

110TH CONGRESS
1ST SESSION

H. R. 3029

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

JULY 12, 2007

Mr. GRIJALVA (for himself, Mr. CAMPBELL of California, Mr. CONYERS, Mr. GEORGE MILLER of California, Mr. FARR, Mr. FORTENBERRY, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mrs. MCCARTHY of New York, Mr. SERRANO, Ms. DELAURO, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. NADLER, Mr. UDALL of Colorado, Mr. RANGEL, Mr. HINCHEY, and Mr. DAVIS of Illinois) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bear Protection Act
3 of 2007”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) all 8 extant species of bear—Asian black
7 bear, brown bear, polar bear, American black bear,
8 spectacled bear, giant panda, sun bear, and sloth
9 bear—are listed on Appendix I or II of the Conven-
10 tion on International Trade in Endangered Species
11 of Wild Fauna and Flora (27 UST 1087; TIAS
12 8249) (referred to in this section as “CITES”);

13 (2) Article XIV of CITES provides that Parties
14 to CITES may adopt stricter domestic measures re-
15 garding the conditions for trade, taking, possession,
16 or transport of species listed on Appendix I or II,
17 and the Parties to CITES adopted a resolution in
18 1997 (Conf. 10.8) urging the Parties to take imme-
19 diate action to demonstrably reduce the illegal trade
20 in bear parts;

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

1 (4) Federal and State undercover operations
2 have revealed that American bears have been
3 poached for their viscera;

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

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

16 **SEC. 3. PURPOSES.**

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

19 (1) prohibiting interstate and international
20 trade in bear viscera and products containing, or la-
21 beled or advertised as containing, bear viscera;

22 (2) encouraging bilateral and multilateral ef-
23 forts to eliminate such trade; and

24 (3) ensuring that adequate Federal legislation
25 exists with respect to domestic trade in bear viscera

1 and products containing, or labeled or advertised as
2 containing, bear viscera.

3 **SEC. 4. DEFINITIONS.**

4 In this Act:

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

9 (2) 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 the landing, bringing, or introduction con-
13 stitutes an importation within the meaning of the
14 customs laws of the United States.

15 (3) 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) any State, municipality, or polit-
22 ical subdivision of a State; or

23 (iii) any foreign government;

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

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

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

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

13 **SEC. 5. PROHIBITED ACTS.**

14 (a) IN GENERAL.—Except as provided in subsection

15 (b), a person shall not—

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

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

1 (b) EXCEPTION FOR WILDLIFE LAW ENFORCEMENT

2 PURPOSES.—A person described in subparagraph (B) of
 3 section 4(3) may import into, or export from, the United
 4 States, or transport between States, bear viscera or any
 5 product, item, or substance containing, or labeled or ad-
 6 vertised as containing, bear viscera if the importation, ex-
 7 portation, or transportation—

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

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

16 **SEC. 6. PENALTIES AND ENFORCEMENT.**

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

20 (b) CIVIL PENALTIES.—

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

24 (2) MANNER OF ASSESSMENT AND COLLEC-
 25 TION.—A civil penalty under this subsection shall be

1 assessed, and may be collected, in the manner in
2 which a civil penalty under the Endangered Species
3 Act of 1973 may be assessed and collected under
4 section 11(a) of that Act (16 U.S.C. 1540(a)).

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

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

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

22 (f) USE OF PENALTY AMOUNTS.—Amounts received
23 as penalties, fines, or forfeiture of property under this sec-
24 tion shall be used in accordance with section 6(d) of the
25 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.

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