

116TH CONGRESS
1ST SESSION

H. R. 2264

To conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2019

Mr. TED LIEU of California (for himself, Mr. RODNEY DAVIS of Illinois, Ms. KUSTER of New Hampshire, and Mr. THOMPSON of Pennsylvania) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bear Protection Act
5 of 2019”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) all 8 extant species of bear—Asian black
4 bear, brown bear, polar bear, American black bear,
5 spectacled bear, giant panda, sun bear, and sloth
6 bear—are listed on appendix I or II of the Conven-
7 tion on International Trade in Endangered Species
8 of Wild Fauna and Flora (27 UST 1087; TIAS
9 8249) (referred to in this section as “CITES”);

10 (2) Article XIV of CITES provides that Parties
11 to CITES may adopt stricter domestic measures re-
12 garding the conditions for trade, taking, possession,
13 or transport of species listed on appendix I or II,
14 and the Parties to CITES adopted a resolution in
15 1997 (Conf. 10.8) urging the Parties to take imme-
16 diate action to demonstrably reduce the illegal trade
17 in bear parts;

18 (3) thousands of bears in Asia are cruelly con-
19 fined in small cages to be milked for their bile, and
20 the wild Asian bear population has declined signifi-
21 cantly in recent years, as a result of habitat loss and
22 poaching due to a strong demand for bear viscera
23 used in traditional medicines and cosmetics;

24 (4) Federal and State undercover operations
25 have revealed that American bears have been
26 poached for their viscera;

1 (5) while most American black bear populations
2 are generally stable or increasing, commercial trade
3 could stimulate poaching and threaten certain popu-
4 lations if the demand for bear viscera increases; and

5 (6) prohibitions against the importation into
6 the United States and exportation from the United
7 States, as well as prohibitions against the interstate
8 trade, of bear viscera and products containing, or la-
9 beled or advertised as containing, bear viscera will
10 assist in ensuring that the United States does not
11 contribute to the decline of any bear population as
12 a result of the commercial trade in bear viscera.

13 **SEC. 3. PURPOSES.**

14 The purpose of this Act is to ensure the long-term
15 viability of the world's 8 bear species by—

16 (1) prohibiting interstate and international
17 trade in bear viscera and products containing, or la-
18 beled or advertised as containing, bear viscera;

19 (2) encouraging bilateral and multilateral ef-
20 forts to eliminate such trade; and

21 (3) ensuring that adequate Federal legislation
22 exists with respect to domestic trade in bear viscera
23 and products containing, or labeled or advertised as
24 containing, bear viscera.

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

3 (1) BEAR VISCERA.—The term “bear viscera”
4 means the body fluids or internal organs, including
5 the gallbladder and its contents but not including
6 blood or brains, of a species of bear.

7 (2) IMPORT.—The term “import” means to
8 land on, bring into, or introduce into any place sub-
9 ject to the jurisdiction of the United States, whether
10 or not the landing, bringing, or introduction con-
11 stitutes an importation within the meaning of the
12 customs laws of the United States.

13 (3) PERSON.—The term “person” means—

14 (A) an individual, corporation, partnership,
15 trust, association, or other private entity;

16 (B) an officer, employee, agent, depart-
17 ment, or instrumentality of—

18 (i) the Federal Government;

19 (ii) any State, municipality, or polit-
20 ical subdivision of a State; or

21 (iii) any foreign government; and

22 (C) any other entity subject to the jurisdic-
23 tion of the United States.

24 (4) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (5) STATE.—The term “State” means a State,
2 the District of Columbia, the Commonwealth of
3 Puerto Rico, the Virgin Islands, Guam, the Com-
4 monwealth of the Northern Mariana Islands, Amer-
5 ican Samoa, and any other territory, commonwealth,
6 or possession of the United States.

7 (6) TRANSPORT.—The term “transport” means
8 to move, convey, carry, or ship by any means, or to
9 deliver or receive for the purpose of movement, con-
10 veyance, carriage, or shipment.

