

118TH CONGRESS
1ST SESSION

.....

H. R. 6021

To prohibit the transportation, sale, and purchase of donkeys or donkey hides for the purpose of producing ejiao, to prohibit the transportation, sale, and purchase of products containing ejiao, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BEYER introduced the following bill; which was referred to the Committee
on _____

A BILL

To prohibit the transportation, sale, and purchase of donkeys or donkey hides for the purpose of producing ejiao, to prohibit the transportation, sale, and purchase of products containing ejiao, 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 “Ejiao Act of 2023”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

1 (1) Ejiao is a gelatin created from the skins of
2 donkeys which is used in traditional Chinese medi-
3 cine, beauty, cosmetic, and other luxury products.

4 (2) The donkey skin trade for the production of
5 ejiao is decimating global donkey populations and
6 harming impoverished global communities.

7 (3) Studies have shown that the use of ejiao is
8 unnecessary in the production of these products
9 since the gelatins from other sources, including
10 plants, may be used instead.

11 (4) Millions of donkeys are slaughtered annu-
12 ally for their skins to make ejiao.

13 (5) The domestic Chinese and international de-
14 mand for donkey skins is approximately 8,000,000
15 to 10,000,000 skins per year but the annual supply
16 in China is less than 1,800,000.

17 (6) Such demand has led to the slaughter of
18 massive numbers of donkeys across the globe, deci-
19 mating donkey populations, most notably in Africa
20 and Latin America.

21 (7) Such demand has had devastating effects on
22 the families who depend on donkeys for survival,
23 such as for farming and construction; transporting
24 water to drink, cook, and clean; taking products to
25 market for sale; and transporting children to school.

1 (8) A report by the Kenya Agricultural and
2 Livestock Research Organization said that 159,631
3 donkeys were slaughtered for their skins, 8.1 percent
4 of the population, in 2018. Today, up to 1,000 don-
5 keys a day can be slaughtered in Kenya alone, more
6 than 300,000 a year.

7 (9) Donkeys are regularly stolen and killed ille-
8 gally solely for their skins. Moreover, donkeys are
9 often stolen from families who depend on them for
10 their livelihoods, and who are already struggling and
11 living below the regional poverty line.

12 (10) Where owners willingly sell their donkeys,
13 they find that within months they are worse off fi-
14 nancially than they would have been had they kept
15 their donkeys. As prices constantly rise, it becomes
16 impossible for these owners to go back into the mar-
17 ket for a new donkey.

18 (11) Although ejiao products are expensive, as
19 the Chinese middle class has expanded, demand for
20 ejiao products has exploded over the course of the
21 last decade. As a result, the donkey population in
22 China has collapsed by 76 percent since 1992.

23 (12) Ejiao companies have set up donkey breed-
24 ing schemes in China in an attempt to breed the
25 species on a scale sufficient to meet local demand.

1 But due to the long gestation period of donkeys, and
2 the fact that they often only give birth once a year,
3 breeders have not been able to satisfy demand from
4 within China, which is why ejiao companies have
5 turned to Africa and Latin America to satisfy de-
6 mand for ejiao.

7 (13) A crisis in donkey populations has been
8 met with varied responses from affected countries.
9 Bans in the trade of donkey skins in seven African
10 countries have been poorly enforced or overturned.

11 (14) As demand for ejiao continues unabated,
12 donkey populations in lower-income countries con-
13 tinue to nosedive, despite governmental efforts to
14 outlaw the trade.

15 (15) A number of United States–based compa-
16 nies have already pledged to remove from the mar-
17 ket all products containing ejiao. Despite this, far
18 too many United States–based companies continue
19 to sell products containing ejiao

20 (16) The leading importers in the world for
21 ejiao are mainland China and Hong Kong. However,
22 the United States is the third largest importer of
23 ejiao, with \$12,000,000 in annual imports of ejiao
24 each year.

1 **SEC. 3. PROHIBITIONS.**

2 (a) DONKEYS AND DONKEY HIDES.—No person shall
3 knowingly import, export, transport, sell, receive, acquire,
4 or purchase, in interstate or foreign commerce, in the
5 United States, any donkey or donkey hide for the purpose
6 of producing—

7 (1) ejiao; or

8 (2) any product containing ejiao.

9 (b) PRODUCTS WITH EJIAO.—No person shall know-
10 ingly import, export, transport, sell, receive, acquire, or
11 purchase, in interstate or foreign commerce (including by
12 means of the internet), in the United States, any product
13 containing ejiao.

