

# Committee on Natural Resources

Rob Bishop Chairman  
Markup Memorandum

May 11, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff – Brandon Miller  
Subcommittee on Federal Lands (x6-7736)

Mark-Up: **H.R. 224 (Rep. Don Young)**, To amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973, and for other purposes.  
**May 16, 2018; 1324 Longworth House Office Building**

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## **H.R. 224, “Polar Bear Conservation and Fairness Act”**

### **Summary of the Bill**

H.R. 224, introduced by Representative Don Young (R-AK-At Large), amends the Marine Mammal Protection Act (MMPA, Public Law 92-522) to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973 (ESA, 16 U.S.C. 1531 et seq.).

### **Cosponsors**

Rep. Lloyd Smucker [R-PA-16]

### **Background**

Under the MMPA, jurisdiction over marine mammals in the wild is split between the U.S. Fish and Wildlife Service (FWS), within the Department of the Interior; and the National Marine Fisheries Service (NMFS), within the Department of Commerce. FWS has jurisdiction over sea otters, polar bears, manatees, dugongs and walrus, while NMFS has jurisdiction over all other marine mammals.

The MMPA has been amended a number of times, with the last and most extensive amendments occurring in 1994. The 1994 amendments allowed the importation of polar bear trophies from Canada. The Secretary of the Interior was authorized to issue a permit for the importation of polar bear trophies from Canada, if the following criteria were met:

- (1) the applicant provides documents showing the polar bear was legally harvested in Canada;
- (2) Canada has a monitored and enforced sport hunting program, consistent with the Agreement on the Conservation of Polar Bears;
- (3) Canada’s sport program is based on scientifically sound quotas that ensure a sustainable population; and

- (4) the exportation and importation of the trophy are consistent with the provisions of the Convention on the International Trade in Endangered Species.<sup>1</sup>

The Secretary of the Interior was also authorized to charge a permit fee of up to \$1,000 for each trophy import application. The collected fees were authorized to be directed into a fund for the conservation of polar bears in the United States and Russia. Since 1994, Canada and FWS have successfully worked together to ensure that imported polar bear trophies have come from hunts conducted in a sustainable manner. Canada has management authority over 13 of the 19 world-wide polar bear populations. After reviewing Canada's management actions, FWS created a list of approved polar bear populations in Canada. In 2008, six of the 13 Canadian polar bear populations were considered approved populations and a polar bear trophy from one of these populations could be imported into the U.S. after the hunter paid an importation permit fee. According to FWS, between 1997 and 2008, 969 trophies were taken in Canada and imported into the U.S., raising \$969,000 for the U.S.-Russia Polar Bear Conservation Fund.

On May 15, 2008, the Secretary of the Interior listed the world-wide polar bear population as threatened under the ESA. Threatened and endangered marine mammals are considered depleted species under the MMPA and the act bans the importation of depleted species. At the time of the polar bear threatened listing, there were 41 hunters with legally hunted polar bear trophies in the permitting process. Legislation is needed to allow for the importation of these trophies.

H.R. 224 would amend the MMPA to allow the Secretary of the Interior to issue permits to those eligible hunters with legally taken polar bear trophies from approved populations prior to the May 15, 2008, ESA listing. As a result of this legislation, up to \$41,000 would be collected for polar bear research and conservation.

The language contained in this stand-alone legislation is also included in H.R. 3668, the Sportsmen's Heritage and Recreational Enhancement (SHARE) Act, which was favorably reported by the Committee.

#### **Major Provisions/Analysis of H.R. 224**

- Enables the Secretary of the Interior to authorize import permits of 41 Polar Bears legally harvested from approved populations in Canada before the listing of the polar bear as threatened under the ESA in 2008.
- Specifies that the provision applies to any person who submits proof that the polar bear was legally harvested before February 18, 1997 or, if submitted, before May 15, 2008, submits proof that the polar bear was legally harvested before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with federal regulations

#### **Cost**

A Congressional Budget Office cost estimate has not yet been completed for this bill.

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<sup>1</sup> ["16 U.S.C Chapter 31 \(2010\)"](#)

**Administration Position**

The Administration's position is currently unknown.

**Anticipated Amendments**

None

**Effect on Current Law (Ramseyer)**