Customs Service. We were told that the report clearly states the issues surrounding the wildlife inspection program, particularly in connection with the possible transfer of the inspection program, and that the report accurately states what Customs officials consider to be the advantages and disadvantages of such a transfer. We were told that although wildlife is not emphasized at Customs (because of other priorities), Customs, in a limited manner, does look at wildlife shipments and includes some of them in its automated cargo system, which is accessible to FWS inspectors. Additionally, we were provided with several technical clarifications, which we incorporated into the report.

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# Major Laws and Treaties That Control Wildlife Imports and Exports

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The Lacey Act, as amended (18 U.S.C. 42; 16 U.S.C. 3371-3378). Passed in 1900, the Lacey Act prohibits the import, export, transportation, sale, receipt, acquisition, or purchase of fish, wildlife, or plants that are taken, possessed, transported, or sold in violation of any federal, state, tribal, or foreign law. Amendments to the act in 1981, which provided, among other things, the authority for warrantless search and seizure when violations are suspected, were designed to (1) strengthen federal enforcement of laws to protect fish and wildlife and (2) improve relevant federal assistance to states and foreign governments. The act is used to control the smuggling of and trade in illegally taken fish and wildlife. The Lacey Act also regulates the transportation of live wildlife, requiring that animals be transported into the United States under humane and healthful conditions. Furthermore, the act allows the Secretary of the Interior to designate wildlife species as injurious to humans and to prohibit the importation of such species.

Individuals convicted of violating the Lacey Act may, for misdemeanors, be sentenced to up to 1 year in jail and fined up to \$100,000 and, for felonies, may be sentenced to up to 5 years and fined up to \$250,000. Fines for organizations in violation of the act are, for misdemeanor and felony violations, up to \$200,000 and \$500,000, respectively. In addition, vehicles, aircraft, and equipment used in a violation, as well as illegally obtained fish, wildlife, and plants, may be subject to forfeiture. Persons who provide information on violations of the Lacey Act may be eligible for cash rewards.

Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544). This act is designed to regulate a wide range of activities affecting plants and animals designated as endangered or threatened. It prohibits the following activities:

- importing into or exporting from the United States;
- taking (includes harassing, harming, pursuing, hunting, shooting, wounding, trapping, killing, capturing, or collecting) within the United States and its territorial seas;
- taking on the high seas;
- possessing, selling, delivering, carrying, transporting, or shipping any species unlawfully taken within the United States, its territorial seas, or on the high seas;
- delivering, receiving, carrying, transporting, or shipping in interstate or foreign commerce in the course of a commercial activity; and
- selling or offering for sale in interstate or foreign commerce.

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**Appendix I**  
**Major Laws and Treaties That Control**  
**Wildlife Imports and Exports**

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The prohibitions apply to endangered species, their parts, and products made from their parts. Most of these restrictions also apply to species listed as threatened, unless the species qualifies for an exception. The act also allows listing as protected, species similar in appearance to those that are endangered or threatened, when doing so would provide additional protection for the listed endangered or threatened species. Individuals in violation of the Endangered Species Act are subject to fines of up to \$100,000 and 1 year's imprisonment. Organizations found in violation may be fined up to \$200,000. Fish, wildlife, plants, and vehicles and equipment used in violations may be subject to forfeiture. Individuals providing information leading to a civil penalty or criminal conviction may be eligible for cash rewards.

The Endangered Species Act of 1973 also implements the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The purpose of CITES is to prevent international trade from contributing to the endangerment of any species. To achieve this, CITES establishes a system of trade controls that vary in their restrictiveness, depending upon the degree of jeopardy each species faces. The trade controls imposed by CITES apply only to the species listed in three appendixes to the treaty. The species listed in appendix I of the treaty receive the most protection: They cannot be imported or exported for primarily commercial purposes. To be traded for other purposes, a specimen of any species listed in appendix I must be accompanied by an export permit from the exporting country and an import permit from the importing country.

Species listed in appendix II of the treaty, which are the vast majority of all species protected by CITES, can be traded for both commercial and noncommercial purposes. However, they must be accompanied by an export permit, which may be issued only upon the finding that the export of the specimens concerned will not be detrimental to the survival of the species. This requirement allows countries to control trade in those species listed in appendix II.

Member countries may unilaterally list in appendix III of the treaty species that are protected within the countries' borders. The purpose of appendix III is to obtain international cooperation in the enforcement of national conservation laws. Countries importing specimens of a species listed in appendix III from the country responsible for including the species in the

appendix must insist upon presentation of a permit showing that the specimens were lawfully acquired and exported from that country.

The parties to CITES agreed that hybrid species may be listed in the above appendixes if they form distinctive and stable populations in the wild. Also, hybrids are subject to the provisions of CITES even if they are not included in the appendixes, if one or both of their parents are of listed species.

Antarctic Conservation Act of 1978 (16 U.S.C. 2401-2412). The purpose of the act is to provide for the conservation and protection of the fauna and flora of Antarctica and of the ecosystem on which fauna and flora depend. The primary prohibitions of the act make it unlawful for any U.S. citizen to take any native bird or mammal in Antarctica or to collect any native plant from any specially protected area within Antarctica. In addition, the act makes it unlawful for any U.S. citizen or any foreign person in the United States to possess, sell, offer for sale, deliver, receive, carry, transport, import to or export from the United States, or attempt to import or export any native mammal or bird taken in Antarctica or any plant collected in any specially protected area.

African Elephant Conservation Act (16 U.S.C. 4201-4245). The purpose of the act, passed in 1988, is to provide additional protection for the African elephant. The act establishes an assistance program to the countries of Africa where elephants are indigenous and provides for the establishment of an African Elephant Conservation Fund. In addition, the act places a moratorium on the importation of raw or worked ivory from African countries not meeting certain criteria found in the act.

Migratory Bird Treaty Act, as amended (16 U.S.C. 703-712). Originally passed in 1918, this act makes it unlawful—except as allowed by implementing regulations—to take, possess, buy, sell, purchase, or barter any migratory bird, including the feathers or other parts, nests, eggs, or migratory bird products. “Taking” is defined as pursuing, hunting, shooting, shooting at, poisoning, wounding, killing, capturing, trapping, or collecting migratory birds. Migratory bird hunting regulations, established by FWS, allow during designated seasons the taking of ducks, geese, doves, rail, woodcock, and some other species. In addition, permits may be granted for various noncommercial activities involving migratory birds and some commercial activities involving birds bred in captivity. Individuals and organizations may be fined up to \$5,000 and \$10,000, respectively, and those convicted may face up to 6 months’ imprisonment

for misdemeanor violations of the act. Felony violations may result in fines of up to \$250,000 for individuals and \$500,000 for organizations and up to 2 years' imprisonment for those convicted.