14 **SEC. 4. PENALTIES AND SANCTIONS.**

15 (a) CIVIL PENALTIES.—

16 (1) IN GENERAL.—Any person who engages in
17 conduct prohibited by section 3 may be assessed a
18 civil penalty by the Secretary of not more than
19 \$10,000 for each such violation. Each violation shall
20 be a separate offense and the offense shall be
21 deemed to have been committed not only in the dis-
22 trict where the violation first occurred, but also in
23 any district in which a person may have taken or
24 been in possession of—

25 (A) in the case of a violation of section
26 3(a), the donkey or donkey hide; or

1 (B) in the case of a violation of section
2 3(b), the product containing ejiao.

3 (2) NOTICE AND OPPORTUNITY FOR HEAR-
4 ING.—No civil penalty may be assessed under this
5 subsection unless the person accused of the violation
6 is given notice and opportunity for a hearing with
7 respect to the violation.

8 (3) DETERMINATION OF AMOUNT.—In deter-
9 mining the amount of any penalty assessed under
10 this subsection, the Secretary shall take into account
11 the nature, circumstances, extent, and gravity of the
12 prohibited act committed, and with respect to the vi-
13 olator, the degree of culpability, ability to pay, and
14 such other matters as justice may require.

15 (b) HEARINGS.—Hearings held during proceedings
16 for the assessment of civil penalties under this section
17 shall be conducted in accordance with section 554 of title
18 5, United States Code. The administrative law judge may
19 issue subpoenas for the attendance and testimony of wit-
20 nesses and the production of relevant papers, books, or
21 documents, and may administer oaths. Witnesses sum-
22 moned shall be paid the same fees and mileage that are
23 paid to witnesses in the courts of the United States. In
24 case of contumacy or refusal to obey a subpoena issued
25 pursuant to this subsection and served upon any person,

1 the district court of the United States for any district in
2 which such person is found, resides, or transacts business,
3 upon application by the United States and after notice to
4 such person, shall have jurisdiction to issue an order re-
5 quiring such person to appear and give testimony before
6 the administrative law judge or to appear and produce
7 documents before the administrative law judge, or both,
8 and any failure to obey such order of the court may be
9 punished by such court as a contempt thereof.

10 (c) REVIEW OF CIVIL PENALTY.—Any person against
11 whom a civil penalty is assessed under this section may
12 obtain review thereof in the appropriate district court of
13 the United States by filing a complaint in such court with-
14 in 30 days after the date of such order and by simulta-
15 neously serving a copy of the complaint by certified mail
16 on the Secretary, the Attorney General, and the appro-
17 priate United States attorney. The Secretary shall
18 promptly file in such court a certified copy of the record
19 upon which such violation was found or such penalty im-
20 posed, as provided in section 2112 of title 28, United
21 States Code. If any person fails to pay an assessment of
22 a civil penalty after it has become a final and unappealable
23 order or after the appropriate court has entered final judg-
24 ment in favor of the Secretary, the Secretary may request
25 the Attorney General of the United States to institute a

1 civil action in an appropriate district court of the United
2 States to collect the penalty, and such court shall have
3 jurisdiction to hear and decide any such action. In hearing
4 such action, the court shall have authority to review the
5 violation and the assessment of the civil penalty de novo.

6 (d) CRIMINAL PENALTIES.—

7 (1) IMPORT OR EXPORT; VALUE IN EXCESS OF
8 \$350.—Any person who—

9 (A) in violation of section 3, knowingly im-
10 ports or exports—

11 (i) any donkey or donkey hide; or

12 (ii) any product containing ejiao; or

13 (B) violates section 3 by knowingly engag-
14 ing in conduct that involves the sale or pur-
15 chase of, the offer of sale or purchase of, or the
16 intent to sell or purchase—

17 (i) any donkey or donkey hide with a
18 market value in excess of \$350; or

19 (ii) any product containing ejiao with
20 a market value in excess of \$350,

21 knowing that the donkey, donkey hide, or product
22 containing ejiao was taken, possessed, transported,
23 or sold in violation of such section, shall be fined not
24 more than \$20,000 (notwithstanding the maximum
25 fine amount otherwise applicable under section 3751

1 of title 18, United States Code), or imprisoned for
2 not more than 5 years, or both. Each violation shall
3 be a separate offense and the offense shall be
4 deemed to have been committed not only in the dis-
5 trict where the violation first occurred, but also in
6 any district in which the defendant may have taken
7 or been in possession of such donkey, donkey hide,
8 or product containing ejiao.

