

118TH CONGRESS
1ST SESSION

H. R. 3518

To conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and bear viscera products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Mr. McCAUL (for himself, Mr. LIEU, Mr. FITZPATRICK, and Ms. KUSTER) 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 bear viscera products, 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 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) all 8 extant species of bear—Asian black
2 bear, brown bear, polar bear, American black bear,
3 spectacled bear, giant panda, sun bear, and sloth
4 bear—are listed in appendix I or II of CITES;

5 (2) article XIV of CITES provides that Parties
6 to CITES may adopt stricter domestic measures re-
7 garding the conditions for the trade, taking, posses-
8 sion, or transport of species listed in appendix I or
9 II, and the Parties to CITES adopted a resolution
10 in 1997 (Conf. 10.8) urging the Parties to take im-
11 mediate action to demonstrably reduce the illegal
12 trade in bear parts;

13 (3) in Asia, thousands of bears are cruelly con-
14 fined in small cages to be milked for their bile, and
15 bear populations in Asia have declined significantly
16 in recent years as a result of habitat loss and poach-
17 ing driven by a strong demand for bear viscera for
18 use in traditional medicines and cosmetics;

19 (4) Federal and State undercover operations
20 have revealed that American bears have been
21 poached for their viscera;

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

1 (6) prohibitions against the importation into
2 and exportation from the United States, as well as
3 prohibitions against the interstate trade, of bear
4 viscera and bear viscera products will assist in en-
5 suring that the United States does not contribute to
6 the decline of any bear population as a result of the
7 commercial trade in bear viscera.

8 **SEC. 3. PURPOSES.**

9 The purpose of this Act is to ensure the long-term
10 viability of the 8 extant bear species by—

11 (1) prohibiting interstate and international
12 trade in bear viscera and bear viscera products;

13 (2) encouraging bilateral and multilateral ef-
14 forts to eliminate such trade; and

15 (3) ensuring that adequate Federal legislation
16 exists with respect to domestic trade in bear viscera
17 and bear viscera products.

18 **SEC. 4. DEFINITIONS.**

19 In this Act:

20 (1) BEAR VISCERA.—The term “bear viscera”
21 means, with respect to a species of bear, body fluids
22 or internal organs—

23 (A) including the gallbladder and its con-
24 tents; and

25 (B) not including blood or brains.

1 (2) BEAR VISCERA PRODUCT.—The term “bear
2 viscera product” means any item, product, or sub-
3 stance containing, or labeled or advertised as con-
4 taining, bear viscera.

5 (3) CITES.—The term “CITES” means the
6 Convention on International Trade in Endangered
7 Species of Wild Fauna and Flora (27 UST 1087;
8 TIAS 8249).

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

15 (5) PERSON.—The term “person” means—

16 (A) an individual, corporation, partnership,
17 trust, association, or other private entity;

18 (B) an officer, employee, agent, depart-
19 ment, or instrumentality of—

20 (i) the Federal Government;

21 (ii) a State, municipality, or political
22 subdivision of a State; or

23 (iii) a foreign government; and

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

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (7) STATE.—The term “State” means each of
4 the several States, the District of Columbia, and
5 each territory and possession of the United States.

6 **SEC. 5. PROHIBITED ACTS.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (b), it shall be unlawful for any person to—

9 (1) import into, or export from, the United
10 States bear viscera or any bear viscera product; or

11 (2) sell or barter, offer to sell or barter, pur-
12 chase, possess, transport, deliver, or receive, in inter-
13 state or foreign commerce, bear viscera or any bear
14 viscera product.

15 (b) EXCEPTION FOR WILDLIFE LAW ENFORCEMENT
16 PURPOSES.—A person described in section 4(5)(B) may
17 carry out an activity prohibited under subsection (a) if
18 such activity is—

19 (1) solely for the purpose of enforcing a law re-
20 lating to the protection of wildlife; and

21 (2) authorized by a valid permit issued under
22 appendix I or II of CITES, in any case in which
23 such a permit is required under CITES.

1 **SEC. 6. PENALTIES AND ENFORCEMENT.**

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

5 (b) **CIVIL PENALTIES.**—

6 (1) **AMOUNT.**—A person that knowingly violates
7 section 5(a) may be assessed a civil penalty by the
8 Secretary of not more than \$25,000 for each viola-
9 tion.

10 (2) **MANNER OF ASSESSMENT AND COLLEC-**
11 **TION.**—A civil penalty under this subsection shall be
12 assessed and collected in the manner in which a civil
13 penalty under the Endangered Species Act of 1973
14 is assessed and collected under section 11(a) of that
15 Act (16 U.S.C. 1540(a)).

16 (c) **SEIZURE AND FORFEITURE.**—Any bear viscera or
17 bear viscera product treated in a manner that violates sec-
18 tion 5(a), or any regulation issued pursuant thereto, shall
19 be subject to seizure and forfeiture to the United States.

20 (d) **REGULATIONS.**—The Secretary shall, in consulta-
21 tion with the Secretary of the Treasury and the United
22 States Trade Representative, issue such regulations as are
23 necessary to carry out this Act.

24 (e) **ENFORCEMENT.**—The Secretary, the Secretary of
25 the Treasury, and the Secretary of the department in
26 which the Coast Guard is operating shall enforce this Act

1 in the manner in which the Secretaries carry out enforce-
2 ment activities under section 11(e) of the Endangered
3 Species Act of 1973 (16 U.S.C. 1540(e)).

4 (f) USE OF SUMS RECEIVED.—Sums received as pen-
5 alties, fines, or forfeiture of property for any violation of
6 section 5(a), or any regulation issued pursuant thereto,
7 shall be used in accordance with section 6(d) of the Lacey
8 Act Amendments of 1981 (16 U.S.C. 3375(d)).

9 **SEC. 7. DISCUSSIONS CONCERNING BEAR CONSERVATION**
10 **AND THE BEAR VISCERA TRADE.**

11 In order to establish coordinated efforts to protect
12 bears, the Secretary shall continue discussions concerning
13 trade in bear viscera and bear viscera products with rep-
14 resentatives of countries that—

15 (1) are Parties to CITES; and

16 (2) are not Parties to CITES that are deter-
17 mined by the Secretary and the United States Trade
18 Representative to be leading importers, exporters, or
19 consumers of bear viscera or bear viscera products.

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

21 Except as provided in section 5, nothing in this Act
22 shall be construed to affect—

23 (1) the regulation by a State of a bear popu-
24 lation of that State;

1 (2) the hunting of bears in a State that is in
2 a manner that is lawful under the laws and regula-
3 tions of that State; or

4 (3) the use of bear viscera or any bear viscera
5 product as part of a traditional Native American rit-
6 ual or ceremony.

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