The Migratory Bird Treaty Act also implemented four international treaties that individually affected migratory birds common to the United States and four countries—Canada, Japan, Mexico, and the Soviet Union. It authorizes the Secretary of the Interior to determine when, how, and the extent to which migratory birds may be taken consistent with the treaties that the act implements, and the act prohibits anyone from taking such birds except in accordance with the Secretary's regulations.

Eagle Protection Act (16 U.S.C. 668-668c). Passed in 1940, this act makes it illegal to import, export, or take bald or golden eagles or to sell, purchase, or barter their parts, nests, or eggs or products made from the animals. "Taking" encompasses pursuing, shooting, shooting at, poisoning, wounding, killing, capturing, trapping, collecting, molesting, or disturbing. Permits may be granted for scientific, exhibitory, or Indian religious purposes. However, no permits may be issued for the import, export, or commercialization of eagles. Misdemeanor violations may result in fines of up to \$100,000 for individuals and \$200,000 for organizations, and 1 year's imprisonment. For felony violations, fines of up to \$250,000 and \$500,000 for individuals and organizations, respectively, and 2 years' imprisonment may result. Persons providing information leading to the conviction of violators of the Eagle Protection Act may be eligible for cash rewards.

Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407). This act establishes a moratorium on the taking and importation of marine mammals, including parts and products, and defines federal responsibility for the conservation of marine mammals: Management authority is vested in the Department of the Interior for the sea otter, marine otter, walrus, polar bear, dugong, and manatee. Under this act, it is unlawful to take any marine mammal on the high seas or in water or on lands under the jurisdiction of the United States. It is also unlawful to (1) use any port or harbor under U.S. jurisdiction for any purpose connected with the unlawful taking or importation of any marine mammal; (2) possess any unlawfully taken marine mammal, including parts and products; or (3) transport, purchase, sell, or offer to purchase or sell any marine mammal, including parts and products.

Alaskan Aleuts, Indians, and Eskimos who reside in Alaska are permitted to take marine mammals for the purpose of subsistence or for use in the

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**Appendix I**  
**Major Laws and Treaties That Control**  
**Wildlife Imports and Exports**

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manufacture and sale of native handicrafts. Permits may be granted for research on or display of marine mammals; permits may also be granted to those who show economic hardship. Violations of the act may result in fines of up to \$100,000 and 1 year's imprisonment for individuals and fines of up to \$200,000 for organizations. In addition, the entire cargo, or its monetary value, of aircraft, vessels, or other conveyances used in violations may be forfeited.

Wild Bird Conservation Act (16 U.S.C. 4901-4916). This act, passed in 1992, promotes the conservation of wild exotic birds. It prohibits the importation of any exotic bird in violation of any prohibition, suspension, or quota issued under the act and the importation of an exotic bird of a species included in a list of approved captive-bred species if the bird was not captive-bred at a qualifying facility. Criminal violations of the act may result in fines of up to \$250,000 and 2 years' imprisonment for individuals and fines of up to \$500,000 for organizations. Civil violations can result in \$12,000 to \$25,000 in fines for any person who knowingly violates the act and \$500 in fines for any person who violates the act. In addition, criminal violations can result in the forfeiture of all fish, wildlife, plants, vessels, vehicles, and other equipment involved in a felony. Civil violations can result in the forfeiture of all fish, wildlife, and plants.

# GAO Questionnaire

United States General Accounting Office

**GAO**

## Survey of United States Fish & Wildlife Service (FWS) Wildlife Inspection Program

### INTRODUCTION

The U.S. General Accounting Office (GAO) is an agency of the Congress which reviews federal programs. As part of a GAO review, we are surveying FWS wildlife inspectors concerning their perceptions of a proposed change in governing agency. GAO has been asked to determine, among other things, the advantages and/or disadvantages of moving FWS wildlife inspectors from the Department of the Interior to the Department of the Treasury's Customs Service (Customs).

If you have any questions, please call Sherry Casas or Ed Niemi collect at 1-202-634-1932.

*Your responses on this questionnaire are anonymous. Therefore, do not write your name, social security number or any other personal identification information on the questionnaire.*

The purpose of this questionnaire is to obtain background information on you and your activities as an inspector and your personal thoughts and opinions regarding a change in governing agency. In addition, we would like your opinions on the potential effect of the North American Free Trade Agreement (NAFTA) on your workload and responsibilities. This questionnaire is being sent to all FWS wildlife inspectors. Your cooperation in completing the questionnaire is vital to our study. The information collected through these questionnaires along with other information will be summarized in our report to the Congress.

The questionnaire should take approximately 30 minutes to complete.

Please complete the questionnaire and return it within **10 days of receipt**. We have provided a postage-paid business reply envelope to facilitate the return of your questionnaire. In the event that the return envelope is misplaced, please send the completed questionnaire to:

U.S. General Accounting Office  
 Attn: Kelly S. Ervin (FWS)  
 Resources, Community, & Economic  
 Development Division  
 441 G Street, N.W./Room 1826  
 Washington, D.C. 20548

### SECTION I: INSPECTOR BACKGROUND INFORMATION

1. What was your GS grade level when you first began work as an FWS wildlife inspector? *(Check one.)*

- 2 GS-4
- 46 GS-5
- 0 GS-6
- 12 GS-7
- 0 GS-8
- 3 GS-9
- 0 GS-10
- 0 GS-11
- 0 GS-12
- 0 Other (explain) \_\_\_\_\_

Appendix II  
GAO Questionnaire

2. What is your current GS grade level? (Check one.)

- 0 GS-4
- 4 GS-5
- 0 GS-6
- 5 GS-7
- 0 GS-8
- 47 GS-9
- 1 GS-10
- 6 GS-11
- 0 GS-12
- 0 Other (explain) \_\_\_\_\_

3. When did you first become a FWS wildlife inspector? (Enter month and year.)

\_\_\_\_\_/19\_\_\_\_\_  
Month Year

4. What is the highest level of education you have achieved? (Check one.)

- 0 Some high school
- 5 High school diploma
- 13 Some college
- 32 Bachelors degree (BS, BA)
- 7 Some graduate school
- 6 Masters degree (MS, MA)
- 0 Doctorate degree (PhD, MD, EdD, etc.)

5. What was your major field of study?

\_\_\_\_\_

6. Based on your work experience (including your current position), which of the following best describes your experience in biological-related fields? (Check one.)