9 (2) OTHER PROHIBITED CONDUCT.—Any per-
10 son who knowingly engages in conduct prohibited by
11 section 3 and in the exercise of due care should
12 know that the donkey, donkey hide, or product con-
13 taining ejiao was taken, possessed, transported, or
14 sold in violation of such section shall be fined not
15 more than \$10,000 (notwithstanding the maximum
16 fine amount otherwise applicable under section 3751
17 of title 18, United States Code), or imprisoned for
18 not more than 1 year, or both. Each violation shall
19 be a separate offense and the offense shall be
20 deemed to have been committed not only in the dis-
21 trict where the violation first occurred, but also in
22 any district in which the defendant may have taken
23 or been in possession of such donkey, donkey hide,
24 or product containing ejiao.

1 **SEC. 5. FORFEITURE.**

2 (a) IN GENERAL.—

3 (1) DONKEYS AND DONKEY HIDES.—All don-
4 keys or donkey hides imported, exported, trans-
5 ported, sold, received, acquired, or purchased con-
6 trary to the provisions of section 3(a), or any regula-
7 tion issued pursuant to such section, shall be subject
8 to forfeiture to the United States notwithstanding
9 any culpability requirements for civil penalty assess-
10 ment or criminal prosecution included in section 4.

11 (2) PRODUCTS WITH EJIAO.—All products con-
12 taining ejiao imported, exported, transported, sold,
13 received, acquired, or purchased contrary to the pro-
14 visions of section 3(b), or any regulation issued pur-
15 suant to such section, shall be subject to forfeiture
16 to the United States notwithstanding any culpability
17 requirements for civil penalty assessment or criminal
18 prosecution included in section 4.

19 (3) EQUIPMENT.—All vessels, vehicles, aircraft,
20 and other equipment used to aid in the importing,
21 exporting, transporting, selling, receiving, acquiring,
22 or purchasing of donkeys, donkey hides, or products
23 containing ejiao in a criminal violation of this Act
24 for which a felony conviction is obtained shall be
25 subject to forfeiture to the United States if—

1 (A) the owner of such vessel, vehicle, air-
2 craft, or equipment was at the time of the al-
3 leged illegal act a consenting party or privy
4 thereto or in the exercise of due care should
5 have known that such vessel, vehicle, aircraft,
6 or equipment would be used in a criminal viola-
7 tion of this Act; and

8 (B) the violation involved—

9 (i) the sale or purchase of, the offer
10 of sale or purchase of, or the intent to sell
11 or purchase, a donkey or donkey hide; or

12 (ii) the import, export, transportation,
13 sale, receipt, acquisition, or purchase of a
14 product containing ejiao.

15 (b) APPLICATION OF CUSTOMS LAWS.—All provisions
16 of law relating to the seizure, forfeiture, and condemnation
17 of property for violation of the customs laws, the disposi-
18 tion of such property or the proceeds from the sale thereof,
19 and the remission or mitigation of such forfeiture, shall
20 apply to the seizures and forfeitures incurred, or alleged
21 to have been incurred, under the provisions of this Act,
22 insofar as such provisions of law are applicable and not
23 inconsistent with the provisions of this Act; except that
24 all powers, rights, and duties conferred or imposed by the
25 customs laws upon any officer or employee of the Treasury

1 Department may, for the purposes of this Act, also be ex-
2 ercised or performed by the Secretary or by such persons
3 as the Secretary may designate: *Provided*, That any war-
4 rant for search or seizure shall be issued in accordance
5 with rule 41 of the Federal Rules of Criminal Procedure.

6 (c) STORAGE COST.—Any person convicted of an of-
7 fense, or assessed a civil penalty, under section 4 shall
8 be liable for the costs incurred in the storage, care, and
9 maintenance of any donkey, donkey hide, or product con-
10 taining ejiao seized in connection with the violation con-
11 cerned.

12 (d) CIVIL FORFEITURES.—Civil forfeitures under
13 this section shall be governed by the provisions of chapter
14 46 of title 18, United States Code.

15 **SEC. 6. ENFORCEMENT.**

16 (a) IN GENERAL.—The provisions of this Act and
17 any regulations issued pursuant thereto shall be enforced
18 by the Secretary, the Secretary of Transportation, or the
19 Secretary of the Treasury. Such Secretary may utilize by
20 agreement, with or without reimbursement, the personnel,
21 services, and facilities of any other Federal agency or any
22 State agency or Indian tribe for purposes of enforcing this
23 Act.