11 **SEC. 5. PROHIBITED ACTS.**

12 (a) IN GENERAL.—Except as provided in subsection
13 (b), a person shall not—

14 (1) import into, or export from, the United
15 States bear viscera or any product, item, or sub-
16 stance containing, or labeled or advertised as con-
17 taining, bear viscera; or

18 (2) sell or barter, offer to sell or barter, pur-
19 chase, possess, transport, deliver, or receive, in inter-
20 state or foreign commerce, bear viscera or any prod-
21 uct, item, or substance containing, or labeled or ad-
22 vertised as containing, bear viscera.

23 (b) EXCEPTION FOR WILDLIFE LAW ENFORCEMENT
24 PURPOSES.—A person described in subparagraph (B) of
25 section 4(3) may import into, or export from, the United

1 States, or transport between States, bear viscera or any
2 product, item, or substance containing, or labeled or ad-
3 vertised as containing, bear viscera if the importation, ex-
4 portation, or transportation—

5 (1) is solely for purposes of enforcing laws re-
6 lating to the protection of wildlife; and

7 (2) is authorized by a valid permit issued under
8 appendix I or II of the Convention on International
9 Trade in Endangered Species of Wild Fauna and
10 Flora (27 UST 1087; TIAS 8249), in any case in
11 which such a permit is required under the Conven-
12 tion.

13 **SEC. 6. PENALTIES AND ENFORCEMENT.**

14 (a) CRIMINAL PENALTIES.—A person that knowingly
15 violates section 5 shall be fined under title 18, United
16 States Code, imprisoned not more than 1 year, or both.

17 (b) CIVIL PENALTIES.—

18 (1) AMOUNT.—A person that knowingly violates
19 section 5 may be assessed a civil penalty by the Sec-
20 retary of not more than \$25,000 for each violation.

21 (2) MANNER OF ASSESSMENT AND COLLEC-
22 TION.—A civil penalty under this subsection shall be
23 assessed, and may be collected, in the manner in
24 which a civil penalty under the Endangered Species

1 Act of 1973 may be assessed and collected under
2 section 11(a) of that Act (16 U.S.C. 1540(a)).

3 (c) SEIZURE AND FORFEITURE.—Any bear viscera or
4 any product, item, or substance exported, imported, sold,
5 bartered, attempted to be exported, imported, sold,
6 bartered, offered for sale or barter, purchased, possessed,
7 transported, delivered, or received in violation of this sec-
8 tion (including any regulation issued under this section)
9 shall be seized and forfeited to the United States.

10 (d) REGULATIONS.—After consultation with the Sec-
11 retary of the Treasury and the United States Trade Rep-
12 resentative, the Secretary shall issue such regulations as
13 are necessary to carry out this section.

14 (e) ENFORCEMENT.—The Secretary, the Secretary of
15 the Treasury, and the Secretary of the department in
16 which the Coast Guard is operating shall enforce this sec-
17 tion in the manner in which the Secretaries carry out en-
18 forcement activities under section 11(e) of the Endangered
19 Species Act of 1973 (16 U.S.C. 1540(e)).

20 (f) USE OF PENALTY AMOUNTS.—Amounts received
21 as penalties, fines, or forfeiture of property under this sec-
22 tion shall be used in accordance with section 6(d) of the
23 Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).

1 **SEC. 7. DISCUSSIONS CONCERNING BEAR CONSERVATION**
2 **AND THE BEAR PARTS TRADE.**

3 The Secretary shall continue discussions concerning
4 trade in bear viscera with the appropriate representatives
5 of Parties to the Convention on International Trade in
6 Endangered Species of Wild Fauna and Flora and with
7 other representatives of countries that are not party to
8 the Convention which are determined by the Secretary and
9 the United States Trade Representative to be the leading
10 importers, exporters, or consumers of bear viscera, in
11 order to seek to establish coordinated efforts with these
12 countries to protect bears.

13 **SEC. 8. CERTAIN RIGHTS NOT AFFECTED.**

14 Except as provided in section 5, nothing in this Act
15 shall be construed to affect the regulation by any State
16 of its bear population or to affect the hunting of bears
17 that is lawful under applicable State laws and regulations.

○