- 15 Less than 5 years of experience
- 28 5 to 10 years of experience
- 19 Over 10 years of experience
- 1 Missing

SECTION II: INSPECTOR'S WORK ACTIVITIES

7. What is your *primary* geographic area of coverage (e.g., Miami International Airport or California/Mexican border)?

\_\_\_\_\_

8. In your opinion, is there a sufficient number of wildlife inspectors to provide wildlife coverage in your geographical area of responsibility? (Check one.)

- 13 Yes \_\_\_\_\_ → If yes, skip to question 10.
- 50 No \_\_\_\_\_ → If no, also answer question 9.

9. If you answered "no" to question 8, in the space below, indicate how many more inspectors are needed to provide adequate coverage of your geographic area?

\_\_\_\_\_

10. Has FWS provided you with adequate training (i.e., formal and on-the-job training) to effectively perform your duties as an inspector? (Check one.)

- 36 Yes \_\_\_\_\_ → If yes, skip to question 12.
- 27 No \_\_\_\_\_ → If no, also answer question 11.

Appendix II  
GAO Questionnaire

11. If you answered "no" to question 10, in the space below, explain what additional training you need to effectively perform your duties as an inspector.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. In your opinion, are you provided with adequate resources (e.g., equipment, travel funds, etc.) to effectively perform your job? (Check one.)

- 22 Yes \_\_\_\_\_ → If yes, skip to question 14.  
41 No \_\_\_\_\_ → If no, also answer question 13.

13. If you answered "no" to question 12, indicate what resources you believe are needed to effectively perform your job. (Check all that apply.)

- 17 Better computer equipment  
15 Personal computers  
4 Reliable cars/vans  
24 Better reference & identification books  
22 Safety equipment (e.g., eye protectors, air filters, antivenin)  
10 Better telephone system  
7 Better office equipment (excluding computers)  
24 Administrative personnel (e.g., clerks & receptionists)  
26 Updated law enforcement management system  
15 Other (explain) \_\_\_\_\_  
3 Other (explain) \_\_\_\_\_

**Appendix II  
GAO Questionnaire**

14. How satisfied or dissatisfied are you with the support (e.g., career opportunities, recognition of your skills, how the wildlife inspection function is valued) you have received from the different levels of FWS?

| Levels of FWS             | Check One For Each    |                           |   |                              |                          |                          |                |
|---------------------------|-----------------------|---------------------------|---|------------------------------|--------------------------|--------------------------|----------------|
|                           | Very satisfied<br>(1) | Somewhat satisfied<br>(2) | Neither satisfied nor dissatisfied<br>(3) | Somewhat dissatisfied<br>(4) | Very dissatisfied<br>(5) | No basis to judge<br>(6) | Missing<br>(7) |
| 1. Headquarters           | 8                     | 7                         | 15  | 20                           | 8                        | 5                        |                |
| 2. The region             | 15                    | 13                        | 5   | 17                           | 11                       | 2                        |                |
| 3. Local duty station     | 23                    | 21                        | 5   | 7                            | 5                        | 1                        | 1              |
| 4. Other (please specify) |                       |                           |   |                              |                          |                          |                |

15. Approximately what percent of your inspection work involves *import trade*? (Check one.)

- 0 0-10%
- 0 11-20%
- 0 21-30%
- 1 31-40%
- 2 41-50%
- 1 51-60%
- 8 61-70%
- 17 71-80%
- 25 81-90%
- 9 91-100%

16. Approximately what percent of your inspection work involves *export trade*? (Check one.)

- 20 0-10%
- 22 11-20%
- 13 21-30%
- 4 31-40%
- 2 41-50%
- 1 51-60%
- 0 61-70%
- 0 71-80%
- 0 81-90%
- 1 91-100%

**Appendix II  
GAO Questionnaire**

17. What criteria do you use to target particular shipments or individuals for inspection (e.g., experience with the importer/exporter, country of export, type of shipment, etc.)?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

18. During a *typical work week*, what is the estimated percent of your time spent performing the following inspection and inspection-related duties (*percents do not have to equal 100%*)?

| Inspection/ inspection-related duties  | Check One For Each Duty |        |        |        |        |        |        |        |        |         |         |
|--|-------------------------|--------|--------|--------|--------|--------|--------|--------|--------|---------|---------|
|  | 0-10%                   | 11-20% | 21-30% | 31-40% | 41-50% | 51-60% | 61-70% | 71-80% | 81-90% | 91-100% | Missing |
|  | (1)                     | (2)    | (3)    | (4)    | (5)    | (6)    | (7)    | (8)    | (9)    | (10)    | (11)    |
| 1. Processing declarations   | 8                       | 17     | 12     | 12     | 1      | 3      | 3      | 1      | 1      | 0       | 5       |
| 2. Physically inspecting commercial shipments at airports, rail stations and seaports                    | 11                      | 20     | 19     | 8      | 1      | 1      | 1      | 0      | 0      | 0       | 2       |
| 3. Physically inspecting pedestrian/ passenger shipments at airports, seaports and land border crossings | 38                      | 10     | 10     | 2      | 2      | 1      | 0      | 0      | 0      | 0       |         |
| 4. Documenting inspection results  | 29                      | 20     | 7      | 0      | 2      | 0      | 0      | 0      | 0      | 0       |         |
| 5. Inspecting hunting & fishing declarations   | 50                      | 6      | 3      | 1      | 0      | 0      | 0      | 0      | 0      | 0       |         |
| 6. Data entry  | 29                      | 18     | 9      | 4      | 1      | 0      | 0      | 0      | 0      | 0       |         |
| 7. Presentations at schools or public awareness programs   | 55                      | 5      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0       |         |
| 8. Commuting to, from & between inspection sites   | 42                      | 16     | 2      | 1      | 0      | 0      | 0      | 0      | 0      | 0       |         |
| 9. Issuing permits   | 56                      | 3      | 1      | 0      | 0      | 0      | 0      | 0      | 0      | 0       |         |
| 10. Other (specify)  |                         |        |        |        |        |        |        |        |        |         |         |
| 11. Other (specify)  |                         |        |        |        |        |        |        |        |        |         |         |

**Appendix II  
GAO Questionnaire**

19. During a *typical work week*, indicate the number range (e.g., 10 to 20) of commercial shipments, non-commercial shipments (e.g., passenger) and overnight mail shipments you process, and what percent receive physical inspection.