24 (b) POWERS.—

1 (1) IN GENERAL.—Any person authorized
2 under subsection (a) to enforce this Act—

3 (A) may carry firearms;

4 (B) may, when enforcing this Act, make an
5 arrest without a warrant, in accordance with
6 any guidelines which may be issued by the At-
7 torney General, for any offense under the laws
8 of the United States committed in the person's
9 presence, or for the commission of any felony
10 under the laws of the United States, if the per-
11 son has reasonable grounds to believe that the
12 person to be arrested has committed or is com-
13 mitting a felony;

14 (C) may search and seize, with or without
15 a warrant, in accordance with any guidelines
16 which may be issued by the Attorney General:
17 *Provided*, That an arrest for a felony violation
18 of this Act that is not committed in the pres-
19 ence or view of any such person and that in-
20 volves only the transportation, acquisition, re-
21 ceipt, purchase, or sale of a donkey, donkey
22 hide, or product containing ejiao taken or pos-
23 sessed in violation of any law or regulation of
24 any State shall require a warrant;

1 (D) may make an arrest without a warrant
2 for a misdemeanor violation of this Act if he
3 has reasonable grounds to believe that the per-
4 son to be arrested is committing a violation in
5 his presence or view; and

6 (E) may execute and serve any subpoena,
7 arrest warrant, search warrant issued in ac-
8 cordance with rule 41 of the Federal Rules of
9 Criminal Procedure, or other warrant of civil or
10 criminal process issued by any officer or court
11 of competent jurisdiction for enforcement of
12 this Act.

13 (2) DETENTION AND INSPECTION.—Any person
14 authorized under subsection (a) to enforce this Act,
15 in coordination with the Secretary of the Treasury,
16 may detain for inspection and inspect any vessel, ve-
17 hicle, aircraft, or other conveyance or any package,
18 crate, or other container, including its contents,
19 upon the arrival of such conveyance or container in
20 the United States or the customs waters of the
21 United States from any point outside the United
22 States or such customs waters, or, if such convey-
23 ance or container is being used for exportation pur-
24 poses, prior to departure from the United States or
25 the customs waters of the United States. Such per-

1 son may also inspect and demand the production of
2 any documents and permits required by the country
3 of natal origin, birth, or reexport of the donkey. Any
4 donkey, donkey hide, product containing ejiao, prop-
5 erty, or item seized shall be held by any person au-
6 thORIZED by the Secretary pending disposition of civil
7 or criminal proceedings, or the institution of an ac-
8 tion in rem for forfeiture of such donkey, donkey
9 hide, product containing ejiao, property, or item pur-
10 suant to section 5 of this Act; except that the Sec-
11 retary may, in lieu of holding such donkey, donkey
12 hide, product containing ejiao, property, or item,
13 permit the owner or consignee to post a bond or
14 other surety satisfactory to the Secretary.

15 (c) DISTRICT COURT JURISDICTION.—The several
16 district courts of the United States, including the courts
17 enumerated in section 460 of title 28, United States Code,
18 shall have jurisdiction over any actions arising under this
19 Act. The venue provisions of title 18 and title 28 of the
20 United States Code shall apply to any actions arising
21 under this Act. The judges of the district courts of the
22 United States and the United States magistrates may,
23 within their respective jurisdictions, upon proper oath or
24 affirmation showing probable cause, issue such warrants

1 or other process as may be required for enforcement of
2 this Act and any regulations issued thereunder.

3 (d) REWARDS AND CERTAIN INCIDENTAL EX-
4 PENSES.—

5 (1) IN GENERAL.—The Secretary or the Sec-
6 retary of the Treasury shall pay, from sums received
7 as penalties, fines, or forfeitures of property for any
8 violation of this Act or any regulation issued here-
9 under—

10 (A) a reward to any person who furnishes
11 information which leads to an arrest, a criminal
12 conviction, civil penalty assessment, or for-
13 feiture of property for any violation of this Act
14 or any regulation issued hereunder; and

15 (B) the reasonable and necessary costs in-
16 curred by any person in providing temporary
17 care for any donkey pending the disposition of
18 any civil or criminal proceeding alleging a viola-
19 tion of this Act with respect to that donkey.

20 (2) AMOUNT.—The amount of the reward re-
21 ferred to in paragraph (1)(A), if any, is to be des-
22 ignated by the Secretary or the Secretary of the
23 Treasury, as appropriate.

24 (3) INELIGIBILITY.—Any officer or employee of
25 the United States or any State or local government

1 who furnishes information or renders service in the
2 performance of his official duties is ineligible for
3 payment under this subsection.

4 **SEC. 7. DEFINITIONS.**

5 In this Act:

6 (1) DONKEY.—The term “donkey” means a
7 wild, feral, or domestic donkey, ass, mule, burro, or
8 hinny, including *Equus africanus* and *Equus asinus*.

9 (2) EJIAO.—The term “ejiao” means a gelatin
10 created from the skin of a donkey (also known as
11 “gelatina nigra”).

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

18 (4) SECRETARY.—The term “Secretary”
19 means, except as otherwise provided, the Secretary
20 of Commerce.

21 (5) TAKEN.—The term “taken” means cap-
22 tured, killed, or collected.