

Notification to the Parties No. 2018/040
Annex

**Questionnaire on the implementation of Resolution Conf. 9.14 (Rev. CoP17) and
measures to prevent and combat rhinoceroses poaching and trafficking in rhinoceros horn**

Please provide as much information as possible in answer to the questions below. Where specified within the questions, please report on any actions taken since the 17th meeting of the Conference of the Parties (CoP17, Johannesburg, 2016). In all other questions, information requested is not time bound.

Country	United States of America
Function of agency completing this questionnaire	CITES Management Authority; CITES Enforcement Authority
Contact details of agency/agencies completing this questionnaire	Division of Management Authority, U.S. Fish and Wildlife Service Email: managementauthority@fws.gov
Contact person (name, email, job title, function)	Anne St. John, Biologist, Division of Management Authority, U.S. Fish and Wildlife Service; anne_stjohn@fws.gov

Question 1.	INVESTIGATIONS, (Please do NOT provide any nominal or other sensitive information that might jeopardise or impede ongoing or future investigations or prosecutions)
1.1.	<p>Has your country developed and implemented any law enforcement strategies to combat, as applicable, rhinoceros poaching and illegal trade in rhinoceros horn?</p> <p><u>Yes</u> / No</p> <p>If 'yes', please provide details of such law enforcement strategies and associated activities conducted.</p> <p>If 'no', please indicate the reason why such strategies have not been considered, and if the development and implementation of such strategies is expected in future.</p>

	<p>2015 U.S. National Strategy for Combating Wildlife Trafficking (follow-up to 2013 Executive Order on Combating Wildlife trafficking) (https://obamawhitehouse.archives.gov/sites/default/files/docs/nationalstrategywildlifetrafficking.pdf).</p>
1.2.	<p>Has your country adopted legislation or drawn upon existing legislation to facilitate the use of specialized investigation techniques such as controlled deliveries and covert investigations, where appropriate, in support of conventional investigation techniques, in particular for offences related to the illegal killing of rhinoceroses and the trafficking of rhinoceros horns?</p> <p><u>Yes</u> / No</p> <p>If 'yes', please provide details below of:</p> <ul style="list-style-type: none"> i. titles; ii. date of enactment ; iii. provisions of such legislation; iv. examples where such legislation has been utilised. <p>If 'no', please outline below any barriers or obstacles there may be in adopting such legislation, and any support that might be needed to overcome them.</p> <p>U.S. national legislation authorizes controlled deliveries; Legal authorities and policy authorize covert investigations and other investigative techniques.</p>

1.3	<p>Has your country used any other legislative tools and regulations, such as anti-money laundering and asset forfeiture legislation, in support of wildlife legislation, to address rhinoceros poaching and illegal trade in rhinoceros horn and other parts or derivatives, as applicable to your country?</p> <p><u>Yes</u> / No</p> <p>If 'yes', please provide details below of the titles, date of enactment and provisions of such legislation, as well as examples where such legislation has been utilised.</p> <p>U.S. national legislation has long provided for possible use of money laundering legislation and asset forfeiture in wildlife cases. Recent (2016) Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act (END Act) provides additional nexus to money laundering statute by the addition of certain U.S. Endangered Species Act violations and specified "unlawful acts," per the statute.</p> <p>If 'no', please outline below any barriers or obstacles there may be in adopting or applying such legislation, and any support that might be needed to overcome them.</p>
1.4	<p>Has your country shared information and cooperated with other source, transit or destination countries, or international law enforcement organizations, and was any mechanisms such as those provided for in the United Nations Convention Against Transnational Organized Crime (UNTOC) and the United Nations Convention Against Corruption (UNCAC) mobilized to address individuals or groups suspected of involvement in rhinoceros poaching or the illegal trade in rhinoceros parts and derivatives, including conducting cross-border investigations?</p> <p><u>Yes</u> / No</p> <p>If 'yes', please provide outline below details of such operations and their outcomes.</p> <p>The U.S. Fish and Wildlife Service, Office of Law Enforcement (FWS/OLE) has placed seven Special Agent Attachés in strategic regions around the world to serve as regional liaisons and advisors to the host and regional countries on matters regarding wildlife trafficking, and to help coordinate cooperative international wildlife trafficking investigations and capacity building. FWS/OLE regularly engages with multiple Wildlife Enforcement Networks (WENs), agencies, and NGOs in source/transit/demand countries, and with international organizations such as INTERPOL (i.e., Operation Thunderbird) and ICCWC.</p>