| Activities that get FWS inspection            | Number Range of shipments & traffic<br>(1) | Percent of Activities Inspected |              |               |               |               |               |               |               |                |                |                 |                 |
|---|--|---------------------------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|----------------|-----------------|-----------------|
|   |  | Not applicable<br>(2)           | 0-10%<br>(3) | 11-20%<br>(4) | 21-30%<br>(5) | 31-40%<br>(6) | 41-50%<br>(7) | 51-60%<br>(8) | 61-70%<br>(9) | 71-80%<br>(10) | 81-90%<br>(11) | 91-100%<br>(12) | Missing<br>(13) |
| 1. Commercial shipments                       | 0-500                                      | 1                               | 12           | 13            | 8             | 7             | 2             | 1             | 4             | 3              | 5              | 7               |                 |
| 2. Non-commercial shipments (e.g., passenger) | 0-100                                      | 0                               | 2            | 16            | 5             | 5             | 6             | 1             | 3             | 1              | 8              | 15              | 1               |
| 3. Overnight mail shipments                   | 0-60                                       | 0                               | 17           | 15            | 1             | 2             | 2             | 2             | 0             | 2              | 4              | 9               | 9               |

20. Of the shipments inspected, on average, what percent of the whole shipment is inspected? (e.g., 3 boxes out of a shipment of 10 boxes, or 30%)? (*Check one.*)

- 5   0-10%
- 9   11-20%
- 17  21-30%
- 6   31-40%
- 8   41-50%
- 5   51-60%
- 3   61-70%
- 4   71-80%
- 1   81-90%
- 4   91-100%
- 1   Missing

**Appendix II  
GAO Questionnaire**

21. Of all the shipments you inspected in the last two fiscal years (FY1992 & FY1993), what percent (%) of these were commercial or individual shipments and what percent (%) of these shipments had violations? **Instructions: In column 1, "FY 1992 Percentage of Shipments", indicate what percentage of your shipments for FY 1992 were either commercial, non-commercial or other. Next, in column 2, "FY 1992 % That Had Violations", indicate what percentage of each of these types of shipments contained violations. Columns 3 and 4 request the same information for FY 1993.**

| Type of Shipment          | FY 1992                        |                              | FY 1993                        |                              |
|---------------------------|--------------------------------|------------------------------|--------------------------------|------------------------------|
|                           | Percentage of Shipments<br>(1) | % That Had Violations<br>(2) | Percentage of Shipments<br>(3) | % That Had Violations<br>(4) |
| 1. Commercial             |                                |                              |                                |                              |
| 2. Non-commercial         |                                |                              |                                |                              |
| 3. Other (please specify) |                                |                              |                                |                              |
| 4. Other (please specify) |                                |                              |                                |                              |

22. Do any inspecting agencies, other than FWS, inspect shipments containing wildlife and wildlife products at the ports to which you are assigned? (Check one.)

- 60 Yes ———→ If yes, continue to questions 23 & 24.  
3 No ———→ If no, skip to Section III, question 25.

23. In addition to FWS, which of the following agencies inspect shipments containing wildlife and wildlife products at the ports to which you are assigned? (Check all that apply.)

- 57 Customs  
4 Immigration and Naturalization Service  
55 Department of Agriculture  
25 Public Health Service  
 \_\_\_\_\_ Other (specify) \_\_\_\_\_  
 \_\_\_\_\_ Other (specify) \_\_\_\_\_

**Appendix II  
GAO Questionnaire**

24. How would you evaluate the capability of non-FWS inspectors to inspect and detect violations in shipments containing wildlife & wildlife products?

| Agency                                    | Check One For Each |                        |                                   |                      |                  |                       |             |
|---|--------------------|------------------------|-----------------------------------|----------------------|------------------|-----------------------|-------------|
|   | Very Incapable (1) | Slightly incapable (2) | Neither incapable nor capable (3) | Slightly capable (4) | Very capable (5) | No basis to judge (6) | Missing (7) |
| 1. Customs                                | 12                 | 15                     | 5                                 | 21                   | 5                | 3                     | 2           |
| 2. Immigration and Naturalization Service | 37                 | 2                      | 5                                 | 1                    | 0                | 16                    | 2           |
| 3. Department of Agriculture              | 3                  | 13                     | 9                                 | 29                   | 4                | 3                     | 2           |
| 4. Public Health Service                  | 23                 | 4                      | 7                                 | 6                    | 0                | 19                    | 4           |
| 5. Other (please specify)                 |                    |                        |                                   |                      |                  |                       |             |
| 6. Other (please specify)                 |                    |                        |                                   |                      |                  |                       |             |

**SECTION III: VIOLATION DETECTION**

25. In your opinion, what is the probability that an illegal shipment would be able to pass into or out of the United States undetected? (Check one.)

- 2   0-10%
- 3   11-20%
- 3   21-30%
- 1   31-40%
- 9   41-50%
- 9   51-60%
- 9   61-70%
- 7   71-80%
- 10   81-90%
- 9   91-100%
- 1   Missing

27. Are you aware of any designated ports or land border ports that have inspector coverage, but do not need it? (Check one.)

- 6   Yes → Which port(s)? \_\_\_\_\_
- 53  No

26. Are you aware of any ports that warrant inspector coverage, but to date have not been assigned such coverage? (Check one.)

- 46  Yes → Which port(s)? \_\_\_\_\_
- 17  No

Appendix II  
GAO Questionnaire

28. What types of shipments containing potential illegally traded wildlife or wildlife products do you believe are going undetected because of inadequate inspector coverage? (Check all that apply.)

- 30 Containerized shipments at airports
- 50 Containerized shipments at seaports
- 42 Containerized shipments at land border crossings
- 41 Containerized shipments via rail and/or truck (in bond)
- 48 Passenger traffic at airports (including passenger baggage)
- 31 Passenger traffic at seaports
- 35 Passenger/pedestrian traffic at land border crossings
- 50 Overnight mail (i.e., delivery services)
- 46 International mail
- Other (explain) \_\_\_\_\_

29. Are you aware of any memoranda of understanding or other coordination agreements dealing with wildlife imports/exports between FWS and other federal, state or other agencies? (Check one.)

