

**Statement for the Record
U.S. Department of the Interior**

**House Committee on Natural Resources
Subcommittee on Water, Oceans, and Wildlife**

Legislative Hearing

June 25, 2020

The Department of the Interior, through the U.S. Fish and Wildlife Service (Service), appreciates the opportunity to submit this statement for the record on H.R. 2264, the Bear Protection Act of 2019, and H.R. 1776, the Captive Primate Safety Act of 2019.

The Bear Protection Act

The Service serves as the primary federal agency responsible for enforcing United States laws and treaties that address domestic and international wildlife trade, both legal and illegal, and protect native and foreign species from unsustainable trade. The trafficking of bear gall bladder is part of a major global market around the illegal trafficking of wildlife. Bear gall bladder is illegally sold for non-traditional medicinal purposes. With the rapid decline in Asian bear populations due to habitat loss and demand for the illegal trade, other bear species such as the American black bear have been targeted to address the demand for bear parts.

H.R. 2264, the Bear Protection Act of 2019, would ban the import, export, sale, possession, and transport of bear viscera or bear viscera products, into the United States, between States and territories, and in foreign commerce. The legislation includes criminal and civil penalties for violations of the Act. H.R. 2264 also directs the Secretary of the Interior to continue discussions around the trade of bear viscera and to coordinate efforts for the protection of bear species within the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), as well as with countries that are not a party to CITES, but are known to be leaders in the trade of bear viscera. The legislation requires the Secretary to coordinate with the Secretary of the Department of the Treasury.

While the Department supports the intent of the legislation to protect bear populations and address the illegal trade in bear viscera, we do not believe the legislation is necessary as it is largely duplicative of existing legal authorities. Under existing laws and treaties, illegal international trade in bear parts and products is prohibited or regulated by the Endangered Species Act (ESA) and CITES. In the United States, the Lacey Act prohibits the interstate transport of bear parts and products when taken in violation of state, tribal, and foreign laws. State laws and regulations currently prohibit the sale of American black bear viscera throughout nearly the entire range of the species, making the Lacey Act in its current form an effective tool for dealing with illegal trade in bear parts. Because state programs have generally maintained healthy bear populations in the United States, the Department defers to state management programs.

The Service has worked consistently under these authorities, and in collaboration with the states to protect the American black bear from poaching, and to interdict the illegal trade of foreign bear species. The Department will continue to work through existing authorities, and in collaboration with our state, tribal, and international partners to protect bear populations around the globe and prevent the illegal trade in bear viscera, parts, and products.

The Captive Primate Safety Act

H.R. 1776, the Captive Primate Safety Act, would add nonhuman primates to the definition of “Prohibited Wildlife Species” under the Lacey Act. The legislation would make it illegal to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce, any live animal of any prohibited wildlife species, or to attempt to commit any of these violations. H.R. 1776 tightens the exemption for persons who are licensed and registered by the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service or other relevant federal agencies, by requiring that such persons do not allow direct contact between certain animals and members of the public, regardless of the age of the animal. We note that definitions of “direct contact” and “the public” could help add clarity regarding whether or not activities that involve care and management of animals by facility volunteers are prohibited.

We also note that this new restriction on contact with the public includes a list of animals that does not align with the list of prohibited species. It includes bears and does not include two groups of non-human primates, tarsiers and lemurs. The legislation also eliminates the exemption for state-licensed wildlife rehabilitators and modifies the exemption for wildlife sanctuaries to no longer require that they be “accredited”. H.R. 1776 would also modify civil and criminal penalties under the Lacey Act for violations related to prohibited live wildlife.

This legislation would emphasize and expand Service enforcement responsibilities into an area that has historically been the responsibility of state agencies and the U.S. Department of Agriculture, and which we do not consider to be a wildlife conservation issue. By including all non-human primates in the list of prohibited wildlife species, this bill would also extend the Service’s enforcement mandate to policing currently legal activities involving interstate and foreign commerce of captive non-human primates. Many of these species may be lawfully used for research and other purposes under the Animal Welfare Act (AWA). In addition, the mechanism created by this bill appears to provide, at least in some instances, coverage that is duplicative of existing law. The ESA prohibits the interstate sale and international trade of many listed non-human primate species.

While the Department appreciates the Committee’s interest in and concern for the trade in non-human primates, for the reasons outlined above, we do not believe this legislation is necessary.