

105TH CONGRESS  
1ST SESSION

# H. R. 619

To prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1997

Mr. PORTER (for himself, Mr. SHAYS, Mr. OLVER, Mr. FRANK of Massachusetts, Ms. MOLINARI, Mrs. MALONEY of New York, Mr. LEWIS of Georgia, Mrs. KELLY, Ms. WOOLSEY, Mr. GEJDENSON, Mr. BENTSEN, Ms. NORTON, Mr. SANDERS, Mr. LANTOS, Mr. BROWN of California, Ms. MCKINNEY, Mr. HINCHEY, Mr. FALCOMAVAEGA, Mr. MANTON, Mr. FARR of California, Ms. RIVERS, Mr. FRANKS of New Jersey, Mr. McDERMOTT, Mr. SKAGGS, Mr. STARK, Mr. YATES, Mr. BILBRAY, Mr. GILMAN, Mr. TOWNS, Mr. ROGAN, Mr. GOSS, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. OBERSTAR, Mr. ROMERO-BARCELÓ, Mr. LEACH, Mr. BOUCHER, Mr. TORRES, Mrs. MORELLA, Mr. CARDIN, Mr. COSTELLO, Mr. EVANS, Mr. DELLUMS, Mr. BOEHLERT, Mr. HORN, Mr. CAMPBELL, Mr. TALENT, Ms. FURSE, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on International Relations 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

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## A BILL

To prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

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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 **SEC. 2. FINDINGS.**

6        Congress finds that—

7            (1) there are 8 extant species of bear: Asian  
8        black bear, brown bear, polar bear, American black  
9        bear, spectacled bear, giant panda, sun bear, and  
10       sloth bear;

11           (2) the Asian black bear populations have been  
12        decimated in recent years by illegal trade to supply  
13        the growing demand for medicines and cosmetics  
14        containing valuable bear viscera;

15           (3) without immediate action to end United  
16        States involvement in the lucrative black market  
17        trade in bear viscera, American bear populations  
18        may suffer the same devastating losses as Asian  
19        bear populations;

20           (4) increasingly, undercover operations have  
21        discovered that poachers are establishing extensive  
22        smuggling networks to illegally commercialize Amer-  
23        ican bears;

24           (5) because it is practically impossible to distin-  
25        guish the viscera of CITES Appendix I bears from

1 the viscera of other bear species, there is an urgent  
2 need to eliminate the trade in the viscera of all bear  
3 species;

4 (6) as a party to CITES, a world leader in  
5 wildlife conservation, and a large market for and  
6 supplier of bear viscera and products, the United  
7 States shares responsibility for supporting and im-  
8 plementing measures to stop the illegal trade in  
9 CITES Appendix I Asian black bears and CITES  
10 Appendix II American black bears;

11 (7) inconsistency in State prohibition of com-  
12 mercialization of bear gall and inadequate Federal  
13 regulation of such commercialization make law en-  
14 forcement difficult; and

15 (8) individual States, which have the right to  
16 set, maintain, and enforce quotas for the legal hunt-  
17 ing of black bears, will be assisted in their manage-  
18 ment efforts by the enactment of a Federal law ban-  
19 ning the import of, export of, and interstate com-  
20 merce in bear viscera.

21 **SEC. 3. PURPOSE.**

22 The purpose of this Act is to ensure the long-term  
23 viability of the world's 8 bear species and specifically to  
24 perpetuate healthy populations of American bears.

1 **SEC. 4. STATEMENT OF POLICY.**

2 It is the policy of the United States that effective  
3 long-term conservation of the world's bear species, includ-  
4 ing North American bears, depends in part on the prohibi-  
5 tion of the lucrative trade in bear viscera.

6 **SEC. 5. DEFINITIONS.**

7 In this Act:

8 (1) BEAR VISCERA.—The term “bear viscera”  
9 means the body fluids or internal organs (including  
10 the gallbladder) of a species of bear.

11 (2) CITES.—The term “CITES” means the  
12 Convention on International Trade in Endangered  
13 Species of Wild Fauna and Flora, done at Washing-  
14 ton on March 3, 1973 (27 UST 1087; TIAS 8249).

15 (3) OTHER TERMS.—The terms “import”, “per-  
16 son”, “State”, and “transport” have the meanings  
17 provided in section 2 of the Lacey Act Amendments  
18 of 1981 (16 U.S.C. 3371).

19 **SEC. 6. PROHIBITED ACTS.**

20 A person who—

21 (1) imports into the United States, or exports  
22 from the United States, bear viscera or products  
23 that contain or claim to contain bear viscera; or

24 (2) sells, barter, offers to sell or barter, pur-  
25 chases, possesses with intent to sell or barter, trans-  
26 ports, acquires, or receives in interstate or foreign

1 commerce, bear viscera or products that contain or  
2 claim to contain bear viscera;  
3 shall be subject to section 7(a).

4 **SEC. 7. PENALTIES AND ENFORCEMENT.**

5 (a) IN GENERAL.—A person who engages in conduct  
6 described in section 6 shall be subject to the penalties and  
7 sanctions provided in sections 4 and 5 of the Lacey Act  
8 Amendments of 1981 (16 U.S.C. 3373 and 3374).

9 (b) ENFORCEMENT.—

10 (1) IN GENERAL.—This Act shall be enforced in  
11 the manner provided in subsections (a), (b), and (c)  
12 of section 6 of the Lacey Act Amendments of 1981  
13 (16 U.S.C. 3375).

14 (2) USE OF PENALTY AMOUNTS FOR REWARDS  
15 AND INCIDENTAL EXPENSES.—Amounts received as  
16 penalties, fines, or forfeiture of property under sub-  
17 section (a) shall be used in accordance with section  
18 6(d) of the Lacey Act Amendments of 1981 (16  
19 U.S.C. 3375(d)).

20 **SEC. 8. DISCUSSIONS CONCERNING TRADE PRACTICES.**

21 (a) IN GENERAL.—The Secretary of the Interior and  
22 the United States Trade Representative shall—

1           (1) discuss issues involving trade in bear viscera  
2           with the appropriate representatives of such coun-  
3           tries trading with the United States as are deter-  
4           mined jointly by the Secretary of the Interior and  
5           the Secretary of Commerce to be the leading import-  
6           ers, exporters, or consumers of bear viscera; and

7           (2) attempt to establish coordinated efforts with  
8           the countries to protect bears.

9           (b) REPORT.—Not later than 5 years after the date  
10          of enactment of this Act, the Secretary of the Interior  
11          shall submit to Congress a report describing the progress  
12          of efforts to end illegal trade in bear viscera.

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