- 21 Yes → If yes, also answer question 30
- 42 No → If no, skip to question 31

**Appendix II  
GAO Questionnaire**

30. Which document(s) are you aware of, which agency is it from, and what wildlife inspection activities does it cover?

Can't recall name of document(s)

(1) Name of document: \_\_\_\_\_

Agency: \_\_\_\_\_

Inspection Activities: \_\_\_\_\_

(2) Name of document: \_\_\_\_\_

Agency: \_\_\_\_\_

Inspection Activities: \_\_\_\_\_

(3) Name of document: \_\_\_\_\_

Agency: \_\_\_\_\_

Inspection Activities: \_\_\_\_\_

31. What percent of your violation cases involve the Endangered Species Act/CITES, Lacey Act, Migratory Bird Treaty Act or any other laws, treaties or agreements?

| Laws, Treaties Or Agreements    | % of Cases Involved |              |               |               |               |               |               |               |               |                |                 |                 |
|---------------------------------|---------------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|-----------------|-----------------|
|                                 | N/A<br>(1)          | 0-10%<br>(2) | 11-20%<br>(3) | 21-30%<br>(4) | 31-40%<br>(5) | 41-50%<br>(6) | 51-60%<br>(7) | 61-70%<br>(8) | 71-80%<br>(9) | 81-90%<br>(10) | 91-100%<br>(11) | Missing<br>(12) |
| 1. Endangered Species Act/CITES | 0                   | 0            | 0             | 0             | 1             | 8             | 3             | 11            | 11            | 18             | 11              |                 |
| 2. Lacey Act                    | 1                   | 16           | 17            | 7             | 3             | 8             | 1             | 3             | 3             | 1              | 3               |                 |
| 3. Migratory Bird Treaty Act    | 2                   | 48           | 3             | 0             | 1             | 1             | 1             | 0             | 1             | 0              | 0               | 6               |
| 4. Other (please specify)       |                     |              |               |               |               |               |               |               |               |                |                 |                 |
| 5. Other (please specify)       |                     |              |               |               |               |               |               |               |               |                |                 |                 |

Appendix II  
GAO Questionnaire

32. In your opinion, if FWS wildlife inspectors are not physically present at a port, what is the probability that wildlife violations will be *detected* by non-FWS inspectors? (*Check one.*)

- 14 Not at all probable
- 17 Slightly improbable
- 2 Neither improbable nor probable
- 21 Slightly probable
- 6 Very probable
- 3 Don't know

33. In your opinion, what is the probability that detected violations found by non-FWS inspectors *will be allowed to pass* into or out of the country? (*Check one.*)

- 0 Not at all probable
- 2 Slightly improbable
- 2 Neither improbable nor probable
- 25 Slightly probable
- 30 Very probable
- 4 Don't know

**Appendix II  
GAO Questionnaire**

34. In some instances, wildlife violations detected by agencies other than FWS may be allowed to pass into or out of the country. To what extent (if any), do you believe the following reasons would explain this occurrence of *detected* wildlife violations being allowed to pass into or out of the country by *non-FWS Inspectors*?

| Factors   | Check One For Each         |                    |                          |                       |                            |                |
|---|----------------------------|--------------------|--------------------------|-----------------------|----------------------------|----------------|
|   | To little or no extent (1) | To some extent (2) | To a moderate extent (3) | To a great extent (4) | To a very great extent (5) | No opinion (6) |
| 1. Non-FWS inspectors do not consider wildlife inspection a priority  | 2                          | 6                  | 16                       | 20                    | 17                         | 2              |
| 2. Non-FWS supervisors do not consider wildlife inspection a priority   | 3                          | 3                  | 11                       | 17                    | 28                         | 1              |
| 3. Non-FWS inspectors do not have the time to detain wildlife product violators   | 10                         | 11                 | 15                       | 12                    | 11                         | 4              |
| 4. Non-FWS supervisors do not have the time to detain wildlife or wildlife product violators  | 14                         | 9                  | 10                       | 13                    | 12                         | 5              |
| 5. Spending time on the detection of wildlife violations is not advantageous to career advancement of non-FWS inspectors/ supervisors | 3                          | 7                  | 9                        | 17                    | 20                         | 7              |
| 6. Lack of personal interest in protecting wildlife of non-FWS inspectors   | 5                          | 14                 | 17                       | 11                    | 11                         | 5              |
| 7. Other (specify)  |                            |                    |                          |                       |                            |                |
| 8. Other (specify)  |                            |                    |                          |                       |                            |                |

35. Have you been unable to follow-up (e.g., being able to physically inspect all shipments which meet targeting criteria, or confirm permit authenticity) on matters involving potential violations? (*Check one.*)

30 Yes  → If yes, continue to question 36

33 No  → If no, skip to Section IV, question 37

36. If you answered "yes" in question 35, in the space below, describe the type of violations and the reasons why you have not been able to follow-up on potential violations.

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**Appendix II  
GAO Questionnaire**

**SECTION IV: THE NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)**

37. NAFTA may have an impact on the amount and type of goods flowing across the borders between the United States and Canada and the United States and Mexico. How do you think this agreement will affect the following inspection and inspection-related issues listed below?

| Inspection Related Issues                                 | Check One For Each     |                          |                                      |                          |                        |                   |                |
|---|------------------------|--------------------------|--------------------------------------|--------------------------|------------------------|-------------------|----------------|
|   | Highly Increase<br>(1) | Somewhat Increase<br>(2) | Neither Increase nor Decrease<br>(3) | Somewhat Decrease<br>(4) | Highly Decrease<br>(5) | Don't Know<br>(6) | Missing<br>(7) |
| 1. Shipments of wildlife                                  | 19                     | 29                       | 6                                    | 0                        | 0                      | 8                 | 1              |
| 2. Percent (%) of shipments receiving physical inspection | 2                      | 9                        | 11                                   | 24                       | 10                     | 7                 |                |
| 3. Difficulty in detecting illegal wildlife trade         | 18                     | 25                       | 10                                   | 2                        | 1                      | 7                 |                |
| 4. Administrative work load                               | 10                     | 29                       | 12                                   | 0                        | 1                      | 11                |                |
| 5. Other (specify)  |                        |                          |                                      |                          |                        |                   |                |
| 6. Other (specify)  |                        |                          |                                      |                          |                        |                   |                |

**SECTION V: TRANSFER OF FWS WILDLIFE INSPECTORS TO CUSTOMS**

**It has been suggested that advantages could accrue if the wildlife inspection function were to be transferred to Customs. The questions in this section are designed to determine your views on such a proposal.**

38. To what extent do you believe that the following factors will allow Customs to adequately conduct wildlife and wildlife product inspections?