	If 'no', please outline below any barriers or obstacles your country may have encountered in encouraging further information sharing and cooperation with other countries, and as any support that might be needed to overcome them.
Question 2.	LEGISLATION
2.1	<p>Has your country enacted and implemented comprehensive legislation and enforcement controls, including internal trade restrictions and penalties aimed at reducing illegal trade in rhinoceros parts and derivatives, and including any specimen that appears from an accompanying document, the packaging, a mark or label, or any from any other circumstances, to be a rhinoceros part or derivative?</p> <p><u>Yes</u> / No</p> <p>If 'yes', please elaborate below on enforcement controls implemented and the titles, date of enactment and provisions of such legislation, penalties (can fines, custodial sentences, and asset forfeiture, as appropriate, be imposed, as well as any exemptions that might apply). If such legislation is publicly available, please provide a copy of such legislation as an attachment or indicate how it can be accessed by providing a web link or reference.</p> <p>Endangered Species Act (16 USC 1538) and CITES implementing regulations (50 CFR Part 23); Lacey Act (16 USC 3372); Rhinoceros and Tiger Conservation Act of 1994 (16 USC 5306)</p> <p>Rhinoceros and Tiger Conservation Act also prohibits the sale, import, or export, or the attempted sale, import, or export, of any product, item, or substance (product) intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.</p> <p>If 'no', please explain what measures have been implemented, and any support that might be needed to put in place such comprehensive legislation and enforcement controls.</p>
2.2	<p>Has your country enacted legislation that prohibits possession of rhinoceros parts and derivatives acquired in violation of the Convention?</p> <p><u>Yes</u> / No</p>

	<p>If 'yes', please provide details below of the titles, date of enactment and provisions of such legislation, including penalties (fines, custodial sentences, and asset forfeiture) that can be imposed, as well as any exemptions that might apply. If such legislation is publicly available, please provide a copy of such legislation as an attachment or indicate how it can be accessed by providing a web link or reference.</p> <p>Endangered Species Act (16 USC 1538) and CITES implementing regulations (50 CFR Part 23); Rhinceros and Tiger Conservation Act of 1998 (16 USC 5306)</p> <p>If 'no', please explain below how possession and utilization of rhinceros parts and derivatives is regulated in your country.</p>
Question 3.	PROSECUTIONS
3.1.	<p>Please provide details of prosecutions that have been initiated in your country <u>since October 2016</u> related to the illegal killing of rhinceroses or illegal possession of and trade in rhinceros horns, including dates, quantities and types of specimens involved, outcomes (successful or not), penalties imposed, prosecution rates, etc.</p> <p>This is a narrow timeframe (2 years) to initiate such an investigation and bring it to completion so that information is releasable. All investigations initiated 2016 or later remain ongoing and we do not have any information to share at this time.</p>
3.2	<p>If any measures have been implemented in your country that contributed to an increase in the number of successful prosecutions concerning the illegal killing of rhinceroses or illegal possession of and trade in rhinceros horns, please share information about these measures.</p> <p>See above.</p>
3.3	<p>Please outline below any barriers or obstacles there may be in securing successful prosecutions or deterrent penalties in your country concerning the illegal killing of rhinceroses or illegal possession of and trade in rhinceros horns, and any support that might be needed to overcome them.</p> <p>Amending U.S. national legislation such as the International Travel Act of 1961 (18 USC 1952), which forbids the use of the U.S. mail, or interstate or foreign travel, for the purpose of engaging in certain specified criminal acts, and the Racketeer</p>

