

Results in Brief

This investigation was initiated based on an allegation that David Smith, Deputy Assistant Secretary, Fish and Wildlife and Parks, inappropriately designated Houston as a port of entry under section 9(f) of the Endangered Species Act of 1973, in order to allow Smith's friend, a taxidermist and an executive of Safari Club International (SCI), to import wildlife and wildlife products into the country. According to the complaint, Smith had been overheard by a supervisory Fish and Wildlife Service (FWS) law enforcement official saying that if Houston was not designated, he would not designate Memphis and Louisville, either. During the course of this investigation, another allegation was developed that Smith, while attending an annual SCI conference in December 2004, shot and killed a bison and was presented with the remains as a gratuity.

This investigation found that appropriate administrative procedures were followed in the designation of the port of Houston; however, Smith's involvement, given his personal relationships with individuals who benefited directly from the port's designation, was inappropriate and violated the appearance standard. Smith admitted to shooting and killing a bison at the SCI conference in December 2004. Smith provided an invoice and a copy of the check he wrote to pay for the remains he took from the hunt, such as the hide, hooves, and skull of the animal, although the invoice and check were dated after our investigation had commenced on June 21, 2005. Smith also took roughly 20 pounds of bison meat, which he has admitted he did not pay for. This matter was presented to the U.S. Attorney's Office, Washington, D.C. [Exemption 5]. Prosecution was declined in lieu of administrative action by the Department of the Interior (Department).

Background

A "port," as defined in Section 9(f) of the Endangered Species Act of 1973, is a place of entry into the United States where shipments of private or commercial goods are both imported and exported and channeled through to various destinations. A "designated port" is a port that is distinguished as a 24-hour, functional import/export facility, staffed with inspectors who can more closely scrutinize the cargo being shipped into the United States. These designated ports typically wave the usual fees associated with importing items, particularly for noncommercial imports, such as licensing, administrative, and shipment fees.

Port designation is initiated in one of two ways. Congress proposes designation to the Department or the Department identifies a specific port as worthy of designation, based on tonnage of imports and exports at the site, as well as the amount of commercial and private business that comes through the port. A proposed rule is drafted, signed by a Department official, and published in the Federal Register for public comment. After the public comment period, the final rule is signed by the appropriate Department official and published in the Federal Register with the date of the port's designation.

The proposed rule for the designation of the port of Houston, as well as Memphis and Louisville, was published in the Federal Register on April 22, 2004, and was open to comments from the public for just over a month, ending on May 24, 2004. The final rule to designate Houston was published in the Federal Register on December 6, 2004. Houston became a designated port, along with Memphis and Louisville on January 5, 2005.