| Factors  | Check One For Each            |                       |                             |                          |                               |                   |                |
|--|-------------------------------|-----------------------|-----------------------------|--------------------------|-------------------------------|-------------------|----------------|
|  | To little or no extent<br>(1) | To some extent<br>(2) | To a moderate extent<br>(3) | To a great extent<br>(4) | To a very great extent<br>(5) | No opinion<br>(6) | Missing<br>(7) |
| 1. Training existing and new inspectors (e.g., increasing knowledge of wildlife laws and identification of wildlife) | 18                            | 23                    | 10                          | 4                        | 5                             | 3                 |                |
| 2. Transferring existing FWS wildlife inspectors to Customs  | 22                            | 14                    | 8                           | 4                        | 9                             | 6                 |                |
| 3. Hiring future inspectors with biological and/or other wildlife degrees  | 18                            | 19                    | 10                          | 4                        | 7                             | 4                 | 1              |
| 4. Designating wildlife inspection a priority  | 13                            | 7                     | 17                          | 8                        | 15                            | 3                 |                |

Two possible scenarios under which a transfer of the wildlife inspection function could take place are: (1) FWS inspectors being transferred to Customs as a specialized unit retaining the current priorities of fish and wildlife and wildlife products inspections and (2) FWS inspectors being transferred to Customs without special emphasis on fish and wildlife and wildlife product inspections.

We would like you to respond to the next two questions in terms of these two possible scenarios. That is, answer question 39 from the perspective that you would be transferred to Customs as part of a specialized fish and wildlife unit. Next, answer question 40 from the perspective that you would be transferred to Customs as a Customs inspector without fish and wildlife specialization.

*PLEASE CONTINUE TO NEXT PAGE* →

**Appendix II  
GAO Questionnaire**

39. In the table below, indicate the degree to which you “agree” or “disagree” with the following statements *if FWS Inspectors are transferred into Customs as a specialized unit (i.e., retaining current priorities of inspecting shipments containing wildlife and wildlife products).*

| Statements   | Check One For Each    |                       |                                   |                          |                          |                          |
|--|-----------------------|-----------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
|  | Strongly agree<br>(1) | Somewhat Agree<br>(2) | Neither agree nor disagree<br>(3) | Somewhat Disagree<br>(4) | Strongly disagree<br>(5) | No basis to judge<br>(6) |
| <b>Transferring to Customs</b>   |                       |                       |                                   |                          |                          |                          |
| 1. The protection of wildlife would be enhanced if FWS wildlife inspection functions were moved to Customs   | 6                     | 10                    | 8                                 | 9                        | 26                       | 4                        |
| 2. I would have more prestige as a Customs inspector than as an FWS inspector  | 5                     | 9                     | 7                                 | 7                        | 31                       | 4                        |
| 3. A better solution to increasing wildlife inspections would be to increase the number of FWS wildlife inspectors rather than transfer FWS wildlife inspectors to Customs | 48                    | 5                     | 5                                 | 3                        | 2                        | 0                        |
| <b>Career Advancement, Personnel &amp; Training</b>  |                       |                       |                                   |                          |                          |                          |
| 4. In general, the opportunity for promotion or advancement would be greater if FWS wildlife inspectors were moved to Customs  | 17                    | 20                    | 5                                 | 5                        | 9                        | 7                        |
| 5. Specifically, my opportunity for promotion or advancement would be greater if FWS wildlife inspectors were moved to Customs   | 14                    | 23                    | 8                                 | 6                        | 8                        | 4                        |
| 6. I prefer Customs personnel policies to those of FWS regarding issues such as overtime and transfers of duty stations  | 12                    | 12                    | 10                                | 7                        | 15                       | 7                        |
| 7. My education and work experience would be better utilized as an inspector at Customs  | 5                     | 0                     | 16                                | 10                       | 30                       | 2                        |

**Appendix II  
GAO Questionnaire**

| Statements   | Check One For Each    |                       |                                   |                          |                          |                          |                |
|--|-----------------------|-----------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|----------------|
|  | Strongly agree<br>(1) | Somewhat Agree<br>(2) | Neither agree nor disagree<br>(3) | Somewhat Disagree<br>(4) | Strongly disagree<br>(5) | No basis to judge<br>(6) | Missing<br>(7) |
| <b>Violations</b>  |                       |                       |                                   |                          |                          |                          |                |
| 9. Customs inspectors are well trained for detecting FWS wildlife violations   | 0                     | 5                     | 5                                 | 16                       | 36                       | 1                        |                |
| 10. Customs inspectors currently account for a high percentage of detected wildlife violations   | 4                     | 14                    | 10                                | 12                       | 21                       | 1                        | 1              |
| 11. Wildlife inspectors should be required to have at least an undergraduate degree in the biological or wildlife sciences to ensure an adequate ability to detect violations of wildlife laws | 19                    | 14                    | 11                                | 12                       | 7                        | 0                        |                |

40. In the table below, indicate the degree to which you "agree" or "disagree" with the following statements *if FWS Inspectors are transferred to Customs without any special emphasis on fish and wildlife and wildlife product inspections.*

| Statements   | Check One For Each    |                       |                                   |                          |                          |                          |
|--|-----------------------|-----------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
|  | Strongly agree<br>(1) | Somewhat Agree<br>(2) | Neither agree nor disagree<br>(3) | Somewhat Disagree<br>(4) | Strongly disagree<br>(5) | No basis to judge<br>(6) |
| <b>Transferring to Customs</b>   |                       |                       |                                   |                          |                          |                          |
| 1. The protection of wildlife would be enhanced if FWS wildlife inspection functions were moved to Customs   | 1                     | 1                     | 4                                 | 6                        | 49                       | 2                        |
| 2. I would have more prestige as a Customs inspector than as an FWS Inspector  | 5                     | 7                     | 5                                 | 4                        | 39                       | 3                        |
| 3. A better solution to increasing wildlife inspections would be to increase the number of FWS wildlife inspectors rather than transfer FWS wildlife inspectors to Customs | 47                    | 6                     | 5                                 | 1                        | 2                        | 2                        |