	<p>Influenced and Corrupt Organizations Act (RICO; 18 USC 96) to include “wildlife crimes” as “unlawful activities” under these statutes could provide additional possible felonies for wildlife offenses as well as direct fine monies and proceeds from forfeitures to the relevant U.S. Fish and Wildlife Service account.</p> <p>Similarly, it would be useful to amend the END Act, RICO, and money laundering statutes to include violations of wildlife statues (such as ESA, Lacey Act, the Marine Mammal Protection Act, the Bald and Golden Eagle Protection Act, and the Migratory Bird Protection Act) as “unlawful activities” and/or “racketeering activity.”</p>
Question 4.	DNA FORENSICS
4.1.	<p>Does your country routinely collect samples from rhinoceros parts and derivatives seized for forensic analysis?</p> <p>Yes / <u>No</u></p> <p>The FWS Forensic Lab does not systematically collect samples of rhinoceros parts and derivatives, but routinely conducts forensic analysis on such evidentiary items provided as part of an official investigation. Information on such samples received since 2016 is not currently releasable.</p> <p>Please provide information on any samples collected since October 2016. Kindly also provide information on the methodology by which sample collection takes place, the chain of custody of samples, whether the samples have been submitted for analysis and the feedback from analysis.</p> <p>Please outline below any barriers or obstacles there may be in developing and adopting policies that allows for routine collection of samples from rhinoceros parts and derivatives for forensic analysis, as well as any support that might be needed to overcome them.</p>
4.2.	<p>Has your country to date in any way used the <i>Form for collection and sharing of data on rhinoceros horn seizures and on samples for forensic analysis</i> provided in the Annex to Resolution Conf. 9.14 (Rev. CoP17) <i>Conservation of and trade in African and Asian rhinoceroses</i>, to collect and share information about seizures of rhinoceros specimens?</p> <p>Yes / <u>No</u></p> <p>If ‘yes’, please indicate whether you have communicated with the country of origin?</p>

	If 'no', please outline below any barriers or obstacles encountered in using the Form, and any support that might be needed to overcome them.
Question 5.	RHINO HORN STOCK MANAGEMENT
5.1.	<p>Does your country have legislation, regulations or administrative measures in place to ensure that stocks of rhinoceros horn are identified, marked, registered and secured, pursuant to Resolution Conf. 9.14 (Rev. CoP17) on <i>Conservation of and trade in African and Asian rhinoceroses?</i></p> <p>YesNo</p> <p>FWS maintains only items seized and/or forfeited as part of official investigations and now maintained as property of FWS. These forfeited specimens are retained for educational purposes, donated to public institutions (such as museums), or destroyed.</p> <p>If 'yes', please provide details below of the provisions of the measures.</p> <p>If 'no', please outline below any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p>
5.2.	<p>Has your country declared these stocks to the Secretariat in accordance with the provisions of Resolution Conf. 9.14 (Rev. CoP17), paragraph 2a)?</p> <p>YesNo</p> <p>N/A</p> <p>If 'no', please outline below any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p>
5.3	<p>Has your country implemented national level measures for the management of imported rhinoceros trophies, including addressing the issue of alteration and transfer of such trophies, to ensure the rhinoceros horns acquired as legal hunting trophies remain in lawful possession pursuant to Resolution Conf. 9.14 (Rev. CoP17) on <i>Conservation of and trade in African and Asian rhinoceroses?</i></p>

	<p><u>Yes/No</u></p> <p>If 'yes', please provide details below of the provisions of the measures and describe successes and/or challenges of their implementation.</p> <p>In accordance with US CITES implementing regulations, specimens of an Appendix-II species where the listing is annotated to allow for trade for non-commercial purposes, where other specimens of that species are treated as if listed in Appendix I, may only be used for non-commercial purposes following import into the United States.</p> <p>If 'no', please outline any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p>
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