**Appendix II  
GAO Questionnaire**

| Statements   | Check One For Each    |                       |                                   |                          |                          |                          |                |
|--|-----------------------|-----------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|----------------|
|  | Strongly agree<br>(1) | Somewhat Agree<br>(2) | Neither agree nor disagree<br>(3) | Somewhat Disagree<br>(4) | Strongly disagree<br>(5) | No basis to judge<br>(6) | Missing<br>(7) |
| <b>Career Advancement, Personnel &amp; Training</b>  |                       |                       |                                   |                          |                          |                          |                |
| 4. In general, the opportunity for promotion or advancement would be greater if FWS wildlife inspectors were moved to Customs  | 15                    | 22                    | 6                                 | 7                        | 8                        | 5                        |                |
| 5. Specifically, my opportunity for promotion or advancement would be greater if FWS wildlife inspectors were moved to Customs   | 15                    | 20                    | 11                                | 3                        | 9                        | 5                        |                |
| 6. I prefer Customs personnel policies to those of FWS regarding issues such as overtime and transfers of duty stations  | 11                    | 12                    | 10                                | 7                        | 17                       | 6                        |                |
| 7. My education and work experience would be better utilized as an inspector at Customs  | 4                     | 2                     | 14                                | 6                        | 34                       | 3                        |                |
| <b>Violations</b>  |                       |                       |                                   |                          |                          |                          |                |
| 8. Customs inspectors are well trained for detecting FWS wildlife violations   | 0                     | 7                     | 2                                 | 16                       | 37                       | 1                        |                |
| 9. Customs inspectors currently account for a high percentage of detected wildlife violations  | 5                     | 11                    | 11                                | 13                       | 22                       | 1                        |                |
| 10. Wildlife inspectors should be required to have at least an undergraduate degree in the biological or wildlife sciences to assure an adequate ability to detect violations of wildlife laws | 18                    | 15                    | 9                                 | 12                       | 7                        | 1                        | 1              |

Appendix II  
GAO Questionnaire

41. As a FWS wildlife inspector, what is your current level of morale? (*Check one.*)

- 5 Very low
- 11 Low
- 13 Neither low nor high
- 28 High
- 6 Very high
- 0 Don't know

42. If FWS wildlife inspectors are transferred to Customs *as a specialized unit*, what do you think your level of morale would be once you transferred to Customs? (*Check one.*)

- 15 Very low
- 14 Low
- 14 Neither low nor high
- 10 High
- 4 Very high
- 6 Don't know

43. If FWS wildlife inspectors are transferred to Customs *as Customs inspectors*, what do you think your level of morale would be once you transferred to Customs? (*Check one.*)

- 37 Very low
- 9 Low
- 9 Neither low nor high
- 4 High
- 1 Very high
- 3 Don't know

**STOP! Please review your responses to make sure that all appropriate questions have been answered. Thank you.**

**This concludes the questionnaire. Thank you for your cooperation and assistance!**

# Comments From the Department of the Interior

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



## United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240  
November 16, 1994

Mr. James E. Duffus, III  
Director, Natural Resources  
Management Issues  
U.S. General Accounting Office  
Washington, D.C. 20548

Dear Mr. Duffus:

Thank you for providing the Department of the Interior (Department) the opportunity to review and comment on the General Accounting Office's (GAO) draft report entitled "Wildlife Protection: Fish and Wildlife Service's Inspection Program Needs Strengthening" (GAO/RCED-95-8). The Department has reviewed the report and shares with the U.S. Fish and Wildlife Service a number of concerns with the recommendations provided therein.

We agree with GAO's recommendations to improve the Law Enforcement Management Information System (LEMIS) and to proceed with plans to increase the fees charged for licenses and inspections, applying the increased funding to areas where resource needs are identified. We also agree, with some qualifications, with GAO's recommendation to establish performance-oriented goals. We disagree with GAO's recommendations, as stated, regarding study of the penalties and fines, and determination of resource allocation.

More specific comments related to GAO's findings and recommendations are provided in the following enclosure.

Sincerely,

*George T. Frampton, Jr.*  
For George T. Frampton, Jr.  
Assistant Secretary for Fish  
and Wildlife and Parks

Enclosure

**Appendix III  
Comments From the Department of the  
Interior**

Enclosure

**Draft GAO Report - "WILDLIFE PROTECTION: Fish and Wildlife Service's  
Inspection Program Needs Strengthening, (GAO/RCED-95-8)**

**Comments on the Draft Report**

- On page 4 of the report, the GAO states that the U.S. Fish and Wildlife Service's (Service) Law Enforcement Management Information System (LEMIS) does not provide "(1) level of and trends in wildlife trade, (2) number of shipments processed and inspected at each port of entry and by each inspector...."

See comment 1.

Actually, there are sufficient data in LEMIS to evaluate the level and trends of wildlife trade. The limiting factor in doing so is not the deficiency of data, but a shortage of staff to conduct such evaluations. In fact, LEMIS data have been used by both the Division of Law Enforcement's Intelligence Section and by TRAFFIC USA to analyze trade in selected species of wildlife over the past decade.

Similarly, LEMIS records the badge number of the Wildlife Inspector who examines each shipment in the Wildlife Inspection database and, if a physical inspection is conducted, also records the percentage of the shipment that was inspected. It should be noted that the "percent inspected" data are not entered into shipments documented through the Customs Service Automated Commercial System (ACS). ACS records only whether a physical inspection was conducted, not the extent of such inspection.

Now on p. 15.  
See comment 2.

- On Page 16 there is a reference to a 1991 GAO Report "Wildlife Protection: Enforcement of Federal Laws Could be Strengthened (GAO/RCED-91-44)." This report concerns the activities of Service Special Agents, not the Service's Wildlife Inspection activity. We believe this reference is irrelevant to the current audit and should be deleted from the report.

Now on p. 19.  
See comment 3.

- On Page 22 in the last paragraph, the use of the word "claimed" in referring to a statement in the U.S. Fish and Wildlife Service Division of Law Enforcement Briefing Materials, 1991 Edition concerning the number of physical inspections that were conducted could be interpreted to imply doubt on the part of the GAO concerning the validity of this statement. The Service stands by the referenced statement, and the GAO report does not dispute it. We suggest that the word "stated" be substituted for the word "claimed."

Now on p. 20.  
See comment 3.

- On Page 23, the GAO states "...while the percentage of wildlife shipments FWS inspects is somewhat greater than five percent..." Later in the report, the GAO states that "For the 5-year period, the inspection rate was about 23 percent." We believe that an inspection rate almost five-fold greater is more than "somewhat greater," and recommend less use of subjective modifiers in the report.

Now on p. 47.

- On Page 58, the GAO states "These goals, however, do not take into account such things as...the ultimate disposition of these interceptions in terms of forfeitures, fines, and other penalties; and (4) degree and effectiveness of cooperation that FWS receives from other federal agencies."

See comment 4.

We disagree that law enforcement should be held accountable for (1) the penalty phase of the justice system, or (2) the degree of cooperation the Service receives from other federal agencies.

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**Appendix III  
Comments From the Department of the  
Interior**

The American justice system is based upon a separation between the police/investigating agency, whose job it is to impartially investigate crimes and apprehend those suspected of committing those crimes; the prosecutors, whose job it is to make the decision to prosecute the case and to represent the government, and ultimately the people, when these crimes are adjudicated; and the courts whose job is to ensure a fair and impartial trial, determine guilt or innocence, and to impose penalties upon those found guilty. We believe that it is inappropriate for a police/investigative agency to establish goals based upon the penalties imposed upon those it brings before the justice system. The Service does not influence such decisions made by the courts or others, and its goals should not be tied to them.

With regard to the GAO's suggestion that the Service should establish a goal to measure the "degree and effectiveness of cooperation that FWS receives from other federal agencies," we are unable to determine how such a subjective commodity as "cooperation" can be measured. The Service and its law enforcement personnel work closely with many State and federal agencies in all aspects of its law enforcement activities, including its wildlife inspection program. While exceptions undoubtedly exist, the Service believes that in general it has and does receive effective cooperation from these agencies. However, to develop an objective measure of cooperation would not only be difficult, but would also hold the Service accountable for the activities of other organizations. Therefore, we recommend that all references to establishing a goal that implies or requires a measurement of cooperation with other agencies be removed.

**Comments on the Recommendations**

**Recommendation:** Develop outcome-oriented, performance-related goals that are indicative of an effective inspection program and take into account not only the number of shipments processed and inspected, but also such things as the extensiveness and quality of the inspections performed and the results of those inspections.

**Comments:** We agree with GAO's recommendation that outcome-oriented performance goals should be developed for the inspection program. The Service is already working to develop such standards as part of the requirements of the Government Performance and Results Act (GPRA). We will be cautious, however, to ensure that measures associated with the results of inspections do not inadvertently result in some type of quota system for seizures and penalties. We hope to learn from the experience of the GPRA pilot project of the North American Waterfowl Management Plan.

**Recommendation:** Give priority to the completion of current FWS plans to improve the timeliness, accuracy, and completeness of the information contained in LEMIS, including the information relating to (1) the levels and trends in wildlife trade; (2) port of entry inspection rates and inspector productivity; (3) results of inspections including fines and penalties assessed; and (4) repeat wildlife trade violators.

**Comments:** Agree. The Service will continue its improvements of the Law Enforcement Management Information System (LEMIS) and will redesign this system to meet the needs of the users and Service managers. The Service has already modified its new Investigations Subsystem to include a field which designates the source of each investigation as originating from the Wildlife Inspection program, field investigation, or refuges.

Recommendations  
may now be found  
on pp. 48 and 49.

See comment 5.

See comment 5.

**Appendix III  
Comments From the Department of the  
Interior**

The redesign of LEMIS II is being completed in phases. The investigative subsystem will be completed by March 31, 1995. The permits subsystem is scheduled to be completed by October 1, 1995, and the import/export subsystem is scheduled for completion by March 31, 1996.

Due Date: March 31, 1996

Responsible Official: Assistant Director - Refuges and Wildlife

**Recommendation:** Examine the operations of each of the designated and the nondesignated ports of entry and the size and level of accompanying resources currently allocated to each of these ports, looking for ways in which the allocation of resources might be adjusted to respond to current needs at the specific ports and to improve the program's overall efficiency and effectiveness.

See comment 5.

**Comments:** Disagree. Workload factors have been used to justify increased resources at several ports of entry, including Los Angeles, Chicago, and U.S./Mexico border ports, and will continue to do so. However, any decision to reallocate existing resources must factor in political and economic considerations in addition to objective workload criteria. For example, the ports of Dallas/Ft. Worth, Portland, Baltimore, and Boston did not necessarily meet Service workload criteria, but were added at the direction of Congress. The Service has determined that it must maintain a minimum staffing presence in order to provide uninterrupted service at any designated port.

**Recommendation:** Conduct a study of the penalties and fines assessed as a result of the violations detected by the wildlife inspection program. With the results in hand, initiate discussions with the Department of Interior's Office of the Solicitor and the Department of Justice to identify ways in which parties can work more efficiently and effectively together in catching and prosecuting those who violate wildlife trade laws and treaties.

See comment 6.

**Comments.** Disagree. It is not apparent how a study of penalties and fines is relevant to identifying "ways in which parties can work more efficiently and effectively together in catching and prosecuting those who violate wildlife trade laws and treaties."

**Recommendation:** Proceed with plans to increase the fees charged for licenses and inspections and apply the increased funding to those areas where resource needs have been identified.

See comment 5.

**Comments:** Agree. The Service has published proposed rules to revise user fees charged under the wildlife inspection program. These proposed rules, if enacted as written, will raise the fees charged at designated and non-designated ports for inspection services. However, based on its cost analysis, the Service intends to lower the fee charged for an import/export license. All user fees collected will continue to be used to reimburse the Service for the cost of providing wildlife inspection services, as required by law.

Due Date: March 31, 1996

Responsible Official: Assistant Director - Refuges and Wildlife

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The following are GAO's comments on the Department of the Interior's letter dated November 16, 1994.

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## GAO's Comments

1. We recognize that LEMIS contains information on the number of shipments processed and inspected. However, the entry of wildlife shipment and inspection data into LEMIS, according to a number of FWS officials contacted during our review, is oftentimes not timely or accurate, and little or no quality check of the data is made to ensure its accuracy. FWS recognizes that the quality of the data needs improvement and is planning some steps to increase the data's timeliness and accuracy.

While LEMIS does contain information that can be evaluated to determine the levels and trends in wildlife shipments and that has been used by the FWS Division of Law Enforcement and TRAFFIC USA in the past to analyze trade trends, the information has little value unless it is compiled, analyzed, and disseminated to those who need it. As we point out in the report, FWS regional officials and wildlife inspectors alike told us that they generally are not provided with the LEMIS information they need.

2. We consider the information in our 1991 report to be relevant to this report. Not only are the special agents and wildlife inspectors both a part of the FWS Division of Law Enforcement, but as we discuss in this report, the special agents work very closely with the wildlife inspectors to enforce and administer the federal laws and treaties governing the exportation and importation of wildlife and wildlife parts and products. Furthermore, the problems affecting the wildlife inspection program—for example, limited resources devoted to the program and a lack of current and reliable LEMIS data—are similar to those we reported as negatively affecting the special agents' ability to conduct their activities.

3. We revised our final report to recognize this comment.

4. We revised the conclusions in our final report to recognize these comments.

5. This comment is recognized and evaluated at the end of chapter 5.

6. This comment is recognized and evaluated at the end of chapter 5. We have also revised the recommendation in our final report to more clearly state the action that we believe FWS should take.

# Major Contributors to This Report

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